

Chapter 45 LAND DEVELOPMENT CODE

ARTICLE I. GENERAL PROVISIONS

Sec. 45-1. Title.

This Code shall be entitled the "Putnam County Land Development Code" and may be referred to herein as the "Code."

Sec. 45-2. Authority.

This Land Development Code is enacted pursuant to the requirements and authority of F.S. § 163.3202, (the Community Planning Act) and the general powers in F.S. ch. 125.

Sec. 45-3. Intent.

It is the intent of this Code to provide for orderly growth, to decrease traffic congestion on public streets and highways, to provide adequate light and air, to promote civic amenities of historic, beauty and visual interest, to regulate Density of population, and to facilitate the provision of adequate community facilities and services such as water, sewage, solid waste, roads, schools and parks, and to implement the Putnam County Comprehensive Plan. F.S. ch. 163, requires each local government to enact a single land development code which implements and is consistent with the local Comprehensive Plan, and which contains all land development regulations for the County. This Code is consistent with the Putnam County Comprehensive Plan and implements the plan.

Sec. 45-4. Applicability.

Except as specifically provided below, the provisions of this Code shall apply to all Land, Buildings, and Structures and to the Use thereof within the unincorporated areas of the County. No Person shall conduct any land development activity in the unincorporated areas of the County unless the activity is in compliance with the provisions of this Code and the applicable building code provisions that address Mobile Home standards, construction standards, life/safety standards and housing standards.

Sec. 45-5. General rules of construction.

For the purposes of administration and enforcement of this Code, unless otherwise stated in this Code, the following rules of construction shall apply:

- (1) The headings for the sections, State law references and cross references in footnotes in this Code are not part of this Code.
- (2) The masculine gender includes the feminine gender and the neuter gender.
- (3) The word "may" is permissive, not mandatory.
- (4) The word "must" is mandatory, not permissive.
- (5) The word "shall" is mandatory, not permissive.

-
- (6) Except where the context clearly indicates otherwise, words used in the singular include the plural. Words in the plural include the singular.
 - (7) Words in the present tense include the future tense.
 - (8) The phrase "used for" includes "arranged for," "designed for," "maintained for," or "Occupied for."
 - (9) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected terms, conditions, provisions, or events shall apply.
 - b. "Or" indicates that all the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
 - (10) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

Sec. 45-6. General rules of interpretation.

- (a) In interpreting and applying the provisions of this Code, this Code shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare.
- (b) In case of any difference of meaning or implication between the text of this Code and any caption, illustration, summary table, or illustrative table, the text shall control.
- (c) More specific provisions of this Code shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.
- (d) Whenever a provision appears to require the head of a department or other County officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to subordinates to perform the required act or duty, unless the terms of the provision or section specify otherwise.
- (e) Any time period for taking any action required by this Code shall be computed by excluding the first and including the last day; except that for purposes of providing notice, the day that the subject of the notice is expected to occur shall not be counted. If the last day is a Saturday, Sunday or legal holiday, the time period shall be extended to the first business day following that Saturday, Sunday or legal holiday. If the required time period is seven days or less, Saturdays, Sundays and legal holidays shall not be counted in determining the expiration of the time period.
- (f) In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of this Code, the director of the planning, zoning and building department shall be responsible for interpretation, unless otherwise provided in this Code. Responsibility for interpretation by the director shall be limited to standards, regulations and requirements of this Code, but shall not be construed to include interpretation of any technical codes or statutes adopted by reference in this Code, nor be construed as overriding the responsibilities given to any commission, board or official named in other sections or articles of this Code.
- (g) It is not intended for this Code to interfere with or abrogate or annul any easements, covenants, restrictions, or other agreements between parties. Where any provision of this Code imposes restrictions different from those imposed by any other provision of this Code or any other ordinance, rule or regulation, or other provision of law, the provisions that are more restrictive or impose higher standards shall control.

Sec. 45-7. Repeal of prior provisions.

This code is intended to supersede and replace the ordinances or ordinance sections listed below, as well as any other prior County codes in conflict with or repetitive of these provisions. Thus, the provisions of all County ordinances that are in conflict with or repetitive of the provisions of this Code shall be repealed upon adoption of the land development code in its entirety (i.e. articles I through XII and the glossary), including the following:

Zoning Ordinance 88-1 and amendments adopted by Ord. 91-31, 95-60, 96-19 and 99-02.

Subdivision Regulations 83-9, 83-10, 86-2, 88-2 and 89-16. (Art. VII and XII)

Sign Ordinance 89-26, as amended by 90-24 and 98-15 (Art. VIII)

Flood Control Ordinance 87-1 (Art. VI)

Drainage Ordinance 72-6, as amended by 83-1, 83-8 (Art. VII)

Putnam County Planning Commission 76-2 (Art. XI)

Establishment of Code Enforcement Board 90-26, as amended by 91-06 (Art. XI)

Alcoholic Beverage Ordinance 88-21 (some sections in Art. II)

Musical or Entertainment Festivals Ordinance 72-1 (some sections in Art. II)

Greenspace Ordinance 86-2 (possibly Art. V and Art. VII)

Water well Construction Ordinance 87-2 (Art. VII)

Construction and Location of Sewage Disposal Plants Ordinance 80-1, as amended by 87-8 and 91-03 (Art. VI and VII)

Septic Tank Ordinance 87-5 (Art. VI and VII)

Septic Tank Permit Ordinances 72-15 and 90-28 (Art. VI and XII)

Mobile Home Ordinance 73-4, 86-5, 92-13, 94-03 and 97-25

Uniform Property Numbering System Ordinance 87-11

Citation Ordinance 92-06

Sec. 45-8. Severability.

This code and the various parts, sections, subsections, and clauses thereof are hereby declared to be severable. If any article, section, subsection, paragraph, sentence, clause, or phrase of this Code is adjudged unconstitutional or invalid as applied to a particular Use, Person, property, building, or other Structure, it is hereby provided that the application of such portion of this Code to other uses, Persons, property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing a planned unit development or any variance, special exception, zoning compliance permit, certificate of Occupancy, site plan approval, or other action, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Code or the requirement of some provision hereof, and to protect the public, health, safety, morals and general welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

Sec. 45-9. Effective date.

The regulations contained in this Code shall be effective on the date the County receives acknowledgment of filing each article from the Florida Department of State, as each article is reviewed and adopted by the Board of County Commissioners.

Secs. 45-10—45-20. Reserved.

ARTICLE II. PERMITTED USES

DIVISION 1. GENERALLY

Sec. 45-21. Purpose.

This article establishes zoning districts; establishes the relationship between the County's Future Land Use Map and zoning map; establishes the relationship between the residential densities set forth in the future land use element of Putnam County's Comprehensive Plan and the zoning districts that permit residential uses; provides a list of Use categories; and establishes the Use categories, as well as certain Uses and structures that may be allowed within each zoning district. It also provides regulations for accessory and temporary structures and Uses. The zoning districts and list of allowed Uses and structures are intended to provide for coordinated and orderly growth by implementing the Future Land Use Map and related Comprehensive Plan goals, objectives and policies regarding Land Use, including the intensity and Density of the allowed uses. The location, timing, Density and intensity of any proposed development in a given zoning district may be further defined in other provisions of this Code, including article III (Supplemental Use Regulations); article IV (Overlay and Floating Zones); article VI (Resource Protection Standards); article VII (Development Design and Improvement Standards) and article XII (Administration and Enforcement).

Sec. 45-22. Zoning districts established; zoning maps adopted.

The County is divided into zoning districts on a set of zoning maps kept and maintained by the Planning and Development Services Department. The zoning districts listed below are delineated on the County's zoning district map dated April 26, 2005. The County's zoning district map is declared a part of this Code, and may be amended from time to time as provided for under article XII, division 11 of this Code.

Zoning District	Abbreviation
Agriculture	A
Agriculture Estate	AE
Residential Estate	RE
Residential-1	R-1
Residential-2	R-2
Residential-3	R-3
Residential-4	R-4
Residential-Mobile Home Park	RMH
Commercial Professional Office	CPO
Commercial, Neighborhood	C-1
Commercial, Light	C-2
Commercial, General	C-3
Commercial, Intensive	C-4
Industrial, Light	IL
Industrial, Heavy	IH
Mining	M
Public Use, Light	P-1
Public Use, Heavy	P-2

Sec. 45-23. Interpretation of zoning district boundaries.

The following rules apply in interpreting the zoning maps:

- (1) Boundaries indicated as approximately following the centerline of a street, highway or Alley shall be construed to follow such centerline.
- (2) Boundaries indicated as approximately following platted Lot lines shall be construed as following such Lot lines.
- (3) Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- (4) Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- (5) Boundaries indicated as following Shorelines shall be construed to follow such Shorelines. In the event of a change in Shorelines, the boundaries shall be construed as moving with the change except where such moving would change the zoning status of a Lot or Parcel and in such case, the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any Parcel or Lot .
- (6) Boundaries indicated as parallel to the extension of features indicated in paragraphs (1) through (5) above shall be construed as indicated. Distances not specifically indicated on the zoning maps shall be determined by the scale of the map.
- (7) Where a district boundary divides a Lot of record that was in single ownership at the time this Code was adopted, the Department may permit an allowed Use to extend up to a distance of 50 feet beyond the district line into the remaining portion of the Lot .

Sec. 45-24. Reference to zoning district names.

- (a) Where the term "residentially zoned" is used, or the context indicates a provision applies to all residentially zoned property, the term refers to the R, RE, and RMH zoning districts.
- (b) Where the term "commercially zoned" is used, or the context indicates a provision applies to all commercially zoned property, the term refers to the CPO and C zoning districts.
- (c) When the term "industrially zoned" districts" is used, or the context indicates a provision applies to all industrially zoned property, the term refers to the IL and IH zoning districts.
- (d) Where the term "agriculturally zoned" is used, or the context indicates a provision applies to all agriculturally zoned property, the term refers to the A and AE zoning districts.

Sec. 45-25. Enclosed building requirement.

Unless otherwise specifically provided, all uses shall be housed in a fully enclosed building.

Sec. 45-26. Relationship of zoning districts to future Land Use categories in the Comprehensive Plan.

Table 2.01A below shows which zoning districts are consistent with and implement the Future Land Use categories described in the Putnam County Comprehensive Plan and depicted on the Future Land Use Map in the future Land Use element of the County's Comprehensive Plan.

TABLE 2.01A: ZONING DISTRICTS THAT MAY BE ALLOWED IN THE FUTURE LAND USE CATEGORIES (1-1-16)

Future Land Use Categories	Zoning Districts																		
	RE	R-1, R-1A, R-1HA	R-2, R-2HA	R-3	R-4	RMH	AE	AG	CN	CPO C-1	C-2	C-3	C-4	IL	IH	P1	P2	M	PUD
Urban Service (US)	X	X	X	X	X	X	1	1		X	X	X	X	X	X	X	X		X
Urban Reserve (UR)	X	X	X	X	X	X	1	1		X	X	X	X	X	X	X	X		X
Rural Center (RC)	X	X	X	X	X	X	1	1		X	X	X	X	X	X	X	X		X
Rural Residential (RR)	X	X	X			2	X	1		X						X			X
Commercial (CR)							1	1		X	X	X	X			X	X		X
Industrial (IN)							1	1						X	X	X	X		X
Mining (MI)							X	X								X	X	X	X
Public Facilities (PF)																X	X		X
Agriculture (A1)	2	2	2				X	X								X	X		X
Conservation (CN)									X							X			X

Generally: The table is for illustrative purposes only. Each specific Land Use in the County, including the over-all development scheme for each Use, should be analyzed for consistency with the entire Comprehensive Plan, regardless of the zoning district. Compliance with the requirements of the zoning district is only one step in that consistency analysis. Density and intensity of uses within zoning categories are subject to development standards in article VII, supplemental regulations in article III, additional restrictions for overlay zones in article IV, and resource protection standards in article VI.

- (1) Property located in this future Land Use category may continue to be used as allowed by indicated zoning district, but property located in this future Land Use category may not be changed or rezoned to the indicated zoning district.
- (2) Lots in vested subdivisions or existing lots of record may be assigned a zoning in which the Use of lots, the Lot dimensions, and Lot area generally comply with the standards of the assigned zoning district, notwithstanding the Density requirements of the future Land Use category.

Secs. 45-27—45-40. Reserved.

DIVISION 2. USE CATEGORIES

Sec. 45-41. Generally.

- (a) This section establishes Use categories that will be allowed in each zoning district. A Use category defines the types of uses that fit within a given category and then lists examples of the uses that fit the definition.
- (b) Where a proposed Use could be said to fall within more than one category, the director shall determine in which category the Use most closely fits based on the description of the Use category and the examples of uses in the category.

Sec. 45-42. Residential—Single family.

- (a) *Residential—Single family.* A Use that provides dwellings or structures intended for housekeeping for a single family unit as defined by the Florida Building Code, and may, depending on the particular zoning district, include any one of the Dwelling Units listed as examples in paragraph (b), below.
- (b) *Examples.*
 - Conventional, site built single-family (attached or detached)
 - Accessory apartment
 - Modular Home
 - Mobile Home, unless expressly prohibited in the zoning district

Sec. 45-43. Residential—Multi-family.

- (a) Residential—Multi-family. A Use that provides dwellings or structures intended for housekeeping for two or more family units as defined by the Florida Building Code, and may, depending on the particular zoning district, include any one of the Dwelling Units listed as examples in paragraph (b), below.
- (b) Multi-family may include, but not be limited to, duplex, triplex, quadplex, garden apartments, villas and townhouses, mid-rise and high-rise apartment buildings, and garage apartments.
- (c) Any ownership arrangement is allowed, such as condominium or cooperative, unless specifically prohibited in a zoning district.

Sec. 45-44. Retail sales—General.

- (a) This category includes all uses where the primary activity is the sale of goods to the public. This Use category includes the sale of packaged food, sale on non-alcoholic beverages, and the sale of alcohol beverages for off-site consumption.
- (b) Examples:
 - Antique shop
 - Art gallery

Auto parts store
Bait and tackle shop
Camera supplies
Convenience store
Craft supplies
Drug store
Florist
Fruit market
Grocery store
Hardware store
Hobby supplies
Jewelry store
Office supplies
Pet shop
Souvenir shop
Toy store
Vegetable market

Sec. 45-45. Retail sales—Food.

- (a) This Use category includes all uses where the primary activity is the preparation of food to be served to the public for onsite consumption, for take-out by the public, or for delivery to the public.
- (b) Examples:
 - Restaurant
 - Delicatessen
 - Ice cream parlor
 - Candy store
 - Bakery

Sec. 45-46. Services.

- (a) This Use category includes all uses where the primary activity is the provision of services to the public.
- (b) Examples:
 - Banking
 - Hair stylist and barbers
 - Tattoo parlor
 - Advertising

Repair of appliances, shoes, furniture, clothing and other non-automotive consumer goods

Veterinary Facilities: Small Animal

Laundry, Retail

Employment agency

Funeral home

Fitness centers

Palmist and psychic

Photography studio

Copy centers

Printing of stationary, cards, envelopes, posters, etc.

Publishing

Clinics

Dance/music studios

Sec. 45-47. Office.

(a) This Use category includes all uses where the primary activity is the provision of office space for professional, administrative, or clerical activities. It does not include retail sales of merchandise related to the office Use (i.e. pharmaceutical sales or frames for glasses).

(b) Examples of offices:

Physician (but not a Clinic)

Attorney

Accountant

Chiropractor

Opticians

Architect/engineer

Graphic artist

Insurance agent

Real estate agent

Model home

Construction office (no outdoor storage)

Sec. 45-48. Educational.

(a) This Use category includes all uses where the primary activity is the provision of teaching and classroom facilities.

(b) Examples:

Public and private schools

Colleges

Technical and vocational schools

Business schools

Sec. 45-49. Clubs.

(a) This Use category includes all uses where the primary activity is the provision of meeting places or other facilities for private organizations. It does not include casinos, Nightclubs, bottle clubs or other establishments operated or maintained for profit. It does not include boarding houses that may be associated with the allowed clubs.

(b) Examples:

Fraternal organizations

Masonic orders

Sec. 45-50. Commercial recreation and entertainment—Outdoor.

(a) This Use category includes all uses where the primary activity is the provision of recreation or entertainment in an outdoor setting.

(b) Examples:

Mini-golf

Go-kart

Drive-in theater

Amphitheater

Outdoor skating rinks

Skateboard parks

Paintball

Golf course

Archery range

Waterpark

Marina

Sec. 45-51. Commercial recreation and entertainment—Indoor.

(a) This Use category includes all uses where the primary activity is the provision of recreation or entertainment in an indoor setting.

(b) Examples:

Bowling alley

Amusement arcade

Theater

Auditorium
Indoor skating rinks

Sec. 45-52. Lodging.

- (a) This Use category includes all uses where the primary activity is the provision of short-term lodging.
- (b) Examples:
 - Hotel
 - Motel
 - Bed and breakfast

Sec. 45-53. Cultural.

- (a) This Use category includes uses where the primary activity is providing a Personal service in the form of culture, fine arts displays, exhibits, and similar activities. Specifically not included in this category are theaters and auditoriums or other similar places of assembly.
- (b) Examples:
 - Libraries
 - Galleries
 - Museums

Sec. 45-54. Civic.

- (a) This category includes all uses where the primary activity is the provision of governmental services to the public.
- (b) Examples:
 - Courthouse
 - Police station
 - City hall
 - County administration building

Sec. 45-55. Light industrial.

- (a) This Use category includes industrial, manufacturing, processing, warehouse, distribution, and assembly uses that are not objectionable to surrounding Land Uses with regard to danger, smoke, odor, fumes, noise, and truck traffic.
- (b) An industrial, manufacturing, processing, warehouse, distribution, or assembly Use may be categorized as light industrial if the County receives reasonable assurance that:
 - (1) The Use will not be a danger to surrounding uses or activities;
 - (2) The Use will not create odors, fumes, dust, or other emissions that will cross the property lines of the site; and

-
- (3) Tractor trailer and other heavy vehicle traffic to and from the Use will not exceed an average of 40 trips per day (20 in and 20 out) or the Use shall have Frontage access to a paved, public roadway with a classification of collector road or higher and shall be within one-half mile of an arterial roadway for all truck traffic, subject to the concurrency and capacity requirements of this Code and the Comprehensive Plan.

Sec. 45-56. Heavy industrial.

This Use category includes all industrial, manufacturing, processing, warehouse, outdoor storage, bulk storage, distribution, and assembly.

Sec. 45-57. Agriculture: General.

Agricultural uses are those related to the production, keeping, or maintenance, whether for sale or personal Use, of plants and animals for food, forage, fiber, or ornamental purposes. Agricultural uses are characterized as predominantly outdoor activities, with structures covering a very small portion of the Land, and include aquaculture activities. However, some specific production activities may require relatively large amounts of Land coverage, such as greenhouses. Trip generation is very low; the number of employees per acre is very small.

Sec. 45-58. Agriculture: Intensive.

- (a) This category includes all agricultural uses requiring a waste disposal permit from the Florida Department of Environmental Protection.
- (b) Examples:
- Feedlots
 - High intensity dairies, hog farms, and Poultry farms

Sec. 45-59. Commercial: Agriculture-related.

- (a) This category includes Commercial Uses directly related to agricultural production.
- (b) Examples:
- Livestock auction
 - Feed store
 - Saw mill (where wood is from trees grown on the site of the saw mill)
 - Slaughterhouse (where animals to be slaughtered are pastured on the site of the slaughterhouse)
 - Veterinary Facilities: Large or Small Animal
 - Riding academy
 - Airstrip for crop dusting

Sec. 45-60. Recreation: Resource-based.

- (a) This category includes public recreational uses that primarily rely on natural resources as the attraction.
- (b) Examples:
- Public and private parks

Public and semi-private beaches

Sec. 45-61. Recreation: Activity-based.

- (a) This category includes public recreational uses that primarily rely on facilities sports and other active recreational activities as the attraction.
- (b) Examples:
 - Ballparks and fields
 - Playgrounds
 - Boat ramps
 - Public Docks/boat moorings

Sec. 45-62. Essential public services.

- (a) This category includes small-scale Public Facilities and services that are typically and necessarily spread throughout the community. This category does not include structures or uses for commercial activities such as sales of related merchandise or collection of bills in districts in which such activities would otherwise be prohibited.
- (b) Examples:
 - Water treatment plants (with a capacity less than 500,000 gallons per day)
 - Wastewater treatment plants (with a capacity of less than 500,000 gallons per day)
 - Natural gas pumping stations
 - Telephone equipment installations
 - Electrical substations
 - Microwave relay stations or other towers (not exceeding 25 feet in height)

Sec. 45-63. Emergency services.

- (a) This category includes government activities or government-sponsored activities that are necessary for adequate response to the public in case of emergency.
- (b) Examples:
 - County fire department units including volunteer fire departments
 - Sheriff substations
 - EMS rescue units
 - County emergency operations facilities

Secs. 45-64—45-70. Reserved.

DIVISION 3. USES ALLOWED WITHIN ZONING DISTRICTS

Sec. 45-71. Generally.

- (a) This section establishes the Use categories allowed in each zoning district, either by right or by special Use permit. Certain uses have unique characteristics that require the Use to be identified separate from any Use category. Where a certain Use is listed, the regulations as they relate to that certain Use shall apply.
- (b) Article VII of this Code establishes the site design requirements for each zoning district, including setbacks, minimum Lot sizes, Lot widths, maximum Lot coverage, maximum building Heights, minimum road Frontages etc.
- (c) Article III of this Code establishes supplemental Use regulations that may further define conditions that are particular to certain uses allowed in each zoning district.
- (d) Any development proposed to establish an allowed Use in a given zoning district, whether by right or by special Use permit, is subject to development review as provided in article XII of this Code.
- (e) The Use provisions in the various zoning districts are exclusive, and any Use category or specified Land Use not listed as a permitted Use or a Use allowed by special Use permit in the zoning district under this section or elsewhere in this Code shall be prohibited unless otherwise determined by the director. Nothing herein shall alter the director's authority to interpret whether a given Land Use type fits under a Use category as defined and described under article II, division 2 of this Code.
- (f) Uses not specifically listed as allowable by right or special Use permit within a zoning district may be allowable when determined by the director or his/her designee to be:
 - (1) Appropriate by reasonable implication and intent of the district;
 - (2) Similar to other uses explicitly allowable by right or special Use permit; and
 - (3) Not specifically prohibited within the district.

Any determination by the director under this provision may be appealed pursuant to article XII, division 13 of this Code.

Sec. 45-72. Agriculture.

- (a) *Purpose.* The primary purpose of the Agriculture zoning (AG) district is to implement the Agriculture Land Use classification shown on the Putnam County Future Land Use Map. It also serves as a holding zone in certain other future land use categories, such as urban service, urban reserve, rural center and rural residential, which will allow the AG districts and certain Agriculture Uses to remain in place until development more consistent with future land use category are ready to locate.
- (b) *Use categories allowed in the AG district.*
 - (1) Residential—Single family
 - (2) Agriculture: General
 - (3) Recreation: Resource-based
 - (4) Recreation: Activity-based (excluding motor sports facility)
 - (5) Educational
- (c) *Certain uses allowed in the AG district.*
 - (1) Artificial ponds that are five acres or less in size
 - (2) Livestock, residential

-
- (3) Mobile Home
 - (4) Religious facility (less than 10,000 square feet of Gross Floor Area) on a "minor collector" or higher roadway functional classification
 - (5) Community residential homes having six or less residents
- (d) *Use categories that require a special Use permit to locate in an AG district.*
- (1) Agriculture: Intensive
 - (2) Commercial: Agriculture-related
 - (3) Essential public services
 - (4) Emergency services
- (e) *Certain uses that require a special Use permit to locate in an AG district.*
- (1) Bed and breakfast
 - (2) Child and adult day care
 - (3) Group home having seven or more residents
 - (4) Religious facility (equal to or greater than 10,000 square feet of Gross Floor Area)
 - (5) Religious facility (less than 10,000 square feet of Gross Floor Area) on a County Road that is not a "minor collector" or higher roadway functional classification
 - (6) Migrant farm labor camp, which shall be defined herein as provided in F.S. § 381.008
 - (7) Borrow areas greater than one-eighth of an acre
 - (8) Kennel
 - (9) Raising, breeding and/or grooming of Household Pets or exotic animals other than livestock or Poultry
 - (10) Communication tower
 - (11) Cemeteries
 - (12) Aircraft landing facility, private
 - (13) Outdoor shooting range, paintball, or archery range
 - (14) Land application of treated septage and residuals from waste water treatment plants in accordance with chapter 18, article VI, Putnam County Code
 - (15) Construction trades
 - (16) Golf course
 - (17) Primitive campground
 - (18) Wildlife Pets
 - (19) Construction and demolition debris (CDD) and land Clearing debris (LCD) Landfills

Sec. 45-73. Agriculture estate (AE).

- (a) *Purpose.* The purpose of the Agriculture estate zoning district is to implement the Agriculture Land Use classification shown on the Putnam County Future Land Use Map.
- (b) *Use categories allowed in the AE district.*

-
- (1) Residential—Single family. Except that allowed housing types shall be limited to site-built and modular detached single-family housing. Mobile Homes are prohibited.
 - (2) Agriculture—General
 - (3) Recreation: Resource-based
 - (4) Recreation: Activity-based
 - (c) *Certain uses allowed in the AE district.*
 - (1) Artificial ponds, one acre or less in size
 - (2) Livestock, residential
 - (d) *Use categories that require a special Use permit to locate in the AE district.*
 - (1) Essential public services
 - (2) Emergency services
 - (e) *Certain uses that require a special Use permit to locate in the AE district.*
 - (1) Bed and breakfast
 - (2) Religious facility
 - (3) Artificial ponds, more than one acre in size
 - (4) Communication tower
 - (5) Wildlife Pets

Sec. 45-74. Residential estate (RE).

- (a) *Purpose.* The purpose of the residential estate zoning district is to establish a larger Lot residential Use district to implement the residential Use policies of the Agriculture and rural residential Land Use classification shown on the Putnam County Future Land Use Map.
- (b) *Use category allowed in the RE district.*
 - (1) *Residential—Single family.* Except that allowed housing types shall be limited to conventional, site-built and modular detached single-family housing. Mobile Homes are prohibited.
 - (2) Recreation: Resource-based
 - (3) Recreation: Activity-based
 - (4) Artificial ponds less than one acre in size
- (c) *Uses categories that require a special Use permit to locate in the RE district.*
 - (1) Essential public services
 - (2) Emergency services
- (d) *Certain uses that require a special Use permit to locate in the RE district.*
 - (1) Artificial ponds greater than one acre in size
 - (2) Golf course

-
- (3) Bed and breakfast
 - (4) Wildlife Pets
 - (5) Keeping of a horse

Sec. 45-75. Residential-1 (R-1, R-1A, R-1HA).

- (a) *Purpose.* The purpose of the residential-1 (R-1, R-1A and R-1HA) zoning districts is to provide a residential zoning district for Use primarily in the rural residential, rural center, urban service and urban reserve land Use classifications shown on the Putnam County Future Land Use Map. It may also be used to implement the residential Use policies of the Agriculture future land Use category.
- (b) *Use category allowed in the residential-1 districts.*
 - (1) Residential—Single family. Except that allowed housing types shall be limited to site-built and modular detached single-family housing. Mobile Homes are prohibited.
 - (2) Community residential homes having six or less residents.
 - (3) Recreation: Resource-based
 - (4) Recreation: Activity-based
- (c) *Use categories that require a special Use permit to locate in the residential-1 districts.*
 - (1) Education
 - (2) Cultural

 - (3) Essential public services
 - (4) Emergency services
- (d) *Certain uses that require a special Use permit to locate in the residential-1 districts.*
 - (1) Golf course
 - (2) Bed and breakfast
 - (3) Child day care
 - (4) Religious facility (less than 10,000 square feet of Gross Floor Area)

Sec. 45-76. Residential-2 (R-2, R-2HA).

- (a) *Purpose.* The purpose of the residential-2 (R-2 and R-2HA) zoning districts is to provide a residential zoning district that is inclusive of Mobile Homes for Use in the rural residential, rural center, urban service and urban reserve land Use classifications shown on the Putnam County Future Land Use Map. It may also be used to implement the residential Use policies of the Agriculture future land Use categories.
- (b) *Use category allowed in residential-2 districts.*
 - (1) Residential—Single family
 - (2) Mobile Home
 - (3) Community residential home having six or less residents
 - (4) Recreation: Resource-based

-
- (5) Recreation: Activity-based
 - (c) *Use categories that require a special Use permit to locate in the residential-2 zoning districts.*
 - (1) Education
 - (2) Cultural

 - (3) Essential public services
 - (4) Emergency services
 - (d) *Certain uses that require a special Use permit to locate in the residential-2 district.*
 - (1) Golf course
 - (2) Bed and breakfast
 - (3) Child and adult day care
 - (4) Religious facility (less than 10,000 square feet of Gross Floor Area)
 - (5) Group home having seven or more residents
 - (6) Wildlife Pets
 - (7) Keeping of a horse

Sec. 45-77. Residential-3, (R-3).

- (a) *Purpose.* The purpose of the R-3 zoning district is to provide a residential zoning district for Use in the rural center, urban service and urban reserve land Use classifications shown on the Putnam County Future Land Use Map.
- (b) *Use categories and certain uses allowed in the R-3 district.*
 - (1) Residential—Multi-family. Except that the Density shall not exceed six Dwelling Units per acre.
 - (2) Religious facility (less than 10,000 square feet of Gross Floor Area)
 - (3) Community residential home having six or less residents
 - (4) Recreation: Resource-based
 - (5) Recreation: Activity-based
- (c) *Uses categories that require a special Use permit to locate in the R-3 district.*
 - (1) Residential—Single family
 - (2) Education
 - (3) Club
 - (4) Cultural
 - (5) Essential public services
 - (6) Emergency services
- (d) *Certain uses that require a special Use permit to locate in the R-3 district.*
 - (1) Golf course

-
- (2) Bed and breakfast
 - (3) Child and adult Day Care Center
 - (4) Group home having seven or more residents
 - (5) Assisted living facilities having seven or more residents
 - (6) Religious facility (equal to or greater than 10,000 square feet of Gross Floor Area)
 - (7) Nursing home
 - (8) Boarding house/single-room occupancy

Sec. 45-78. Residential-4 (R-4).

- (a) *Purpose.* The purpose of the R-4 zoning district is to provide a residential zoning district for Use in the rural center, urban reserve and urban service future land Use classifications shown on the Putnam County Future Land Use Map.
- (b) *Use categories and certain uses allowed in the R-4 district.*
 - (1) Residential—Multi-family
 - (2) Religious facility (less than 10,000 square feet of Gross Floor Area)
 - (3) Community residential home having six or less residents
 - (4) Recreation: Resource-based
 - (5) Recreation: Activity-based
- (c) *Uses categories that require a special Use permit to locate in the R-4 district.*
 - (1) Residential—Single family
 - (2) Education
 - (3) Club
 - (4) Cultural
 - (5) Essential public services
 - (6) Emergency services
- (d) *Certain uses that require a special Use permit to locate in the R-4 district.*
 - (1) Golf course
 - (2) Bed and breakfast
 - (3) Child and adult day care
 - (4) Boarding house/single-room occupancy
 - (5) Group home having seven or more residents
 - (6) Assisted living facilities having seven or more residents
 - (7) Nursing home
 - (8) Religious facility (equal to or greater than 10,000 square feet of Gross Floor Area)

Sec. 45-79. Residential—Manufactured Home park (RMH).

- (a) *Purpose.* The purpose of the RMH zoning district is to provide a residential zoning district for the Manufactured Home park land Use in the rural center, urban reserve and urban service future land Use classifications shown on the Putnam County Future Land Use Map.
- (b) *Use categories and certain uses allowed in the RMH district.*
 - (1) Manufactured Home park
 - (2) Lodging
 - (3) Mobile Home
 - (4) Recreational vehicle site (up to a maximum of four within the Manufactured Home park and subject to the temporary Occupancy requirements for overnight recreational parks set forth in section 3.02)
 - (5) Recreation: Resource-based
 - (6) Recreation: Activity-based
 - (7) Residential – Single Family
- (c) *Use categories that require a special Use permit to locate in the RMH district.*
 - (1) Residential—Multi-family, provided the Use will not exceed the Density of the applicable future land Use designation.
 - (2) Education
 - (3) Club
 - (4) Cultural
 - (5) Essential public services
 - (6) Emergency services
- (d) *Certain uses that require a special Use permit to locate in the RMH district.*
 - (1) Recreational vehicle site (greater than four within a Manufactured Home park and subject to the temporary Occupancy requirements for overnight recreational parks set forth in section 45-131)
 - (2) Golf course

Sec. 45-80. Commercial, professional office (CPO).

- (a) *Purpose.* The purpose of the commercial professional office zoning district is provide a commercial zoning district for the professional office land Use in the rural center, urban reserve, urban service and commercial future land Use classifications shown on the Putnam County Future Land Use Map.
- (b) *Uses categories and certain uses allowed in the CPO district.*
 - (1) Office
 - (2) Religious facility
 - (3) Cultural
 - (4) Hospitals

-
- (5) Nursing homes
 - (6) Assisted living facilities
 - (7) Child and adult Day Care Centers
 - (c) *Uses categories that require a special Use permit to locate in the CPO district.*
 - (1) Retail sales—General
 - (2) Retail sales—Food
 - (3) Services, except that tattoo parlors shall be prohibited
 - (4) Essential public service
 - (5) Emergency services
 - (6) Any drive-through facility

Sec. 45-81. Commercial, neighborhood (C-1).

- (a) *Purpose.* The purpose of the C-1 zoning district is to provide a commercial zoning district for neighborhood commercial land Use in the rural center, urban reserve, urban service, commercial future land Use classifications, and in some limited cases the rural residential future land Use classification shown on the Putnam County Future Land Use Map.
- (b) *Use categories allowed in the C-1 district.*
 - (1) Retail sales—General
 - (2) Retail sales—Food
 - (3) Services, except tattoo parlors
 - (4) Office
 - (5) Child and adult Day Care Center
- (c) *Use categories that require a special Use permit to locate in the C-1 district.*
 - (1) Clubs
 - (2) Essential public services
 - (3) Emergency services
 - (4) Cultural
- (d) *Certain uses that require a special Use permit to locate in the C-1 district.*
 - (1) Religious facility
 - (2) Any drive-through facility

Sec. 45-82. Commercial, retail (C-2).

- (a) *Purpose.* The purpose of the C-2 zoning district is to provide a commercial zoning district for light commercial land Use in the rural center, urban service, urban reserve and commercial future land Use classifications shown on the Putnam County Future Land Use Map.
- (b) *Use categories and certain uses allowed in the C-2 district.*

-
- (1) Retail sales—General
 - (2) Retail sales—Food
 - (3) Services
 - (4) Office
 - (5) Commercial recreation and entertainment—Indoor
 - (6) Cultural
 - (7) Civic
 - (8) Religious facility
 - (9) Child and adult Day Care Centers
 - (10) Nursing home
 - (11) Hospital
 - (12) Assisted living facility
 - (13) Passenger vehicle service limited to tire, battery and oil changes
 - (14) Lodging
 - (15) Emergency services
 - (16) Carwash
 - (17) Drive-through facilities
 - (18) Club
- (c) *Use categories that require a special Use permit to locate in the C-2 district.*
- (1) Education
 - (2) Essential public services
- (d) *Certain uses that require a special Use permit to locate in the C-2 district.*
- (1) Nightclub
 - (2) Portable building sales
 - (3) Mini-warehouse

Sec. 45-83. Commercial, general (C-3).

- (a) *Purpose.* The purpose of the C-3 zoning district is to provide a general commercial zoning district for a mixture of light and medium intensity Commercial Uses that require immediate access to major and minor arterial roadways in the rural center, urban reserve, urban service and commercial future land Use categories shown on the Putnam County Future Land Use Map.
- (b) *Use categories and certain uses allowed in the C-3 district.*
- (1) Retail sales—General
 - (2) Retail sales—Food

-
- (3) Services
 - (4) Office
 - (5) Club
 - (6) Commercial recreation and entertainment—Outdoor
 - (7) Commercial recreation and entertainment—Indoor
 - (8) Lodging
 - (9) Cultural
 - (10) Civic
 - (11) Religious facility
 - (12) Emergency services
 - (13) Child and adult Day Care Center
 - (14) Passenger vehicle sales, rental and service (excluding auto body repair shops)

 - (15) Recreational vehicle and boat sales and service
 - (16) Portable building display and sales
 - (17) Mini-warehouses
 - (18) Hospital

(c) *Use categories that require a special Use permit to locate in the C-3 district.*

- (1) Educational
- (2) Essential public services

(d) *Certain uses that require a special Use permit to locate in the C-3 district.*

- (1) Outdoor auction
- (2) Auto body repair shops
- (3) Child and adult Day Care Center
- (4) Group Residential Home
- (5) Nursing home
- (6) Assisted living facility
- (7) Heavy vehicle sales, rental and service
- (8) Flea market
- (9) Nightclub
- (10) Kennel
- (11) Communication towers
- (12) Heavy Equipment sales and service

Sec. 45-84. Commercial, intensive (C-4).

- (a) *Purpose.* The purpose of the C-4 zoning district is to provide a general commercial zoning district for intensive Commercial Uses that require immediate access to major and minor arterial roads.
- (b) *Use categories and certain uses allowed in the C-4 district.*
- (1) Office
 - (2) Retail sales—General
 - (3) Retail sales—Food
 - (4) Services
 - (5) Recreation and entertainment—Outdoor
 - (6) Recreation and entertainment—Indoor
 - (7) Lodging
 - (8) Cultural
 - (9) Civic
 - (10) Emergency services
 - (11) Essential public services
 - (12) Religious facilities
 - (13) Manufactured housing sales and service
 - (14) Auto body repair shop
 - (15) Truck Stop
 - (16) Passenger vehicle sales, service and repair
 - (17) Recreational vehicle and boat sales, service and repair
 - (18) Heavy vehicle sales, service and repair
 - (19) Heavy Equipment sales, service and repair
 - (20) Mini-warehouses
- (c) *Use categories that require a special Use permit to locate in the C-4 district.*
- (1) Educational
 - (2) Light industrial
- (d) *Certain uses that require a special Use permit to locate in the C-4 district.*
- (1) Outdoor auction
 - (2) Bulk storage of toxic or hazardous materials
 - (3) Dry Dock
 - (4) Flea market
 - (5) Hospital
 - (6) Nightclub

-
- (7) Communications towers
 - (8) Construction trades with outdoor storage

Sec. 45-85. Industrial, light (IL).

- (a) *Purpose.* The purpose of the IL zoning district is to provide an industrial zoning district for Use in the industrial and mixed Use land Use classifications shown on the Putnam County Future Land Use Map.
- (b) *Use categories allowed in the IL district.*
 - (1) Light industrial
 - (2) Emergency services
 - (3) Construction trades with outside storage
 - (4) Auto body repair shop
 - (5) Truck Stop
 - (6) Passenger vehicle sales, service and repair
 - (7) Recreational vehicle and boat sales, service and repair
 - (8) Heavy vehicle sales, service and repair
 - (9) Heavy Equipment sales, service and repair
 - (10) Mini-warehouses
- (c) *Use categories that require a special Use permit to locate in the IL district.*
 - (1) Education
 - (2) Essential public services
 - (3) Retail sales—General
 - (4) Retail sales—Food
- (d) *Certain uses that require a special Use permit to locate in the IL district.*
 - (1) Outdoor auction excluding livestock
 - (2) Bulk storage of toxic or hazardous materials
 - (3) Communication towers
 - (4) Flea market
 - (5) Outdoor storage
 - (6) Dry Dock

Sec. 45-86. Industrial, heavy (IH).

- (a) *Purpose.* The purpose of the IH zoning district is to provide an industrial zoning district for Use in the industrial and mixed Use land Use classifications shown on the Putnam County Future Land Use Map.
- (b) *Use categories allowed in the IH district.*
 - (1) Light industrial

-
- (2) Heavy industrial
 - (3) Emergency services
 - (4) Warehouses and mini-warehouses
- (c) *Use categories that require a special Use permit to locate in the IH district.*
- (1) Retail sales—General
 - (2) Retail sales—Food
 - (3) Essential public services
- (d) *Certain uses that require a special Use permit to locate in the IH district.*
- (1) Outdoor auction
 - (2) Bulk storage of toxic or hazardous materials
 - (3) Communications tower
 - (4) Dry Dock
 - (5) Manufacturing of explosives
 - (6) Petroleum refinery
 - (7) Vehicle salvage yards
 - (8) Commercial Airport
 - (9) Construction and demolition debris (CDD) or land Clearing debris (LCD) Landfills
 - (10) Recycling or composting operations

Sec. 45-87. Mining, (M).

- (a) *Purpose.* The purpose of mining zoning district is to implement the mining land Use classification shown on the Putnam County Future Land Use Map.
- (b) *Use categories and certain uses allowed in the mining district.*
- (1) Agriculture: General
 - (2) Mining
 - (3) Borrow areas
- (c) *Certain uses that require a special Use permit to locate in the mining district.*
- (1) Communication towers
 - (2) Construction and demolition debris (CDD) or land Clearing debris (LCD) Landfills and associated recycling or composting operations
 - (3) Commercial gun ranges, outdoor

Sec. 45-88. Public Use, light (P-1).

- (a) *Purpose.* The purpose of the P-1 zoning district is provide a zoning district to implement the public buildings, grounds future land Use classification and other future land Use classifications shown on the Putnam County Future Land Use Map that allow for certain lighter Public Facilities.

(b) *Use categories and certain uses allowed in the P-1 district.*

- (1) Educational
- (2) Cultural
- (3) Civic
- (4) Recreation: Activity-based
- (5) Recreation: Resource-based
- (6) Essential public services
- (7) Cemeteries

(c) *Uses that require a special Use permit to locate in the P-1 district.*

- (1) Construction and demolition debris (CDD) or land Clearing debris (LCD) Landfills and associated recycling or composting operations;
- (2) Communication towers;
- (3) Land application of treated septage and residuals from a wastewater treatment plant in accordance with chapter 18, article VI, Putnam County Code.

Sec. 45-89. Public Use, heavy (P-2).

(a) *Purpose.* The purpose of the P-2 zoning district is provide a zoning district to implement the public buildings, grounds future land Use classification and other future land Use classifications that are shown on the Putnam County Future Land Use Map that allow for certain heavy Public Facilities.

(b) *Use categories and uses allowed in the P-2 district.*

- (1) Educational
- (2) Cultural
- (3) Civic
- (4) Recreation: Activity-based
- (5) Recreation: Resource-based
- (6) Essential public services
- (7) Emergency services

(c) *Uses that require a special Use permit to locate in the P-2 district.*

- (1) Solid waste facilities including transfer stations, composting and recycling operations;
- (2) Land application of treated septage and residuals from a wastewater treatment plant in accordance with chapter 18, article VI, Putnam County Code;
- (3) Communication towers;
- (4) Intense infrastructure facilities such as power plants, Heavy Equipment maintenance and storage yards, wastewater and water treatment plants with a capacity greater than 500,000 gallons per day, correctional facilities and other similar or related uses.

Sec. 45-90. Conservation (CN).

- (a) Purpose. The purpose of the conservation (CN) zoning district is to implement the conservation future land Use classification shown on the Putnam County Future Land Use Map.
- (b) Use categories and certain uses allowed in the CN district.
 - (1) Residential—Single family, which shall be limited as follows:
 - a. On public and semi-public lands the residential Use shall be limited to caretaker/security residence only. All other residential uses may only be approved by special Use permit.
 - b. Privately-owned lands shall not be designated CN except by application of the landowner and in such case shall be limited to a maximum Density of one Dwelling Unit per 30 acres.
 - (2) Recreation: Resource-based, subject to paragraph (c) below
 - (3) Primitive campgrounds
 - (4) Silviculture
 - (5) Hunting clubs
- (c) Non-residential uses limited to public or private facilities providing for resource-based recreation and education shall be allowed in the CN district. Development shall be limited to a maximum of five percent Impervious Surface area on the site. All new non-residential uses in the CN district shall be approved by a special Use permit, which shall not be issued unless the location, intensity, and all other aspects of the proposed Use are found to be consistent with the objectives and policies for the conservation land Use classification in the Putnam County Comprehensive Plan.

Secs. 45-91—45-100. Reserved.

DIVISION 4. ACCESSORY USES AND STRUCTURES

Sec. 45-101. Purpose.

It is the purpose of this section to regulate the installation, configuration, and Use of accessory structures, and the conduct of accessory uses, in order to protect the health, safety and general welfare and to ensure that such structures and uses do not have a harmful physical or visual impact on residents and surrounding areas.

Sec. 45-102. Relationship to other requirements of this Code.

- (a) Unless otherwise provided for in this Code, the general regulations in this section apply to accessory uses and structures.
- (b) The standards provided in other parts of this Code apply for height, location, setbacks, Lot coverage and Floor Area unless specifically addressed otherwise in this article.

Sec. 45-103. Consistency with zoning requirements.

- (a) Accessory uses and structures are permitted in the various zoning districts provided such uses and structures are of a nature customarily incidental and clearly subordinate to a permitted principal Use or Structure. They are used to serve the principle Use rather than support a separate and distinct land Use.

-
- (b) Accessory uses shall not involve or be used for operations or structures not in keeping with the character of the district.

Sec. 45-104. Location of uses and structures.

- (a) Accessory uses and structures must be located on the same Lot or Parcel as the principal Use, or a contiguous Lot or Parcel in the same ownership. Accessory uses or structures cannot be located on any Parcel adjoining the Parcel developed with the principal Use unless the zoning of the adjoining Parcel also allows the principal Use.
- (b) In order to place an accessory Structure on a Lot or Parcel separated by a public or private street from the principal Use or Structure, the property Owner must obtain a variance from the Zoning Board of Adjustment or an administrative deviation from the Administrative Deviation Committee following the requirements provided in article IX, division 4 of this Code.

Sec. 45-105. Setbacks.

- (a) Setback distances for accessory structures will be measured from the exterior wall of the Structure in accordance with section 45-503 of this Code.
- (b) Where the building code specifies a specific setback requirement, the more restrictive of the building code or this Code shall apply.
- (c) Accessory structures or uses located on waterfront are subject to the setback requirements for waterfront development in article VI, division 3 of this Code.
- (d) In residential, AG and AE zoning districts, accessory structures greater than 150 square feet that are not used for habitation shall meet the setback requirements for the zoning district in which the Structure is located, as provided in article VII of this Code, and shall be set back three feet from any other Structure.
- (e) In residential, AG and AE zoning districts, accessory structures not used for habitation that are 150 square feet or less in size shall meet the front setback, waterfront setback and wetland setback requirements for the zoning district in which the Structure is located as provided in articles VI and VII of this Code; however, such a Structure may be set three feet from any side or rear (non-waterfront) Lot line, as measured from the furthest projection of the Structure. It shall also be set back three feet from any other Structure, with the following exceptions:
 - (1) Carports may be located directly adjacent to a principal Structure, subject to any requirements of the Florida Building Code. However, a carport located less than three feet from a principal Structure shall be required to meet standard setback requirements from the property line as provided in article VII.
 - (2) Docks and unenclosed boathouses may be located in any required waterfront setback subject to the supplemental provisions provided in section 45-110 below.
 - (3) A single, unenclosed gazebo may be located within the required waterfront setback provided that the gazebo is less than 150 square feet in area.
- (f) In zoning districts other than residential, AG and AE, accessory structures which are not for habitation must meet the setback requirements from the front and side property lines for the zoning district in which the Structure is located. In addition, a minimum setback of five feet must be maintained from the rear property line and from all other structures, and the waterfront and wetland setbacks set forth in article VI, division 3 shall apply. Exceptions are as provided in paragraphs (e)(1) and (2) above.
- (g) In all zoning districts accessory structures for habitation must meet the setback requirements of the zoning district in which the Structure is located, and must be set back ten feet from any other Structure for

habitation, and meet the requirements in paragraphs (e) and (f) above for setbacks from any Structure which is not for habitation.

- (h) Accessory structures are not allowed in a street Right-of-way, unless expressly authorized by the Owner of the Right-of-way, and in any event, such structures shall be limited to structures that support authorized utilities or mail pickup and delivery.

Sec. 45-106. Use of structures.

- (a) A Structure that is attached to a principal Structure shall be considered part of the principal Structure and shall not be considered an accessory Structure.
- (b) In residential zoning districts, an accessory Structure may not be placed on the property and used prior to establishment of a principal Use or Structure unless the property Owner has submitted a Development Permit application that includes plans for the principal Structure and a site plan showing the location of the proposed principle Structure in relation to all property lines and other structures. This restriction does not apply to the following:
 - (1) Docks
 - (2) Boat houses
- (c) In commercial and industrial zoning districts an accessory Structure may be placed on the property and used prior to establishment of a principal Structure on the Lot .
- (d) In the agricultural general (AG) zoning district, an accessory Structure may be placed on the property prior to a principal Structure as follows:
 - (1) Parcels five acres or larger, or bonafide farms, may place an accessory Structure on a Lot prior to the establishment of a principal Use Structure with proper permits.
 - (2) Parcels between two acres and 4.99 acres may place one accessory Structure 2500 square feet or less with proper permits.
 - (3) Parcels less than two acres must have a main Use Structure, or Building Permits issued for a main Use Structure and the proposed accessory Structure, prior to having an accessory Structure placed on them.
 - (4) An Owner may apply for an administrative deviation to the standards in this subparagraph (d) pursuant to Sec. 45-836 or may apply for a variance to the standards in this subparagraph (d) pursuant to Sec. 45-832.

Sec. 45-107. Size and number of structures.

In all zoning districts the size of structures is limited by the Floor Area Ratio, Impervious Surface area ratio, Lot coverage, and height standards in article VII.

Sec. 45-108. Permits required.

Building Permits are required for accessory structures in accordance with the applicable building codes as adopted and implemented by the County.

Sec. 45-109. Accessory uses and structures allowed in each zoning district.

Table 2.04A, below, provides a list of typical accessory uses and structures, and the zoning districts in which they are allowed. Accessory uses and structures allowed in the zoning districts are indicated by an X. Accessory

uses and structures that may require a special use permit are indicated by an "SUP." Section 45-110, below defines each of the listed accessory uses and provides for supplemental regulations. Table 2.04A is not intended to be a complete list of all accessory uses and structures allowed. For accessory structures that are not listed, the director will make a determination whether or not an accessory Use or Structure meets the requirements of section 45-103 and is consistent with the requirements of the applicable zoning district.

Table 2.04A—Table of Accessory Uses and Structures

	AE, AG, RE, Residential-1 Residential-2	R3, R4, RMH	CPO, C1, C2, C3, C4	IL, IH, M
A/C Compressor, Propane Tanks, Solar Panels, Generators	X	X	X	X
Accessory Dwelling Unit	X; SUP may apply (see supplemental regulations for accessory Dwelling Units)			
Boathouses/Boat Shelters/Docks	X	X	X	X
Carport	X	X	X	X
Fences	X	X	X	X
Garage, Private	X	X	X	X
Garden and Grove, Non-Comm.	X	X	X	X
Gazebo	X	X	X	X
Greenhouse, Non-Commercial	X	X		
Home Occupation	X	X		
Plant Nursery, Non-Commercial	X	X		
Residential Dwelling	X	X		
Satellite Dish Antenna	X	X	X	X
Storage Building	X	X	X	X
Swimming Pool (Private)	X	X	X	X
Well or Pump House	X	X	X	X

Sec. 45-110. Supplemental regulations for accessory uses and structures.

This section provides definitions and supplemental regulations for the accessory uses listed in the table of accessory uses and structures in section 45-109 above. These supplemental regulations should be read in conjunction with the site development standards found in articles II, IV, VI, VII, VIII, and IX.

- (1) Accessory equipment. In all zoning districts, equipment designed to serve the main Structure, including air conditioning compressors, solar panels, propane tanks, water softeners, generators and other similar equipment may be located in any required side or rear set back, but no closer than five feet to any Lot line. No such equipment shall be located within the required front setback. In all cases, a site plan shall be submitted demonstrating compliance with this section. Any storage of propane which equals or exceeds a total of 2,000 gallons shall be deemed to be bulk storage of a toxic and/or flammable substance and require a special Use permit where allowable. In the commercial and

industrial zoning districts, additional screening and buffering may be required as per article VII, division 3 of this Code.

(2) Boathouses and Docks.

- a. The term "boathouse" means a Structure where a Personal, recreational watercraft is stored, and includes the term boat shelter. A Dock, or pier, is a boardwalk type Structure that extends over water to allow direct access to the water for fishing, swimming or boating, and may include a boathouse.
- b. A boathouse or Dock cannot be enclosed or used as a habitable Structure. The Dock or boathouse must remain open on all sides.
- c. The boathouse or Dock Structure, including any electrical or plumbing services, must be in compliance with all other regulatory agencies' requirements, including, but not limited to, Florida Department of Environmental Protection and Army Corps of Engineers permitting requirements.
- d. The Dock and/or boathouse cannot be used as a revenue generating or income related activity unless such activity is permitted in the zoning district in which the property is located.
- e. Up to 600 square feet of boat slip areas, including the footprint of the roof covering the slip(s) plus the footprint of any portions of the catwalk that extends beyond the roof line may be covered. The roof may be constructed over catwalks or accessory platforms that are adjacent to the boat slip(s). Portions of the roof that overhang the access pier or terminal platform are not included in the 600 square foot limitation. The boathouse shall not exceed 600 square feet in area unless a special Use permit is obtained.
- f. The main access pier shall not exceed five feet in width.
- g. Catwalks shall not exceed three feet in width.
- h. The boathouse must be at least ten feet from any principal Structure.
- i. There shall be only one boat house per Lot or Parcel unless a special Use permit or Development Agreement approved by the Board of County Commissioners allows for more than one boat house.

(3) Fences are allowed to be located inside any required setback area subject to the requirements in article VII, division 4 of this Code. Privacy, buffer and decorative walls are considered fences for purposes of this section and article VII, division 4 of this Code. Article VII, division 4 of this Code establishes standards for the height and appropriate materials for fences and privacy/buffer walls.

(4) Garage, private. A private garage is an accessory Structure designed or used for inside parking of private passenger vehicles by the occupants of the principal Structure. A private garage attached to or a part of a principal Structure is considered part of the principal Structure. For purposes of this Code, attached shall include any Structure within three feet of the principal Structure. An unattached private garage is to be considered as an accessory Structure.

(5) "Gazebo" means a free-standing, roofed, open-sided Structure, sometimes known as a pavilion, which provides a shady resting place and is usually situated so as to command a view.

(6) Accessory Dwelling Unit.

- a. Definition. An "accessory Dwelling Unit" is a Dwelling Unit located on the same Lot as the principal residential Structure which may be separate from the principal residential Structure or contained within it. Accessory Dwelling Unit shall be an allowed use in all single-family residential zoning districts, including Agriculture and Agriculture Estate, subject to the provisions

listed below. Accessory Dwelling Units shall not be counted as an additional residential unit for purposes of the overall Density limitations for the property.

- b. The accessory Dwelling Unit is intended to be used only for Occupancy by guests or family members on a non-fee basis and shall not be sold separately from the main Use Structure unless a Lot split is approved by Putnam County.
 - c. The Parcel must be a minimum of one-half acre in size and all requirements of the Florida Department of Health must be met. The one-half acre minimum Lot size shall not apply if the Parcel is served by central water and sewer and the proposed accessory Dwelling Unit conforms to the dimensional requirements of the subject zoning district in which the accessory Dwelling Unit is located.
 - d. No more than one accessory Dwelling Unit is allowed to serve the primary residence.
 - e. The primary residence must be constructed as a conventional, site built or modular residence.
 - f. The accessory Dwelling Unit must be constructed as conventional, site built or modular housing. A Mobile Home or park model shall not be permitted to serve as a guest house in any zoning district.
 - g. The accessory Dwelling Unit may have a kitchen, in addition to other typical amenities, such as a living area, bathroom, and bedroom(s).
 - h. The accessory Dwelling Unit shall be no smaller than 375 square feet and no larger than 75% of the enclosed square footage of the primary residence, not to exceed 2,000 square feet of enclosed living space. In all cases, accessory Dwelling Units shall be smaller in size and, and clearly subordinate to the primary residence.
 - i. The accessory Dwelling Unit shall be limited to two (2) bedrooms. A maximum of one (1) additional bedroom for an accessory Dwelling Unit may be allowed if approved by a special use permit from the Zoning Board of Adjustment. Under no circumstance will an accessory Dwelling Unit be permitted to have four (4) or more bedrooms.
- (7) Home occupation.
- a. *Defined.* A "home occupation," also known as a "home based business," is a business, profession, occupation or trade conducted entirely within a residential building or Structure accessory thereto, which is clearly accessory, incidental and secondary to the use of the building for dwelling purposes and does not change the residential character or appearance of such building and property.
 - b. *Authorization required.*
 - 1. All home occupations or home-based businesses located on property Occupied for residential use and within residentially or agriculturally zoned property meeting the following criteria shall be allowed by right.
 - i. The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling;
 - ii. Parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted;

-
- iii. For residentially zoned property, heavy vehicles shall not be parked or stored on the property. For agriculturally zoned property, no more than one heavy vehicle shall be parked or stored on the property;
 - iv. For residentially zoned property, Heavy Equipment shall not be stored or used in the conduct of the business on the property;
 - v. External modifications made to a residential dwelling to accommodate a home based business must conform to the residential character and architectural aesthetics of the neighborhood. The home-based business may not conduct retail transactions at a Structure other than the residential dwelling.
 - vi. No equipment or process shall be used in such home occupation which creates noise, vibration, heat, smoke, dust, glare, fumes, noxious odors or electrical interference detectable to the normal senses on or off the Lot . In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the Premises, or causes fluctuations in line voltage off the Premises.
 - vii. All business activities shall comply with any relevant State and Federal regulations with respect to the Use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids.
2. *Special Use permit.* With the exception of bone fide agricultural uses in agriculture zoning districts, a special Use permit shall be required for any home occupation that exceeds any one of the following standards:
- i. The business employs three (3) or more Persons or independent contractors, other than Persons residing on the Premises, to engage in the occupation on the Premises.
 - ii. For residentially zoned property, the business requires one or more heavy vehicle(s) to be used, parked or stored outside at the Premises. For agriculturally zoned property, the business requires two (2) or more heavy vehicles
 - iii. For residentially zoned property, the business requires Heavy Equipment to be used, parked or stored outside at the Premises.

Premises.

c. *Standard conditions.*

- 1. Each home occupation, including those approved by special Use permit, shall include the following conditions:
 - i. The Use of the Premises shall be clearly incidental and subordinate to its Use for residential purposes and shall, under no circumstance, change the residential character thereof.
 - ii. There shall be no change in outside appearance of building or Premises, or other visible evidence of the conduct of such home occupation, except that one non-Illuminated Sign, not exceeding two (2) square feet in area, may be mounted flat against the wall of the building, at a position not more than two (2) feet from the main entrance to the building.
 - iii. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking, generated by the conduct of such home occupation, shall be met off

the street, in the front or at the side of the residence, and shall be setback in accord with the required front or side Yard setbacks.

- iv. No equipment or process shall be used in such home occupation which creates noise, vibration, heat, smoke, dust, glare, fumes, noxious odors or electrical interference detectable to the normal senses on or off the Lot . In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the Premises, or causes fluctuations in line voltage off the Premises.

Use

- v. Prior to commencing the proposed Use, the Applicant will submit written confirmation that the proposed site and Use have been reviewed for compliance with applicable rules and regulations concerning sewage disposal by the Florida Department of Health, Environmental Health Unit for Putnam County with no objections.

- 2. Additional conditions may be placed on a home occupation including, but not limited to, conditions addressing the following:

- i. Activities allowed outside the residence
- ii. Parking
- iii. Hours of operation
- iv. Number of employees
- v. Storage of materials
- vi. Conduct of retail sales

- d. *Prohibited uses.* The following uses shall, in all circumstances, be prohibited as home occupations:

- 1. Mechanical, paint and body repair, and/or detailing services upon any motor vehicles, and trailers, including, but not limited to, automobiles, trucks, boats, motor homes, buses, tractors, Heavy Equipment, Mobile Homes, and travel trailers;
- 2. Health salons, gyms, dance studios, aerobic exercise studios, massage and tattoo parlors;
- 3. Limousine service or taxi service where more than one limousine or taxi vehicle is kept on the Premises;
- 4. Medical or dental office or laboratory, or nursing home facility;
- 5. Private clubs;
- 6. Tow truck services or other trucking services;
- 7. Veterinary facility;
- 8. Gift shop or thrift store.

(8) "Plant nursery" means a place where such items as trees, shrubs, vines, flowers, or ferns are propagated for transplanting or for Use as stock or grafting.

(9) Satellite dish antenna.

- a. Definition. A "satellite dish antenna" is a device in the shape of a shallow dish, cone, horn, or cornucopia used to transmit and/or receive radio or electromagnetic waves.

-
- b. Allowed in CPO and C-1 zoning districts subject to meeting the following setbacks:
 - 1. The standard front setback for the zoning district.
 - 2. Five feet from rear or side property line.
 - c. Allowed in C-2, C-3, IL and IH zoning districts subject to meeting the following setbacks:
 - 1. Ten feet from front property line.
 - 2. Three feet from rear or side property line.
 - d. Allowed in residential, AG, AE, and public Use zoning districts subject to meeting the following:
 - 1. Only one freestanding unit per Lot or Parcel.
 - 2. Units over 36 inches in diameter must be installed as a freestanding unit.
 - 3. Any number of units with diameters of 36 inches or less and which are mounted on a building may be allowed.
 - 4. No unit shall be located so as to impair the vision of traffic.
 - 5. Units may not be located in the standard front or side set back area unless it can be demonstrated that it is necessary to locate the unit in that area.
 - 6. No portion of a unit shall be located closer than three feet from a side or rear property line.
 - 7. No unit shall exceed a height of 14 feet.
- (10) Storage building. A motor home, Mobile Home, truck body, camper, or other similar unit, with or without wheels, may not be used as a permanent storage building. Cargo shipping containers may be permitted as a permanent storage building provided they are:
- a. Installed in accordance with the Florida Building Code, as determined by the building official;
 - b. Used only in the AG or AE zoning districts;
 - c. Visually buffered from view from adjoining Parcels by a type "A" buffer five feet in width or an acceptable alternative approved by the director.
- (11) Swimming pool (private).
- a. Definition. In this article, "private swimming pool" means any body of water in an artificial or semi-artificial receptacle or other container located outdoors which is constructed in such a manner as to permit a water depth of 24 inches or more and is used or intended to be used for swimming or wading.
 - b. A private swimming pool shall be allowed as an accessory Use only if it fully complies with the following conditions:
 - 1. The pool is intended and is to be used solely for the enjoyment of the occupants of the dwelling to which the pool is accessory, or to the bona fide guests thereof.
 - 2. The pool shall meet the required setbacks of the applicable zoning district as provided in subsection 45-503(c)(7).
 - 3. The pool shall be constructed and enclosed in compliance with the requirements set forth in the applicable building code as adopted and amended by Putnam County.

Secs. 45-111—45-120. Reserved.

DIVISION 5. TEMPORARY USES

Sec. 45-121. Generally.

Certain temporary uses are allowed in zoning districts as set forth in Table 2.05A below, and are subject to the permitting requirements and supplemental regulations beginning with section 45-123 below. Temporary uses, including Temporary Signs, are prohibited in established public or private rights-of-way. Where a temporary Use is not specifically listed in Table 2.05A, below, the director shall determine which temporary Use category the Use most closely fits based on the description of the Use. The proposed temporary Use shall be placed in the most specific category in which it fits and subject to the same permitting requirements and regulations. All temporary uses shall, at a minimum, be consistent with applicable future land Use category for the property on which the Use is to take place.

Sec. 45-122. Temporary use table.

The following table identifies certain temporary uses permitted within the various zoning districts. The table also provides a cross reference to applicable supplemental regulations for each such temporary Use.

Table 2.05A—Temporary Use Table

Temporary Uses	Zoning District	Supplemental Regulations
Carnivals, Fairs, Circuses, Midways	AG, C-2, C-3, C-4, P-1, P-2	45-126
Fund Raising	Property used for community services and all commercially zoned property.	45-127
Non-Residential Building	All Districts	45-128
Outdoor Music Festivals	AG, C-2, C-3, C-4, P-1, P-2	45-129
Outdoor Promotional Sales	C-2, C-3, C-4	45-130
Recreational Vehicle As Temporary Shelter	All Residentially zoned and Agriculturally zoned property.	45-131
Sale of Produce and Seasonal Goods	AG (if produce is grown on same property), C-1 C-2, C-3, C-4	45-133
Secondary Living Unit	All Residentially zoned and Agriculturally zoned property	45-134
Special Event Sales	C-2, C-3, C-4, Public Property	45-135
Tent Revival	AG, C-2, C-3	45-137
Yard Sale	Residential Properties in All Districts	45-138
Mud Bogging	AG, C-3, C-4, IH	45-139

Sec. 45-123. Temporary Use permits.

- (a) Unless expressly exempt by this section, a temporary Use permit must be obtained from the Director of Planning and Development Services, or designee, prior to establishment of a temporary Use.
- (b) The director may issue a temporary Use permit for a temporary Use within the zoning districts as indicated in Table 2.05A above, provided the following conditions and requirements are met:
 - (1) The application shall be accompanied by:
 - a. A site plan showing location and dimensions of the Use, the access to the Use, the parking that will serve the Use, the number, type, location and dimensions of any proposed signage, and other necessary facilities,
 - b. An affidavit of written permission by the property Owner or property manager of record when the Applicant is not the Owner,
 - c. Copy of the recorded deed, and
 - d. The applicable fee, if any.
 - (2) Prior to granting the temporary Use permit, the director may require that other appropriate County or State agencies review the application to ensure the protection of the public health, safety, and general welfare. In addition, particular attention shall be given to traffic flow and control, automobile and pedestrian safety, and the effect that such Use and activity will have on surrounding uses, particularly where the adjoining Use is residential. The temporary sale shall not create a traffic hazard, or other hazard to the public. The director may place appropriate conditions upon the permit to ensure the protection of the public health, safety, and general welfare. If there is clear and convincing evidence that no conditions can be attached to the permit that will ensure the public safety, the director may deny the temporary Use permit.
 - (3) The Applicant shall provide all required information on an application and provide the information as required by this part in order to be considered for a temporary Use permit.
 - (4) A temporary Use shall not continue beyond the time limits established for the Use in the sections below. Provided, however, that the director may allow reasonable additional time for setting up and/or break down the temporary Use. Such additional set up or break down time shall be set forth in writing as a condition of the permit and may extend up to 72 hours prior to and after the event. If the Applicant desires to exceed the time constraints of this section for any proposed temporary Use or event, he must apply for an extension of time with the Director of Planning and Development Services. Such a request will be subject to the notice requirements of article XII, division 6 of this Code.
 - (5) Any party granted a permit under this subsection shall also comply with all other applicable Federal, State, or local regulatory or statutory requirements.
 - (6) The Applicant must provide proof that health department and handicapped requirements for bathrooms are met.
 - (7) The Applicant must provide a Florida sales tax identification number or exemption certificate, if applicable.
 - (8) When in the opinion of the director it is deemed necessary, the Applicant may be required to post a bond or otherwise provide adequate assurance that the site of the temporary activity will be returned to its original or an improved state when the selling activity has ceased.
- (c) The conditions of the permit shall be stated in the permit documents, and shall include, at minimum, the type of Use allowed under the permit, the hours of operation, the duration of the Use and a site plan on 8.5-

inch by 11-inch paper depicting the location of the Use, access, parking, signage, and other necessary facilities.

- (d) The permit documents shall be kept at the site of the temporary Use and immediately made available upon request by a Putnam County Code Enforcement Officer or Officer of the Putnam County Sheriff's Office. Failure to produce the permit documents upon request shall be deemed a violation subject to enforcement action under section 45-125 below.
- (e) Any final decision of the director or other administrative official with reference to the provisions of this subsection may be appealed to the Zoning Board of Adjustment in the manner prescribed in article XII of the land development code.

Sec. 45-124. Signs.

Signs for any temporary uses authorized by this section shall be limited to two signs located within the property for which the permit is issued, and shall not exceed 24 square feet in surface area for each sign. All temporary Use signs shall otherwise meet all applicable standards of the County's sign regulations. Signs shall not be placed in any road Right-of-way and shall not be placed so as to create a traffic hazard of any kind. Signs shall be removed when the permit expires. Failure to adhere to the requirements of this section, including the timely removal of the signs, shall be deemed a violation subject to enforcement action under section 45-125, below.

Sec. 45-125. Violations and enforcement.

- (a) A code enforcement officer or an officer of the Putnam County Sheriff's Office, finding probable cause that a Person has committed an act in violation of this temporary Use section, may issue that Person a citation as provided in article XII of this Code.
- (b) A property Owner that allows a temporary Use to operate on his or her property shall be deemed to have violated this article when the temporary user operates in violation of this article and may be issued a written notice of violation from the codes enforcement officer.
- (c) A violation by the property Owner shall be subject to the code enforcement procedures provided in article XI and XII of this Code.

Sec. 45-126. Carnivals, fairs, circuses, midways.

- (a) Carnivals, fairs, circuses, and midways may be allowed without need of a temporary Use permit in P-1 and P-2 districts. Nothing herein shall be read to obviate the authority of the Board of County Commissioners or the fair board to establish such policies, rules or contracts as they deem appropriate to further restrict the temporary Use of lands in the P-1 and P-2 districts.
- (b) Carnivals, fairs, circuses, and midways may be allowed by temporary Use permit in AG, C-2, C-3 and C-4 districts subject to the following: the duration of the permit shall not exceed 14 days.

Sec. 45-127. Fund raising.

If the temporary Use is for the sole purpose of raising funds to support a community service organization or public charity supported by such an organization, the Use may take place on the property normally used for community services without need of a permit. Such a temporary Use for fund raising may also take place on any commercially zoned property without need of a permit, subject to the following conditions:

-
- (1) The temporary Use must take place in an area that will not impede the normal flow of vehicular and customer traffic for the existing stationary Use so as to create a traffic hazard, or other hazard to the public.
 - (2) The organization has the permission of the landowner or the Owner/operator of the existing stationary Use.
 - (3) The duration of a sale shall not exceed 72 hours. Except that (1) a fund raiser that is associated with holiday seasonal sales (i.e. Christmas trees at Christmas, fireworks at the 4th of July or pumpkins at Halloween) shall be allowed for duration of 45 days ending the day following the applicable holiday; or (2) a fund raiser that takes place inside the building envelope of the stationary Commercial Use shall not be subject to a specified duration.

Community service organizations, as used herein, shall be read to mean not-for-profit clubs or organizations that are registered and approved as 501(c)(3) corporations by the Internal Revenue Service and organizations affiliated with a local school.

Sec. 45-128. Non-residential building.

Temporary placement of a modular building for non-residential Use may be allowed by temporary Use permit as provided below:

- (1) It is allowed by the zoning district under Table 2.05A above.
- (2) As a temporary sales office or construction office incidental to construction or development of the Premises upon which the temporary Structure is located. The temporary Use permit for such a temporary Structure shall provide that the Structure may remain on the site so long as appropriate permits for the associated construction have been issued and the construction is being diligently pursued. The temporary Structure shall be removed within one month of the completion of construction on the site.
- (3) The modular building is tied down per Florida Building Code.
- (4) Any electric connection is properly permitted.
- (5) Any permanent or portable water or sewer services meets the requirements of the Florida Department of Health.

Sec. 45-129. Outdoor music festivals.

Outdoor music festivals may be allowed subject to the following:

- (1) Outdoor music festivals may be allowed without need of a temporary Use permit in P-1 and P-2 districts. Nothing herein shall be read to obviate the authority of the Board of County Commissioners or the fair board to establish such policies, rules or contracts as they deem appropriate to further restrict the temporary Use of lands in the P-1 and P-2 districts.
- (2) Outdoor music festivals require a temporary Use permit to locate in AG, C-2, C-3 and C-4 districts, subject to the following: the duration of the musical entertainment shall not exceed 72 hours (i.e. three days), and the total time frame for the festival, including set-up and break down of the festival, shall not exceed 14 days.
- (3) In all cases, a waiver of the noise ordinance for the duration of the festival must be obtained from the Board of County Commissioners.

Sec. 45-130. Outdoor promotional sales.

Outdoor promotional sales shall be read to include all types of temporary sales of goods or services that are not considered sales of produce, special event sales, yard sales, fund raisers, mobile food and beverage vendors or on-site temporary promotional sales by a lawful, permanent business. In addition to the general criteria and conditions of this section, a temporary Use permit for outdoor promotional sales shall be subject to the following:

- (1) The duration of the permit shall be limited to four days (96 hours).
- (2) No more than two temporary Use permits per location shall be issued in any given calendar year.
- (3) No business shall be allowed to have more than two outdoor promotional sales per year, except as allowed under subsection (5) following.
- (4) With regard to temporary uses in C-2, the proposed temporary Use must otherwise be permitted by right or special exception as a permanent Use in the C-2 zoning category.
- (5) On-site temporary promotional sales by a lawful, permanent business are exempt from permitting requirements; however, such on-site sales shall not exceed a duration of 72 hours; shall not take place in the public Right-of-way; shall not impede the normal flow of vehicular and customer traffic for the existing stationary Use so as to create a traffic hazard, or other hazard to the public; and shall comply with the County's sign regulations.
- (6) Any lighting used at the sale shall be designed, hooded or shielded to direct light so that the illumination source does not create glare or a nuisance to any adjoining property or unreasonably interfere with the lawful Use and enjoyment of any adjoining property or any roadway.
- (7) There shall be a minimum of a 30-day hiatus between sales.
- (8) Any vendor that violates the conditions of this subsection may lose his privilege of obtaining a temporary permit in Putnam County for up to the rest of the calendar year and the next calendar year after a hearing before the special magistrate. The vendor will be given an opportunity to come into compliance prior to this hearing being scheduled. If the code enforcement officer believes the violations are significant and the vendor is not being cooperative, the code enforcement officer may order the vendor to cease and desist until he comes into compliance.

Sec. 45-131. Recreational vehicle as temporary shelter.

This section describes when a recreational vehicle (RV) may be allowed as a temporary shelter on property other than a lawfully established RV park. Article III of this Code regulates the Use of RVs in an RV park.

- (1) *Permit required.* The temporary Use of RVs for shelter may be allowed on agriculturally zoned or residentially zoned property by temporary Use permit as follows:
 - a. Pursuant to a temporary Use permit during land Clearing of the site where a new Dwelling Unit is proposed to be located. The maximum duration of the temporary Use permit for this purpose shall be 60 days. All wastewater and solid waste shall be disposed of properly at a licensed facility.
 - b. Pursuant to temporary Use permit for Use during construction of a home subject to the following:
 1. All building and construction related permits for the principal Dwelling Unit have been secured, and construction will commence within 90 days.

-
2. Payment of the permit fee for the electrical and plumbing inspections, in addition to the application fee is required.
 3. All units must be self-contained or lawfully connected to an outside source of electrical power, potable water, and sewage disposal (septic tank).
 4. The temporary Use permit shall have a duration limited to six months from time approval of the setup of the RV is received, subject to an extension of time of up to six months if the director or designee finds that construction of the principle residence is diligently proceeding. Maximum time allowed for set-up is 12 months. Use of the RV as shelter shall discontinue within 30 days of final inspection of the principal dwelling.
- c. For Use during demonstrated extreme hardship situations such as a medical emergency, subject to the following:
1. The permit shall have a maximum duration of six months.
 2. The recreational vehicle shall be self-contained or shall be lawfully connected to an outside source of electrical power, potable water, and sewage disposal.
 3. The recreational vehicle is located on the same parcel of land as the principal structure.
- (2) *Permit not required—Residential zoning districts.* RVs may be used for temporary shelter on residentially zoned property containing an existing Dwelling Unit without need of a temporary Use permit under the following conditions:
- a. The Use is for temporary visits on a non-fee basis by the property Owner or by friends and family members of the Owner or occupant of the property, with permission of the property Owner.
 - b. The RV is self-contained.
 - c. The extent of the stay of the RV does not exceed 14 consecutive days or 60 non-consecutive days.
 - d. The RV is not parked inside any of the required setbacks for the zoning district.
 - e. There is no more than one RV on the Premises at any one time.
- (3) *Permit not required—Agriculture zoning districts.* RVs may be used for temporary shelter on Agriculturally zoned property containing an existing Dwelling Unit without need of a temporary Use permit under the following conditions:
- a. For lots or Parcels that are one acre or less in size or for lots less than five acres in size that are part of a vested subdivision plan, Use of an RV as a temporary shelter shall be as provided in paragraph (2) above.
 - b. For all other Agriculturally zoned lots or Parcels, RVs may be used for temporary shelter subject to the following conditions:
 1. The Use is for temporary visits on a non-fee basis from the property Owner or from friends and family members with the express permission of the property Owner.
 2. The RVs are self-contained or lawfully connected to an outside source of electrical service, a potable water well and sewer or septic facilities that have been installed pursuant to permits issued by the health department and the Planning and Development Services Department, where required.
 3. The extent of the stay in the RV does not exceed 90 consecutive days or 180 non-consecutive days in a given calendar year.

-
4. The RV is not parked inside any of the required setbacks for the zoning district.
 5. There is no more than one RV per acre of land on the Premises at any one time, with a maximum of ten RVs regardless of the acreage.
- (4) *Permit not required—Religious facilities.* It is hereby recognized that the temporary Use of RVs for visiting pastors, speakers or choral groups, as well as for temporary evangelical gatherings where allowed, is common practice for religious facilities. As a result, RVs may be used for temporary shelter without need of a temporary Use permit when used in connection with a lawfully established religious facility, subject to the following conditions:
- a. The Use is for temporary visits on a non-fee basis for matters directly related to the religious facility.
 - b. The religious facility is allowed in the applicable zoning district by right or by an approved special Use permit.
 - c. The RVs are self-contained or they are lawfully connected appropriate electrical, well and sewer/septic facilities that have been installed pursuant to permits issued by the health department and the Planning and Development Services Department, where required.
 - d. The extent of the stay of the RV does not exceed 14 consecutive days or 60 non-consecutive days in a given calendar year.
 - e. The RV is not parked inside any of the required setbacks for the zoning district.
 - f. The Lot or Parcel is at least one acre in size and there is no more than one RV per acre of land on the Premises at any one time, with a maximum of ten RVs regardless of the acreage.
 - g. Nothing contained in this section shall limit property used for religious facilities from using RVs for temporary shelter as provided in paragraphs (1) through (3) above.
- (5) *Permit not required.* RVs may be used for temporary shelter without the need for a temporary Use permit following the declaration of a state of emergency issued by the Governor for a natural emergency during which a permanent residential Structure was damaged and rendered uninhabitable. The Use of the RV for temporary shelter is subject to the following conditions:
- a. Located on the same Lot or Parcel as the damaged residential Structure;
 - b. The extent of the temporary RV shelter does not exceed 36 months after the date of the declaration or until a certificate of occupancy is issued on the permanent residential Structure on the property, whichever occurs first.
 - c. The resident(s) make a good faith effort to rebuild or renovate the damaged permanent residential Structure, including, but not limited to, applying for a Building Permit, submitting a plan or design to the County, or obtaining a construction loan.
 - d. The temporary shelter is connected to water and electric utilities and does not present a threat to health and human safety.
- (6) *No permanent Use allowed.* Under no circumstances will an RV be permitted to serve as a permanent shelter or housing solution within any zoning district. An RV shall not be attached in any way to a permanent foundation or other Structure, and shall not have any permanent connections to utilities.

Sec. 45-132. Reserved.

Sec. 45-133. Temporary sales of produce.

Temporary sale of produce not grown by farms within the County, or sale of produce grown by farms within the County, but being sold on property not owned, leased or rented by the grower, may be allowed by temporary Use permit subject to the following:

- (1) The produce may only be sold during the harvest season for such produce and the duration of the temporary Use permit shall be 90 days. The Director of Planning and Development Services can administratively extend this time frame depending on the length of the growing season of what is being sold.
- (2) The sale may be located on AG, C-1, C-2, C-3 or C-4 zoned property. In all cases, the Applicant must have lawful access (i.e. a permitted Driveway) and adequate off street parking areas so as to not create a traffic hazard, or other hazard to the public.
- (3) No more than two temporary Use permits per Applicant per location shall be issued in any given 12-month period, with a minimum two-week hiatus between issuance of such permits.
- (4) The provision of shade or shelter that exceeds 120 square feet in size, in the aggregate, must be a permitted Structure.
- (5) The seller of the produce must be the Owner of the property or have express written permission to be on the property for the purpose of selling produce.
- (6) Customers must have access to handicap accessible bathroom facilities within 500 feet of the temporary Use. This requirement may be waived if the health department determines that: (1) the operator does not have any employees working at the produce stand, and (2) the nature of the Use is such that it will result in brief stops (i.e. the operator is selling one or two types of produce), and (3) the operator will bring the goods to the customer's vehicle if a disability prevents them from accessing the goods directly. Such a waiver shall only apply to the temporary sale event.
- (7) Sale of produce that exceeds 90-day time period, or the administratively approved time period, shall be treated as a permanent land Use and should only take place in appropriate zoning district that allows for retail sales—general and shall be subject to the same development and building code standards as any other land Use classified as retail sales—general, including, but not limited to, square footage limitations of the zoning district, enclosure and facility requirements, parking, landscaping, buffering, accessibility, fire safety, building code etc.

Sec. 45-134. Secondary living unit.

A secondary living unit may be allowed by temporary Use permit in cases of medical hardship subject to the following:

- (1) The Applicant shall provide proof that the secondary living unit is necessary to house one or more immediate family members of the property Owner who are receiving care. An immediate family member includes only the following: grandfather, grandmother, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister and sister-in-law, adoptive parent and adoptive child.
- (2) The Applicant shall provide a written certification from a licensed physician that a medical hardship requires constant or recurring physical care and assistance.
- (3) A secondary living unit must be constructed or erected in manner that is consistent with the zoning district.

-
- (4) A site plan shall be submitted showing the location of the secondary living unit and the manner in which all setbacks and building separation requirements are met.
 - (5) The property on which a secondary living unit is placed shall not be subdivided so as to create two lots unless all requirements in this Code for the subdivision of land, including minimum Lot size, and the Density limitations of the applicable future land Use designation are met.
 - (6) Once the medical hardship ends, one of the living units must be removed within 90 days.
 - (7) A temporary Use permit for a secondary living unit shall be limited in duration to one year. The permit may be renewed based on a showing by the Applicant that all requirements of this section have been and will be complied with and the provision by the Applicant of an updated certification from a licensed physician as required in subsection (2) above.

Sec. 45-135. Special events sales.

A special event sale is a temporary sale held in conjunction with a sporting event, parade, festival or other such event. Special events sales may be allowed by temporary Use permit. The duration of the permit shall not exceed the period approved for the associated special event.

Sec. 45-136. Mobile food dispensing vehicles.

Mobile food dispensing vehicle as used herein shall mean any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities including, but not limited to, gas, water, electricity, or liquid waste disposal. A mobile food dispensing vehicle is allowed by right in any zoning district subject to obtaining a license from the Division of Hotels and Restaurants of the Department of Business and Professional Regulation pursuant to F.S. Ch 509.

Sec. 45-137. Tent revival.

A tent revival may be allowed by temporary Use permit subject to the following:

- (1) The duration of the permit shall not exceed 14 days.
- (2) No permit is required when the revival is held on a site where a religious facility has been lawfully constructed or a site previously approved by the County for outdoor revival meetings by ordinance or special Use permit.

Sec. 45-138. Yard sale.

A yard sale, also known as a "garage sale" or "estate sale," is a sale of household merchandise that is used or stored as part of that residential Use by the property Owner where the sale is to take place. Any other sale of household merchandise that does not meet the definition of a "yard sale" under this subsection, or that does not meet the definition of "fund raiser" under section 45-127 above, shall be considered an established retail Use and subject to requirements of this Code for established retail uses, including, but not limited to, the zoning, location, dimensional, parking, landscaping, ingress/egress, facility and accessibility requirements, as well as the requirement that such established retail uses take place inside an enclosed building. A yard sale may be allowed without a temporary Use permit subject to the following:

- (1) The sale must take place on the residential property where the items to be sold were used or stored as part of that residential Use or a neighboring residential Use.

-
- (2) No more than two sales are allowed on the same property within any 12-month period.
 - (3) The duration of a sale shall not exceed 72 hours.

Sec. 45-139. Mud bogging.

(a) *Scope and prohibitions.*

- (1) *Zoning districts.* Mud bogging is not permitted within the unincorporated boundaries of Putnam County except as provided herein. Subject to the provisions in subsection (3) below, mud bogging is allowed by temporary Use permit on property zoned AG, C-3, C-4 or IH, so long as said property is not part of a vested subdivision. Otherwise, mud bogging may be allowed in a PUD zoning district as provided in section 45-193, Putnam County Land Development Code. Mud bogging is also restricted by the following locational requirements:
 - a. Any mud bogging activity shall be a minimum of 100 feet from a jurisdictional wetland or lake bottom, and the wetland/lake bottom must be protected from encroachment by adequate barriers.
 - b. Mud bogging activities shall not take place within 500 feet of a vested subdivision.
 - c. Mud bogging shall not take place within 500 feet of a church synagogue, mosque or other recognized place of worship. If a temporary Use permit allows a distance less than 500 feet, the event shall not take place within 30 minutes before or after scheduled services.
- (2) *Use of vehicles on public land.* The use of vehicles is permissible on publicly owned lands in accordance with the rules and standards established by the public Owner. However, in the absence of such rules or standards, the use of any vehicle on public land that has not been improved or designed to facilitate conventional vehicular traffic shall require a temporary Use permit or PUD zoning district that allows for such Use. The terms and conditions of the Use shall be established in the permit or PUD. Use of vehicles in publicly owned drainage Improvements, except in connection with construction or maintenance of the drainage Improvements, is expressly prohibited.

(b) *Definitions.* The following definitions shall apply in the interpretation, enforcement and intent of this article:

Enforcement officer includes officers working for the sheriff and code enforcement officers working for the Department of Planning and Development Services.

Jurisdictional wetlands means wetlands that fall under the jurisdiction of the Department of Environmental Protection.

Mud bogging means the use of a vehicle to engage in what is commonly known as mud bogging, which includes, without limitation, traveling across terrain that is chosen for such travel because of its wet or muddy characteristics. The term does not include (i) bona fide Agriculture, silviculture, or construction activities; (ii) governmental, fire, law enforcement or military personnel engaging in activities within the scope of their employment or duties; or (iii) the use of up to eight vehicles by the record Owner of the land (and his family or guests) on such land for any activity, even if such activity would otherwise constitute mud bogging hereunder.

Vehicle means any motor vehicle, motorcycle, truck, buggy, all-terrain vehicle or other mechanically driven equipment or conveyance.

(c) *Supplemental provisions.* Unless expressly modified under an approved PUD zoning district that allows mud bogging, all mud bogging shall be subject to the following minimum standards:

- (1) The boundaries of the private land where mud bogging is to take place shall be clearly delineated and recognizable to the enforcement officer by use of fencing or signage or other means.

-
- (2) The property must be ten acres or greater in size, and the activity must take place at least 100 feet from the property line.
 - (3) The temporary use permit is to be posted at the site during the operation of the event.
 - (4) The Person who is given the temporary use permit shall be on site during the mud bogging activity.
 - (5) A site plan, drawn to scale, will be required to be submitted at the time of application. Said site plan shall contain at a minimum the following:
 - a. Delineation of the area to be used for the actual mud bogging.
 - b. Off-street parking for all vehicles to be at the site.
 - c. Delineation of any known jurisdictional wetlands.
 - d. Location of the Driveway.
 - (6) Mud bogging shall only be allowed from a half an hour after official sunrise to a half an hour before official sunset.
 - (7) A Driveway permit must be obtained and the Driveway must be installed per the conditions of approval prior to the issuance of the temporary use permit. The director may allow for the Driveway to be installed after the issuance but before that proposed activity takes place.
 - (8) Temporary sanitary facilities shall be provided with proper health department approvals if required.
- (d) *Violations; penalty.* An enforcement officer finding probable cause that a Person has committed an act in violation of ordinance may issue a citation pursuant to section 45-1144 of the land development code. If an enforcement officer finds that the conditions of a temporary use permit or PUD are not being met, he may shut down the mud bogging operation until such time as the conditions have been met. When a use of a vehicle is subject of a temporary use permit or PUD, and the use violates the conditions of the permit or PUD, the matter may be brought before the special magistrate, after a properly noticed hearing as prescribed under article XI, division 6 of the land development code, and the special magistrate, after a properly noticed hearing as prescribed under article XI, division 6 of the land development code, and the special magistrate may suspend or revoke the permit or PUD. The provisions of this section are additional and supplemental means of enforcement. Nothing contained in this section shall prohibit the County from enforcing its codes or ordinances by any other lawful means, including, without limitation, a proceeding under article XI, division 6 or article XII, division 18 of the land development code.

Secs. 45-140—45-150. Reserved.

ARTICLE III. SUPPLEMENTAL USE REGULATIONS

DIVISION 1. GENERALLY

Sec. 45-151. Purpose.

The purpose of this article is to provide definitions of and/or special regulations for certain uses and accessory uses allowed under article II.

Sec. 45-152. Relationship to other requirements of this Code.

These regulations are supplemental to the general regulations applicable to uses and structures in this Code. Where there is conflict or inconsistency, the more stringent requirement shall apply unless alternative restrictions are approved within a PUD ordinance.

Secs. 45-153—45-160. Reserved.

DIVISION 2. SUPPLEMENTAL STANDARDS

Sec. 45-161. Adult assisted care communities.

(a) *Assisted living facilities.*

- (1) Assisted living facilities (ALF) shall be defined as any building(s), or parts thereof, including a private home, boarding home, home for the aged, or other residential facility, whether or not operated for a profit, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the Owner or administrator.
- (2) Any assisted living facility must obtain and maintain any required State licensing at all times.
- (3) Any ALF which is licensed as a community residential home and has six or less residents is allowed in any Agriculture or residential zoning district provided they are not nearer than 1,000 feet to another ALF or community residential home having six or fewer residents or within 1,200 feet of another community residential home regardless of the number of residents. Distances shall be measured from the nearest points of the two Parcels.
- (4) Any assisted living facility having more than six residents shall require a special use permit in any district where Group Residential Homes are allowed.
- (5) The limitations on the number of residents imposed under the licensing requirements of the agency for health care administration or other applicable licensing agency, shall be observed unless the Zoning Board of Adjustment otherwise conditions the special use permit to further limit the number of residents at the facility. The Zoning Board of Adjustment may place any other reasonable conditions deemed necessary for approval of the special use permit.

(b) *Adult family care home.*

- (1) Adult family care home shall be defined as a full-time, family-type living arrangement, in a private home, under which a Person who owns or rents the home provides room, board, and Personal care, on a 24-hour basis, for no more than five disabled adults or frail elders who are not relatives.
- (2) Adult family care homes must obtain and maintain any required State licensing at all times.
- (3) Adult family care homes having up to five residents shall be allowed in any Agriculture or residential zoning district provided they are not located nearer than 1,000 feet from another adult family care home or community residential home having six or less residents or 1,200 feet from another community residential home regardless of the number of residents. An adult family care home that is licensed as a community residential home pursuant to F.S. ch. 419 may have up to six residents if State licensing requirements allow.

(c) *Adult Day Care Center.*

- (1) Adult Day Care Center shall be defined as any building(s), or part thereof, whether or not operated for a profit, in which the Owner or management offers basic services to three or more persons who are 18 years of age or older, require such services, are not related to the Owner or operator by blood or marriage and offer such services for part of a day.
- (2) Any adult Day Care Center shall obtain and maintain any required licensure at all times.
- (3) Any adult Day Care Center which is operated in conjunction with a licensed assisted living facility, licensed nursing home facility or licensed Hospital is exempt from this section.
- (4) Adult Day Care Centers shall be allowed by special use permit in the AG, R-2, R-3, R-4, C-1, C-2, C-3, and C-4 districts.

Sec. 45-162. Adult entertainment—Sexually oriented businesses.

- (a) *Generally.* Putnam County's Adult Entertainment Ordinance (chapter 10, article II, Putnam County Code) provides for the regulation of the adult entertainment, sometimes referred to as sexual oriented businesses. The adult entertainment ordinance provides for intent, definitions, operational requirements, licensing requirements, criminal proceedings, etc. This section merely restates the zoning districts where this type of Use is allowed, which are as follows: C-3, C-4 and IL zoning districts. An adult entertainment establishment shall not be allowed to open, operate or be enlarged (except when an enlargement may be required by law) anywhere except in a C-3, C-4 or IL zoning district and in compliance with the adult entertainment ordinance.
- (b) *Nonconforming establishments.* Any adult entertainment establishments existing and operating as of the effective date of the adult entertainment ordinance, which do not conform to the requirements set forth herein, shall be deemed to be nonconforming. If any such nonconforming adult entertainment establishment voluntarily ceases to do business for a period of 15 consecutive days, then it shall be deemed abandoned and thereafter shall not reopen except in conformance with all requirements of the appropriate codes of Putnam County. Further, no such nonconforming adult entertainment establishment may be extended to occupy any greater area of land or extended to occupy any land outside any buildings on the same Parcel.

Sec. 45-163. Aircraft landing facility, private.

(a) *Generally.*

- (1) A private aircraft landing facility is an Airport used for the landing of aircraft such as airplanes, seaplanes, ultralights, or helicopters by the Owner or occupant of the property that contains the landing facility, but which may be available for Use by others upon specific invitation of the licensee.

Unless expressly preempted by State or Federal law, the Use of the water bodies for aircraft landing facilities within Putnam County shall be subject to the provisions of this subsection.

- (2) If the landing facility is to be associated with a residential development, the supplemental standards in this article for fly-in development shall apply.
- (b) *Relationship to permitting by State and Federal agencies.* A special Use permit for a private aircraft landing facility may be granted contingent up on the Applicant obtaining all necessary State and Federal permits for the facility. If, however, such permits are not obtained within one year from the approval of the special Use permit, the permit will automatically expire and become null and void.
- (c) *Minimum standards.* The following minimum standards shall be met for any private aircraft landing facility:
- (1) Aircraft landing facilities and associated aircraft operations shall meet all relevant Federal and State regulations.
 - (2) The area proposed for an aircraft landing facility Use must be sufficient and the site otherwise adequate to meet the standards of the Federal Aviation Administration and the Florida Department of Transportation for the class of Airport proposed, in accordance with the published rules and regulations of each agency. However, in all cases, the property must be at least 20 acres in size.
 - (3) Primary surface of runway, hangars and repair buildings shall be set back at least 150 feet from property boundaries. All other structures shall be set back at least 50 feet from property boundaries.
 - (4) Any proposed runway or landing strip must be situated to avoid any structures, power lines, towers, chimneys and natural obstructions within the approach zones and comply with Federal Aviation Administration and the Florida Department of Transportation regulations. The Zoning Board of Adjustment may limit the size and type of runway or landing strip in order to limit the size and type of aircraft that may Use the facility.
 - (5) All major repairs of aircraft and machinery must be conducted within a completely enclosed Structure.
 - (6) Flight operations shall be restricted to V.F.R. (visual flight rules) weather conditions, unless it is an IFR certified facility.
 - (7) All activities associated with this Use shall comply with the limitations on noise in the Putnam County noise ordinance, if any.
 - (8) The Applicant shall provide a spill prevention and containment plan for fuels and lubricants stored on the property.
- (d) *Factors to be considered.* In considering an application for a special Use permit for a private aircraft landing facility, the reviewing board shall consider the following:
- (1) The proximity of the Airport to tall buildings other navigation hazards and existing uses which would present a public safety hazard in case of an aircraft crash.
 - (2) The proximity of the Airport to residential areas, nursing homes, adult congregate living facilities, schools, and places of public assembly.
 - (3) The proximity of the Airport to other airports and to the flight patterns of aircraft using such airports.
 - (4) The nuisance effect, if any, of the Airport and its associated operations on surrounding uses.
 - (5) The environmental impact of the airport, if any, including, but not limited to, noise pollution.
 - (6) The proximity of the Airport to storage facilities for combustible or explosive materials or to other hazards.

-
- (7) The proximity of the Airport to the Rodman and Lake George Military Restriction Overlay Zones (MROZ) and the flight patterns of military aircraft in the vicinity.

Sec. 45-164. Alcoholic beverages—Sale for on-site consumption.

- (a) *Location and distance requirements.* Any vendor, establishment or facilities whose principal activity is the sale of alcoholic beverages for consumption on-Premises shall be permitted in the C-1, C-2, C-3 and C-4 zoning districts by special Use permit (SUP), as part of an approved PUD, or in conjunction with a temporary special event approved by the Board of County Commissioners. Unless otherwise exempt under this section, no vendor, establishment or facilities whose principal activity is the sale of alcoholic beverages for consumption on the Premises shall be allowed to operate within 2,500 feet of a preexisting adult entertainment establishment or within 1,320 feet of a religious facility or a public or private school, preschool or child daycare facility. For purposes of this section, principal activity shall be defined as that business activity that generates 51 percent or more of gross sales.
- (b) *Measurement of distance.*
- (1) Distance from a religious facility shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of the primary place of assembly to the main entrance of such vendor's proposed place of business.
 - (2) Distance from the education Use shall be measured along the shortest route of ordinary pedestrian travel along the public thoroughfare from the nearest point of the school grounds in Use as part of the school facilities to the main entrance of such vendor's proposed place of business.
 - (3) Where an established adult entertainment establishment, religious facility or education land Use is located within an incorporated municipality and the proposed location of the vendor is in the County outside the municipality, such vendor may be permitted to operate provided that the proposed location be at least the distance required by the regulations of the incorporated municipality in which it is located. If the municipality does not provide for separation of uses as provided in this section, the distance requirements of paragraph (a), above, shall apply.
- (c) *Exceptions, variances and reciprocating distance requirements.*
- (1) The provisions of this section shall not apply to:
 - a. Duly established private, non-profit, social or fraternal clubs or lodges not open to the general public;
 - b. Restaurants and establishments whose principal activity is the preparation and sale of food and other non-alcoholic merchandise;
 - c. Any establishment selling alcohol in sealed containers for off-Premises consumption;
 - d. Temporary special events otherwise approved by the Board of County Commissioners.
 - (2) The provisions in article IX, division 3 of this Code relating to nonconforming uses shall apply to existing places of business that do not meet the distance requirements set forth in this section.
 - (3) Any newly proposed adult entertainment establishment, religious facility public or private school, preschool or child day care facility shall also meet the distance requirements of subsection 45-163(a) above from any existing facility selling alcohol for on-Premises consumption.
 - (4) Any proposed variance from the distance requirements of this section may be granted by the Zoning Board of Adjustment pursuant to article IX, division 4 of this Code.

Sec. 45-165. Artificial pond.

- (a) *Definition.* "Artificial pond" means a manmade excavated or impounded body of water. If the excavated material is to be removed from the site, the site must be permitted as a borrow area or as a mine and shall not be considered an artificial pond for purposes of this section.
- (b) *Exemptions.*
 - (1) Ponds established for bona fide agricultural purposes in AG, AE or M zoning districts and which meet the natural resource and conservation service design standards and approved by the Putnam Soil and Water Conservation District, are exempt from this subsection.
 - (2) Ponds created to comply with stormwater management requirements shall be subject to the permitting requirements of article XII of this Code and design requirements of article VII, division 8 of this Code, and thus exempt from this subsection.
- (c) *Supplemental regulations.*
 - (1) Property on which an artificial pond is to be dug must have sufficient area to meet all setback and fencing requirements of this section.
 - (2) A Development Permit must be obtained from the Public Works Director or his designee.
 - (3) The property must be fenced.
 - (4) Setbacks. The pond must be set back a minimum of 25 feet from all property lines. A permit cannot be issued if the pond is over ten feet in depth and within 100 feet of an adjoining property Owner's well, or, if the pond is over 25 feet in depth, and within 200 feet of an existing property Owner's well.
 - (5) The slope of the sides. The area beginning at the Mean High Water Line to a point six feet below the low water line shall be designed with a slope not to exceed six feet horizontal and one-foot vertical.
 - (6) The pond shall be subject a minimum of one final inspection to ensure compliance with the approved design. Construction of the pond must be completed within 180 days of the issuance of the permit; however the Applicant may request for a maximum of two 180-day extensions, which may be granted by the Administrative Deviation Committee if the Applicant is showing reasonable diligence in completing the pond.
- (d) *Application.* A permit application for an artificial pond shall, at a minimum, include the following information:
 - (1) Proof of permit or a letter of no action from the St. Johns River Water Management District and the Florida Department of Environmental Protection.
 - (2) A site plan drawn to scale showing the dimensions of the pond and the setbacks from all property lines and any existing structures on the site.
 - (3) A cross-section of the pond showing depth and slopes of the pond and the depth of the water table.

Sec. 45-166. Bed and breakfast.

- (a) *Definition.* "Bed and breakfast" means a house, or portion thereof, where no more than five short-term guest lodging rooms are provided, and where the operator of the inn lives on the Premises or in adjacent Premises.
- (b) *Supplementary regulations.* The following standards shall apply to all bed and breakfast establishments:
 - (1) Separate toilet and bathing facilities for the exclusive Use of guests must be provided.

-
- (2) Rentals shall be on a daily basis. The maximum stay for an individual guest shall be 30 days in a 12-month period.
 - (3) Cooking facilities shall be approved by the health department. Cooking and serving of food and drink shall be for overnight guests and employees or Owners of the establishment. No cooking facilities shall be allowed in guest bedrooms.
 - (4) Neither hired receptions nor parties shall be permitted in bed and breakfast establishments located in residential zoning districts unless a special Use permit is approved by the Zoning Board of Adjustment for such Use.
 - (5) Bed and breakfast establishments must comply with appropriate health permits, building and fire codes, and business licenses, including, but not limited to, any State license(s) applicable to such Use.
 - (6) In addition to the parking required for the residence, a minimum of one parking space shall be provided for each guest room.
 - (7) Signage shall be limited to a one ground sign with a maximum sign face area of eight square feet on each side.

Sec. 45-167. Reserved.

Sec. 45-168. Boarding house/single-room occupancy residence.

- (a) *Definition.* A "boarding house" or "single room occupancy (SRO) residence" means an establishment where lodging is provided for compensation for ten or fewer unrelated Persons. Individual rooms are rented on either a short- or long-term basis.
- (b) *Supplemental standards.*
 - (1) Meals may be prepared on a regular basis and served family style without the option of ordering individual portions from a menu.
 - (2) Separate toilet and bathing facilities for the exclusive Use of guests must be provided.
 - (3) Cooking facilities shall be approved by the health department. Cooking and serving of food and drink shall be for residents only. No cooking facilities shall be allowed in guest bedrooms.
 - (4) Neither hired receptions nor parties shall be permitted when such Use is located in residential zoning districts.
 - (5) Such Use must comply with appropriate health permits, building and fire codes, and business licenses, including, but not limited to, a State license(s) applicable to such Use.
 - (6) In addition to the parking required for the residence, one parking space shall be provided for each guest room. The Applicant may request a variance from the parking requirement for those properties listed on the local register of historic places based on site constraints, including, but not limited to, small yards, inadequate space for parking, and the availability of on-street parking.
 - (7) Signage shall be limited to one ground sign with a maximum sign face area of eight square feet.

Sec. 45-169. Borrow areas.

- (a) *Definition.* A borrow area is an excavation operation contained within a Parcel(s) of land where the spoils from the excavation are removed and placed on another Parcel of land, or are sold. A borrow area shall include the leveling, scraping, or reducing of a hill or rise of land, as well as the digging of a pit, hole,

depression or valley. A single borrow area may be located on more than one Parcel and may result in more than one area of excavation. It shall not include the spoils from a lawfully permitted swimming pool, pond, or building site. As long as spoil piles remain on the same Parcel, digging a pond for personal Use with a lawfully obtained permit does not constitute a borrow area.

(b) *Supplemental standards.*

- (1) A borrow area shall not be located on a Parcel of land that is less than five acres in size.
- (2) Prior to commencement of any form of borrow area development activity or upon expiration of an existing permit an application shall be required for permits pursuant to this section and shall be subject to the requirements of this section and the applicable zoning district as provided for in article II of this Code. Borrow areas operating unlawfully without a permit shall be required to come into immediate compliance with this section or face appropriate code enforcement action.
- (3) Borrow areas in excess of 30 acres shall be treated as mines under section 45-191 of this article. Adjacent Parcels that have unity of ownership or that have borrow areas operated by the same Person or entity shall be considered a single Parcel for purposes of this section.
- (4) The hours of operation shall be restricted to the hours between 7:00 a.m. and 6:00 p.m., Monday through Saturday; except that upon appropriate findings, the Zoning Board of Adjustment may adjust the hours of operation.
- (5) Borrow areas and related operations in areas identified as environmentally sensitive lands under the Putnam County Comprehensive Plan comply with the environmental protection standards for mines outlined in section 45-191(c)(10) of this article.
- (6) No borrow area application shall be accepted or approved without a reclamation plan, which shall include a requirement/commitment to complete reclamation within 12 months of the expiration of a permit or the closure of the borrow area operations, whichever comes first.
- (7) The excavation of the borrow area shall be conducted in phases so as to expose the least amount of land surface practical at any time during the borrow area operations. The determination of the amount of acreage for each phase shall be based on a variety of factors, including, but not limited to:
 - a. The type of soil being excavated,
 - b. The location and size of the borrow area,
 - c. The duration of the operation,
 - d. The location and length of the deposits being excavated,
 - e. The susceptibility of the site to erosion and fugitive dust emissions, and
 - f. The presence or absence of buffers and setbacks that will impact the aesthetics and the environment.
- (8) The permittee/property Owner shall provide a form of security to provide assurance that reclamation of the site shall be completed in conformance with the approved reclamation plan. Such assurances may be in the form of one of the following:
 - a. Cash or equivalent.
 - b. Irrevocable letter of credit.
 - c. Surety bond.

Such financial guarantees shall be in an amount not less than 110 percent of the cost of reclamation, as shall be determined by the director of public works upon review of the approved reclamation plan. Parameters concerning implementation of the surety shall be as follows:

1. The cost estimates for reclamation guarantee will be limited to the active phase of the excavation and any operational areas of the site disturbed and/or utilized in performance of the excavation activities. In the process of borrow area operation when one active phase becomes closed and reclaimed and another phase is opened the Applicant shall provide the County with the applicable reclamation plan and surety in the same manner as required for the initial phase of the borrow area approval process.
2. Upon formal written request to the permitting agency or board, the Applicant may request a reduction in the amount or a complete release of the reclamation surety due to completion of some or all of the required reclamation. Representatives of the Public Works Department and Planning and Development Services Department must be allowed to enter and inspect the reclamation efforts and make a written recommendation regarding the request prior to a final determination to reduce or release the surety.
3. If the County determines that the previously approved financial assurances do not demonstrate the financial ability to achieve the approved reclamation plan, the County may, after a duly noticed public hearing, suspend or revoke the borrow area permit until such time as the permit holder provides additional or different surety.

(c) *Permits required.* All borrow areas regardless of size shall be required to secure approval of both a special Use permit and a site work permit. The special Use permit application shall be submitted in conformance with article XII, division 12 of this Code and shall include a site plan and project description with sufficient information to effectively determine the type and extent of the proposed borrow area activity being proposed in order to proceed for formal action by the Zoning Board of Adjustment. A site work permit application shall be submitted in conformance with the requirements and standards of this section. Applications for a site work permits will be submitted and approved through the Planning and Development Services Department following requisite review and approval by the Development Review Committee (DRC). Site work permits are subject to plan review, approval and inspection by the County Public Works Director or authorized designee. The Applicant shall be entitled to concurrent review and issuance of the borrow area permit and special Use permit, if appropriate. In all cases, the site work permit shall be subject to the following:

- (1) For borrow areas five acres or less in size, the duration of the site work permit shall be one year, with the opportunity to renew the permit for additional one-year periods up to a maximum of five years. For borrow areas greater than five acres up to the maximum of 30 acres, the duration of the site Development Permit shall be five years, with the opportunity to renew the site Development Permit for additional five-year periods.
- (2) Upon renewal, the borrow operation must be inspected for and be brought into compliance with applicable State and local regulations, as well as the conditions of original permit prior to renewing a permit, including, but not limited to, the approved phasing and related reclamation schedule. The fee for a renewal permit shall be the same as for an original permit fee, as established by resolution of the Board of County Commissioners. Operating a borrow area without a permit or under an expired permit shall be deemed a violation of this Code, subject to enforcement action under article XII of this Code and may result in a denial of future permit applications or revocation of the current permit by the same landowner or operator.
- (3) Failure to renew a permit within 30 days from the date of expiration shall be deemed an abandonment of the borrow area. Renewal of abandoned permits shall require payment of twice the normal permit fee.

-
- (4) If the Applicant of a borrow area processes materials on-site, which typically includes sorting and grinding/grading of materials, this activity will require a permit from the Florida Department of Environmental Protection's Mining and Mitigation Program.
 - (5) If the applicant's borrow area, or property permitted by the SUP is to be used to collect construction or tree debris, the Applicant must obtain a permit from the Florida Department of Environmental Protection or applicable water management district prior to said activity. There will be no requirement of the Applicant after the SUP is issued for the area to amend the SUP other than providing the proper permits to planning and development services.
- (d) *Site work permit application submittal requirements.* A permit application for a borrow area shall include the following information as deemed necessary by the directors of planning and development services and Public Works Departments:
- (1) Dust control plan. To minimize dust, the access road to the borrow area shall be paved or constructed of some other dust free surface, or the Applicant may provide some other plan for dust control that must be approved by the Public Works Department and shall continue to clean, maintain and, when necessary, improve the access roads to ensure that dust from the access road and borrow area does not leave the site.
 - (2) Erosion control plan. All areas not draining internally to the existing borrow area(s) must remain vegetated or all areas that will not be excavated within a six-month period shall be re-vegetated. A silt fence shall be installed downstream of all grubbed areas where storm water is directed off-site.
 - (3) Excavation/site plan. Provide an excavation plan showing the location, size, sequencing, duration and depth of the excavation. As part of the excavation plan, on a separate site plan or survey, the following information must be provided:
 - a. The dimensions and size (acreage) of the property;
 - b. Location of the excavation;
 - c. Distances from the excavation to all property lines;
 - d. The location of the required fence; and
 - e. The location of any wells or sewage treatment systems (i.e., septic systems) within the appropriate set back distances specified in subsection (e) below.
 - (4) Storm water retention plan. Provide a storm water retention plan that indicates:
 - a. The areas for retention;
 - b. The capacity of the retention areas; and
 - c. The infiltration rate of the retention areas.

The Public Works Director may require engineering from a Florida licensed engineer, if the applicant's storm water plan does not adequately address retention.
 - (5) Site access. The Applicant must obtain a Driveway permit from the FDOT for State roads or from the department of public works for County Roads before the permit is effective.
 - (6) Utility easements. Where a borrow area is in or abutting a utility easement, the Applicant must notify the local utility that crosses the property and obtain a letter from such entity that indicates their approval of the current or proposed excavation below their lines. In addition, this letter should state the depth of excavation, setback requirements and access the utility will require from their lines or poles.

-
- (7) Reclamation shall re-establish the excavated and disturbed area in a manner that minimizes slopes and that is re-vegetated with native vegetation consistent with original natural state of the excavated area and the surrounding area. Part or all of the excavated area may be reclaimed as a pond, subject to the supplemental regulations for ponds, if the Applicant can demonstrate that the pond will not result in discernible draw down of existing water bodies or potable water wells in the area. Where reclamation includes a pond, the slope of the pond is six-foot horizontal for every one-foot vertical down to six feet below the low water line, however, the slope of the sides of any other reclamation plan shall not exceed the slopes as described in paragraph (a), below.
- a. "Reclamation" shall mean the reshaping of land disturbed or affected by borrow area operations to an appropriate contour that is as close as is practical to the contours existing prior to the excavating of the land, unless the reclamation plan establishes an alternate set of contours that is not contrary to the public interest and leaves the site beneficial for a viable future land Use. Optional contour alternatives must address the following:
1. Consideration to the type of land Use in place prior to the establishment of the borrow area operations.
 2. The viable land uses that might be established after reclamation.
 3. Consideration to the effect on surrounding topography and land uses.
- In an effort to enhance stabilization and site aesthetics and maximize the potential for beneficial Use of the land, the slopes for areas disturbed outside the excavated area shall be reclaimed to a slope of four feet horizontal to one foot vertical (4:1), where such areas have been disturbed to a degree that created a slope steeper than 4:1. Reclaimed slopes within the actual excavated area shall not exceed a slope of three feet horizontal and one foot vertical. Reclamation shall include re-vegetation of the lands in a manner consistent with paragraphs (b) and (c), below.
- b. "Re-vegetation" shall mean using one of the following:
1. Utilization of grasses, shrubs, trees and other vegetation native to the area, or
 2. Utilization of an Agriculture crop or silviculture planting that is suitable to the surrounding area. Such crop or planting shall be well adapted to the soil conditions of the site; shall be planted in a manner appropriate to achieve permanent re-vegetation that will minimize soil erosion and surface water runoff; and shall stabilize slopes and conceal the effects of the borrow area operation.
- c. Quality topsoil that is available on-site shall be stockpiled, segregated and retained on-site for re-vegetation during the reclamation process.
- d. An itemized cost associated with the proposed reclamation plan must be provided. The Public Works Director, or his/her designee, will Use this cost estimate, along with other available costing information, to determine the amount of the required security to be held by the County attorney until reclamation has been completed.
- e. If the borrow area is to be used to collect construction or tree debris, a copy of the permit from the Florida Department of Environmental Protection or applicable water management district shall be provided to County planning and development services prior to said collection.
- (8) Groundwater table separation. The Applicant must submit a survey or provide boring information indicating the Groundwater table in the borrow area and demonstrate that the proposed depth of the excavation will not result in a harmful impact to the Groundwater and will not penetrate any Impervious Surface layers.

-
- (9) Spill plan. When there is refueling or maintenance of machinery at the borrow area, the Applicant shall provide a spill prevention control and countermeasures plan (SPCC) (i.e., a concrete pad to prevent spills or leaks from entering the excavated areas or the Groundwater).
 - (10) A copy of the notification to Florida Department of Environmental Protection (DEP) and a statement from the Florida Department of Environmental Protection regarding compliance with the applicable provisions of F.S. ch. 378 and Chapter 62C, Florida Administrative Code.
 - (11) Verification from the planning and development services department that the property is zoned AG (Agriculture) or M (Mining) and the property is a minimum of five acres in size.
 - (12) If de-watering or on-site retention of water is required to accomplish the excavation, a statement from the St. Johns River Water Management District or the Florida Department of Environmental Protection (DEP) regarding compliance with all applicable regulations enforced by the agency is required. Optionally, a letter of no concern or no permit required from the appropriate agency will be required.
 - (13) A permit fee in the amount established by the Board of County Commissioners.
- (e) *Design standards.*
- (1) Setbacks.
 - a. Setbacks for all excavations shall be a minimum of 25 feet from all rights-of-way, shared private access and property lines of abutting property in separate ownership as measured from the edge of the excavation area, and the area within the setback shall be vegetated and shall not be developed or used in any other manner.
 - b. Any part of an excavation that is more than ten feet in depth but less than 25 feet in depth shall be a minimum of 100 feet from any potable water well or septic system.
 - c. Any part of an excavation that is more than 25 feet in depth must be a minimum of 200 feet from any potable water well or septic system.
 - d. The boundaries of the excavation area shall be a minimum of 100 feet from any residential Structure.
 - (2) All disturbed areas shall be re-vegetated, seeded or sodded.
 - (3) Impact on roads, drainage and erosion shall be addressed on a case-by-case basis by the Public Works Department in accordance with the minimum requirements of article VII with regard to storm water and access management design standards. The Public Works Department or applicably the FDOT shall provide a required design for connecting Driveways to minimize road damage caused by heavy trucks and equipment.
 - (4) A fence shall enclose the excavated area. The fence may be located anywhere within the property boundaries and must be at a minimum six feet high. Trespass warning signs of no less than one square feet and no greater than six square feet shall be placed every 200 feet along the fence. In the case of very large Parcels with the borrow area located far from other properties or public roadways, the County may reduce the number of trespass signs down to one sign for every 400 feet.
 - (5) All borrow areas located in environmentally sensitive areas shall comply with the environmental protection standards for mines set out in section 45-191(c)(10) of this article.
 - (6) Reclamation plan. Provide a reclamation plan indicating proposed slopes upon completion of the reclamation and proposed re-vegetation plan.

(Ord. No. 20-4 , § 1(3.02.09), 7-14-2020)

Sec. 45-170. Cemetery.

Land used or intended to be used for the burial of deceased animals or humans and for the erection of customary markers, monuments, and mausoleums. A cemetery may include structures such as burial vaults and columbarium.

- (1) Standards.
 - a. The cemetery shall comply with all State statutes and rules relating to cemeteries.
 - b. There shall be adequate space within the site for the parking and maneuvering of funeral corteges, and guaranteed access to gravesites through easements or other methods.
 - c. No interment shall take place within 30 feet of any adjoining Lot line.
 - d. All other structures shall be set back a minimum of 25 feet from any boundary line of the cemetery property.
 - e. All structures over 25 feet in height must be set back from any boundary line of the cemetery a minimum of 25 feet plus two feet for each one foot of height over 25 feet to the maximum height permitted by the zoning district in which it is located.
 - f. A cemetery is a permitted use in the public, light (P-1) zoning district. It may also be allowed upon approval of a special use permit within the Agriculture (AG) zoning district.

Sec. 45-171. Child Day Care Centers.

(a) Family Day Care Homes.

- (1) A Family Day Care Home providing care for six or less children shall be allowed in any residential or agricultural zoning district. Any Family Day Care Home which provides care for more than six children shall be considered a child care center and be subject to the requirements of subsection (b) below.
- (2) Such homes must be properly licensed per F.S. ch. 402 at all times.

(b) Child Day Care Centers.

- (1) Child care centers shall be defined as any such facility which cares for more than six children unrelated to the operator and which receives a payment, fee or grant for any of the children receiving care, wherever operated, and whether or not operated for profit.
- (2) Child day care facilities/centers may be allowed by special use permit in AG, R-1, R-2, R-3, R-4, RMH, C-1, C-2, and C-3 districts subject to the following conditions:
 - a. The Use has direct access to roadways with a "minor collector" or higher roadway functional classification.
 - b. The Use is not in a location interior to residential neighborhoods in a manner that will encourage the use of Local Streets for non-residential traffic.
 - c. The property where the Use is to be located is at least one acre in size and has a Lot width of at least 100 feet.
 - d. Where a special use permit is required, the maximum number of children at the facility may be determined by the Zoning Board of Adjustment and included as a condition of the special use permit. It shall otherwise be governed by the licensing requirements of F.S. ch. 402.

-
- e. The property at issue shall meet, at a minimum, the setbacks of the applicable zoning district.
 - f. If located in a residential zoning district, the hours of operation shall be limited to the hours of 6:00 a.m. to 7:00 p.m. unless otherwise conditioned by the Zoning Board of Adjustment.
 - g. Signage shall meet the requirements of article VIII of this Code.
 - h. The Use shall comply with the applicable noise limitations as outlined in the chapter 18, article VII of the Putnam County Code.
 - i. Where a special use permit is required, the Zoning Board of Adjustment may establish any other reasonable conditions necessary to make the Use compatible with surrounding uses.

Sec. 45-172. Communication towers and communication facilities.

(a) *Definitions.*

- (1) *Communication facilities* means any facility for the transmission and/or reception of personal wireless services, microwave, broadband or other electromagnetic frequency communications which may consist of an Antenna array, cables, and equipment shelter or building.
- (2) *Communication tower* means a Structure designed and constructed for the primary purpose of supporting antennas and other communication components.

(b) *New and existing communication facilities.*

- (1) All communication facilities in Putnam County shall be subject to these regulations and all other applicable building and construction codes. In the event of any conflict between the zoning district regulations and the regulations contained in this section, the provisions of this section shall override and supersede such other regulations unless otherwise specifically set forth herein.
- (2) Any Person installing a communication facility on an existing communication tower or other Structure shall be required to apply for a permit from the building official, which shall include a site plan. Such permit application shall include, but not be limited to the following:
 - a. The written inventory of existing communication facilities within Putnam County that includes the location, owned or operated by the same Person or entity that will own or operate the proposed new facility.
 - b. Wind load data for all attachments.
 - c. Detailed description of all equipment that will be installed, including a list of any hazardous or potentially hazardous materials (i.e. fuel tanks and batteries).
 - d. Engineering regarding the load bearing capability and current load of the tower or Structure being used to support the communication facility.
 - e. The number of existing communication facilities on the Structure to be used.
- (3) No special use permit shall be required to locate a communication facility on an existing, approved communication tower or other Structure, provided that the personal wire service facility does not extend more than 20 feet above the existing communication tower, or other Structure. Such structures may include, but are not limited to, buildings, water towers, existing communication towers, recreational light fixtures and other essential public service structures.

- (c) *Governmental uses.* The setback and Yard requirements of this section do not apply to communication towers and communication facilities in existence as of December 31, 2015, located on property owned by any governmental entity and used to provide police and safety services. Any such tower shall not subsequently become nonconforming relative to setback and Yard requirements due to repairs, replacement

or extension of height of the tower. Any new communication towers/facilities constructed after December 31, 2015 shall conform to all requirements including those for setbacks and Yards regardless of purpose or ownership. A governmental entity may allow a private carrier to co-locate on its tower.

(d) *Existing communication towers.*

- (1) All communication towers existing on the effective date of this section shall be allowed to continue to be used as they presently exist.
- (2) For purposes of this section, a communication tower that has received final approval in the form of an exception, special use permit, variance or Building Permit, but has not yet been constructed, shall be considered an existing tower so long as approval is valid and unexpired.
- (3) Replacement of an existing tower shall not require a special use permit so long as the replacement tower is no taller than the original tower.

(e) *Co-location requirements for communication towers.*

- (1) Co-location of communication facilities shall be required unless determined to be infeasible or unworkable pursuant to subsections (2)a—g below.
- (2) A special use permit may be granted for a new communication tower if the Zoning Board of Adjustment makes a finding, based on competent substantial evidence, that co-location of the proposed communication facility(s) on an existing tower or other Structure is not a viable alternative. This finding shall be based on one or more of the following factors:
 - a. No existing towers or structures are located within the geographic area that meets the applicant's engineering requirements and reasonable coverage needs.
 - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements and cannot be extended to accommodate the applicant's reasonable engineering and coverage needs.
 - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed Antenna and related equipment, as demonstrated by a licensed structural engineer.
 - d. The applicant's proposed Antenna would cause impermissible electromagnetic interference, as determined by the FCC, with the Antenna on the existing towers or structures, or the Antenna on the existing towers or structures would cause impermissible interference, as determined by the FCC, with the applicant's proposed Antenna and available corrective measures are infeasible or ineffective.
 - e. The fees or costs required to share an existing tower or Structure or to adapt an existing tower or Structure for sharing are unreasonable.
 - f. Property Owners or Owners of existing towers or structures are unwilling to accommodate the applicant's needs.
 - g. The Applicant demonstrates to the Zoning Board of Adjustment that there are other limiting factors that render existing towers and structures unsuitable.

(f) *Design standards.*

- (1) *Generally.* The following design standards apply to all proposed new communication towers.
- (2) *Location on tower site.* Each proposed tower shall be located on a designated tower site as defined herein. A tower site may be located on a Lot utilized for other principal uses, and may be smaller than the minimum Lot size required in the zoning district. The tower site, but not the entire Lot, shall be subject to all of the requirements of this section, except as specifically provided herein.

-
- (3) *Minimum distance of communication towers from residential zoning districts.*
- a. Regardless of the zoning district in which the communication tower is located, any communication tower over 100 feet in height shall be not less than 750 feet from the nearest residential Lot line of any residentially zoned Lot, or from any Parcel containing an existing residence, except that in the "AG" district, the communication tower may be closer to the boundary of a Parcel on which there is a residence provided the tower is a minimum of 750 feet from any residence existing at the time of approval. Communication towers 100 feet in height or under shall be set back at a distance equal to at least 200 percent of the tower height from residentially zoned property or the Lot line of any existing residence.
 - b. Communication towers under 100 feet in height that are accessory facilities to radio or television studios shall be set back 100 feet from the nearest residential Lot line of any residentially zoned Lot or from any Parcel containing an existing residence.
 - c. Minimum distances shall be measured from the center of the base of the communication tower to the Lot line of the applicable residential zoning district or Parcel, as the case may be.
- (4) *Minimum Yard requirements.* Tower setbacks shall be measured from the center of the tower to the tower site boundary lines. Subject to paragraph (c) above, the minimum setback from the base of the tower to the tower site boundary line shall be equal to 110 percent of the fall radius or 50 feet, whichever is greater. The fall radius shall be determined, in writing, signed and sealed, by a licensed professional engineer. The tower Owner shall provide a lease or deed or recorded fall zone easement covering the required fall radius. Accessory structures must follow the setbacks for the underlying zoning district, with supports being a minimum of five feet from the property line.
- (5) *Maximum Height.* The maximum Height of communication towers shall be 350 feet.
- (6) *Illumination.* Communication towers shall not be artificially lighted except as may be required by the Federal aviation administration. If lighting is required, the Applicant must present Putnam County with all available lighting alternatives and obtain approval of the County so that the County is assured that the design to be utilized will cause the least disturbance to the surroundings.
- (7) *Finished color.* Communication towers not requiring FAA painting/markings shall have either a galvanized finish or painted a dull blue or gray finish unless otherwise approved as a condition of a special use permit by the Zoning Board of Adjustment or within an approved PUD site plan.
- (8) *Structural design.*
- a. Communication towers shall be designed and constructed to the current edition of the ASCE-7 standards, EIA/TIA 222-F Standards or most current equivalent standards, as published by the electronic industries association, which may be amended from time to time, and all applicable County building codes. All plans for the construction of towers shall be sealed by a Florida registered professional engineer qualified to attest to the strength of construction. Further, any Improvements and/or additions (i.e. antenna, satellite dishes, etc.) to existing communication towers shall require submission of site plans sealed and verified by a professional engineer who demonstrates compliance with the most current equivalent standards in effect at the time of said Improvement or addition and all applicable County building codes. Said plans, to include computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations, shall be submitted to and reviewed and approved by the building department at the time Building Permits are requested.
 - b. All parts of the communication tower, including any guy wires and anchors, must be contained within property under a unified ownership.

-
- (9) *Advertising and identification.* Neither the communication tower nor tower site shall be used for advertising purposes and shall not contain any signs for the purpose of advertising. However, one sign not exceeding two square feet in area must be clearly visible on the entrance to the tower site identifying the Owner/operator of the tower site and contact information including telephone number, address and e-mail address.
- (10) *Fencing.* A minimum six-foot security fence around all communication towers. Access to the tower shall be through a locked gate.
- (11) *Landscaping.* The following landscaping and buffering of a communication tower shall be required around the perimeter of the tower and all accessory structures outside the fence:
- a. A row of shade trees a minimum of six feet tall and a maximum of ten feet apart shall be planted around the perimeter of the fence.
 - b. A continuous hedge at least 36 inches high at the time of planting, capable of growing to at least 48 inches in height within 18 months, shall be planted in front of the tree line referenced above.
 - c. All required landscaping shall be native species. Said native vegetation must be drought tolerant and/or irrigated and properly maintained to ensure good health and vitality.
 - d. Existing native vegetation shall be preserved to the maximum extent practicable and may be credited as appropriate toward landscaping requirements.
 - e. These standards may be waived by the director of the planning and development services Department for those sides of the proposed tower that are located adjacent to undevelopable lands and lands not in public view.
- (12) *Compliance with Federal communication commission (FCC) NIER standards.* Prior to receiving final inspection, adequate proof shall be submitted to the building division documenting that the communication tower and facilities comply with all current FCC regulation for non-ionizing electromagnetic radiation (NIER) and that the radio frequency levels meet the American National Standards Institute.
- (g) *[Application information.]* Special use permit applications may include all or part of the following information as deemed necessary by the Department:
- (1) Written documentation that clearly explains the need and reasons for the proposed tower. Such documentation may include, but not be limited to, site plans, surveys, maps, technical reports, written narratives propagation maps and a detailed explanation of the network the tower is expected to serve inside the County and immediately outside the County lines. The basis for asserting that co-location is not a viable alternative shall be set forth in detail.
 - (2) A scaled site plan clearly indicating the tower site, type and Height of the proposed tower, the location of any accessory buildings, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, distances from property lines, elevation of the proposed tower, and any other proposed structures.
 - (3) A current section map from the Putnam County Property Appraisers office, showing the location of the proposed tower.
 - (4) A legal description of the parent tract and tower site (if different).
 - (5) If the proposed tower site meets the required minimum distance from residentially-zoned land or other lands which are used residentially, the approximate distance between the proposed tower and the nearest residential dwelling, platted residentially zoned properties, or un-platted residentially zoned properties. If the proposed tower site does not meet the minimum distance requirements, then

-
- exact distances, locations and identifications of said properties shall be shown on an updated zoning or tax map.
- (6) A landscape plan showing specific type (common name, size, number, and genus of landscape materials).
 - (7) The method of fencing, the finished color if applicable, and the method of aesthetic mitigation and illumination.
 - (8) A written inventory of any communication facilities and/or communication towers owned, operated or used by the Applicant inside Putnam County and within one-half mile of the County border outside of Putnam County. Such inventory shall include the specific location and Height and type of tower.
 - (9) Copies of applicable FCC registration for the communication tower.
 - (10) A description of the load bearing capacity of the Structure used to support the personal wire service facility and the anticipated number of service providers on the support Structure.
 - (11) A copy of the determination (Form 7460-2 or equivalent) from FAA that the proposed communication tower would not be an obstruction or hazard to air navigation.
- (h) *Required findings by ZBOA.* In addition to meeting the criteria set forth in article XII, division 12 of this Code, no special use permit for a communication tower shall be issued unless the Zoning Board of Adjustment makes the following written findings:
- (1) That, pursuant to the standards and requirements in this subsection, co-location on an existing tower or other Structure is not a viable alternative.
 - (2) That the tower will be compatible with the existing contiguous uses and with the general character of the neighborhood or the area by considering the following factors:
 - a. The design and height of the communication tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - b. The mitigating effect of any existing or proposed landscaping, fencing or other structures in the area.
 - c. The proximity of the communications tower to existing or proposed buildings or structures.
 - d. The nature of uses on surrounding properties.
 - e. The topography and tree cover in the area.
 - f. Potential adverse impacts of proposed towers located within or adjacent to any property formally designated by the Comprehensive Plan as protected or environmentally sensitive, or judged to possess unique environmental or cultural qualities.
 - (3) That the tower will not have any significant detrimental impact on adjacent property values.
 - (4) That the design standards in this subsection have all been met.
- (i) *Variances.*
- (1) *Generally.* An Applicant for a special use permit to construct a communication facility or communication tower may request, as part of the application, a variance from the distance requirements set forth in subsection 45-172(f)(3), above.
 - (2) *Required findings.* The Zoning Board of Adjustment shall not grant a variance unless it makes the following written findings based on substantial competent evidence:

-
- a. There is no danger to the health and safety of the property Owners or the general public that may be directly impacted by the proposed variance.
 - b. There is no feasible alternative to the proposal that would allow the distance requirements to be met.
 - c. The variance sought is the minimum necessary to address the need for the variance.
 - d. The location of the proposed communication tower in relation to the existing structures, trees, and other visual buffers minimize, to the greatest extent reasonably practicable under the circumstances, any impacts on affected residentially zoned property.
 - e. The location of the communication tower will not have a significant detrimental impact on adjacent property values and any property formally designated by the Comprehensive Plan as protected or environmentally sensitive, or judged to possess unique environmental or cultural qualities as determined by current permitting regulations of the County.
- (j) *Mandatory conditions of approval.*
- (1) The Zoning Board of Adjustment shall place the following conditions on each special use permit granted:
- a. Provision of a surety bond, standby letter of credit, cash or other surety acceptable to the County administrator as to form and financial condition of the issuer, securing the obligations of the Applicant to dismantle the communication tower as required by subsection 45-172(k)(1), below. The bond, letter of credit, cash or other surety shall be payable to the Board of County Commissioners of Putnam County and shall provide the County funds equal to 150 percent of the estimated cost of dismantling the communication tower, as evidenced by a certificate of a Florida Licensed Engineer or other evidence reasonably satisfactory to the County administrator. Each such bond or letter of credit shall be maintained in force for a minimum of ten years and thereafter for additional five-year periods if the communication tower remains in place at the end of the original ten-year term. Said financial security shall be automatically renewed each year of the designated period. A re-evaluation of the removal cost shall be provided each time the surety is renewed in the manner stated above to adjust the financial security on file with the County to ensure that it is adequate to cover the cost of dismantling the tower if so needed. Any excess funds not utilized in removing the tower will be refunded to the tower Owner.

Such financial security shall be payable to the County, and if the Applicant is in default of its obligation under this section to dismantle the communication tower, then the proceeds shall be used to pay the cost of such dismantling and removal. The amount of the bond, irrevocable letter of credit, cash or other surety and time limit may be changed by mutual consent.
 - b. An easement granted by the fee Owner of the remaining land underlying the tower, in favor of Putnam County, to access the communication tower site for removal of the subject tower as provided for herein.
 - c. Written permission from all record Owners, beneficial Owners and leaseholders of the tower in a form acceptable to the County, for County staff, agents or contractors to enter upon the subject site and to remove the subject communication tower located there if it is found to be in violation of this section.
 - d. Every ten years from the completion of construction, the Owner of the tower shall submit a structural engineering report, signed and sealed by a Florida engineer, detailing the condition of the tower, its bearing capacity and its current load.
- (2) The Zoning Board of Adjustment may place other reasonable conditions on special use permit including, but not limited to:

-
- a. A requirement that the tower be built at a lesser height than that proposed in order to promote public health and safety or achieve compatibility with surrounding land uses or to minimize the negative visual impact of the tower.
 - b. A requirement that the communication tower be built using a specific tower type (i.e. mono-pole, guyed-wire or free standing lattice towers) in order to achieve compatibility with surrounding land uses or to minimize the negative visual impact of the tower.
 - c. A requirement that the communication facility, under reasonable conditions, be built using alternative tower structures in order to achieve compatibility with surrounding land uses or to minimize the negative visual impact of the tower. Alternative tower structures means clock towers, bell towers, church steeples, light poles, utility structures, bridges, grain silos, commercial buildings/structures, billboards, trees and other similar structures as approved by the Zoning Board of Adjustment.
- (k) *Abandoned towers.*
- (1) In the event the use of any communication tower has been discontinued for a period of one year the tower shall be deemed abandoned. Determination of the abandonment shall be made by the Director of Planning and Development Services, based on documentation, which may include affidavits from the communication tower Owner/operator regarding the issue of tower usage. Upon determination of abandonment, all affected parties shall be notified and a public hearing shall be scheduled before the Zoning Board of Adjustment to consider corrective action including, but not limited to, revocation of the special use permit, removal of the tower or a plan to rehabilitate the use of the tower. Upon a decision by the Zoning Board of Adjustment, the Owner/operator shall have an additional 185 days within which:
 - a. Reactivate use of the tower or transfer the tower to another Owner/operator who makes actual use of the tower within the 185 days;
 - b. Dismantle and remove the tower; or
 - c. Present a plan to the Department for the on-going maintenance and leasing of the tower.
 - (2) The County may utilize the bond, letter of credit, cash or other surety to pay for the removal of the tower if none of the actions in subsection (k)(1) above have occurred within 545 days from the discontinuance of the use.

Sec. 45-173. Community residential homes.

- (a) Community residential home shall be defined as a Dwelling Unit licensed under F.S. ch. 419 to serve residents who are clients of the department of elderly affairs, the agency for Persons with disabilities, the department juvenile justice, or the department of children and families or licensed by the agency for health care administration which provides a living environment for up to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents.
- (b) Any such home having six or fewer residents shall be allowed in any residential or agricultural zoning district provided that no such facility may be located closer than 1,000 feet from another community residential home having six or fewer residents or 1,200 feet from another community residential home regardless of the number of residents.
- (c) Any such home having at least seven, but not more than 14 residents may be permitted by special use permit upon demonstrating:

-
- (1) It is not located within 1,200 feet of another existing community residential home in a multifamily zone, or
 - (2) It is not located within 500 feet of a single family zoning district, and
 - (3) The home is properly licensed by the applicable agency listed in "a" above at all times.

Sec. 45-174. Reserved.

Sec. 45-175. Reserved.

Sec. 45-176. Drive-through facilities.

- (a) *Definition.* A "drive-through facility" is a feature of a Commercial Use whereby services or sales are extended mechanically or Personally to customers who do not exit their motorized vehicle. Such facilities include banking facilities, restaurants, food sales, dry cleaning, express mail services and other services. Not included in this definition are auto fuel pumps and depositories that involve no immediate exchange or dispersal to the customer, such as mailboxes, library book depositories and recycling facilities.
- (b) *Supplemental regulations.*
 - (1) Any commercial establishment providing drive through service windows or stalls shall provide stacking lanes in addition to the required number of parking spaces. Any overflow resulting from such stacking lanes shall be contained within the subject property and shall not occupy required parking areas, access aisles or any road Right-of-way. Stacking lane capacity for drive through facilities shall be:
 - a. Banks and financial establishments: 80 feet per lane;
 - b. Restaurants: 120 feet per lane;
 - c. Other retail establishments: 60 feet per lane.
 - (2) Drive through facilities are prohibited in the C-1 zoning district.
 - (3) Drive through facilities shall have safe and unobstructed ingress and egress to parking spaces and to adjoining streets.
 - (4) Pedestrian crosswalks across stacking lanes shall be clearly marked and located in close proximity to building entrances.
 - (5) The director may approve an administrative deviation to the required length of stacking lanes upon demonstration that the requirement is excessive by the applicant.
 - (6) All drive-through food service facilities shall have a minimum of one trash receptacle that is accessible by patrons passing through the drive-through without the patron having to exit the vehicle.

Sec. 45-177. Flea market.

- (a) *Definition.* "Flea market" means the use of a designated area of land, structures or buildings for the sale of goods by individuals or groups which lease the portion of the building or land from which they sell by the hour, day, week or month.
- (b) *Supplemental regulations.*

-
- (1) The outdoor sales of goods shall only be allowed in a lawfully established flea market, with the exception of the following land uses, which by their very nature, require the sales and displays to take place outdoors:
 - a. A lawful temporary use operating under article II, division 4 of this Code;
 - b. The sale of new and used vehicles, including watercraft, in a zoning district that allows such sales activity;
 - c. Equipment or vehicle rental establishments in a zoning district that allows such rental activity;
 - d. Sale of monuments, tombstones, bird baths, statues and related items in a zoning district that allows such sales activity;
 - e. Mobile Home and portable building sales in zoning districts that allow such sales activity;
 - f. A plant nursery or produce stand in a zoning district that allows plant nurseries and produce stands; and
 - (2) Any permanent Structure used to shelter people or merchandise shall be required to obtain a Building Permit and shall be constructed in accordance with the Florida Building Code. "Permanent Structure" as used herein shall mean a Structure of any size used to shelter persons or property that is used during the operating hours of the flea market and kept in place when the flea market is closed. It does not include tarps, tents, canopies or other portable shelters that are dismantled and carried off the property or stored in a permanent shelter at close of each business day.
 - (3) A flea market shall be required to meet the parking, landscaping and buffering requirements of article VII.

Sec. 45-178. Fly-in development.

- (a) *Defined.* A "fly-in development" is a residential subdivision development planned and integrated with Airport facilities that are directly accessible to recreational flyers. An Airport or airstrip allowed by special use permit as an accessory Use in the AG (Agriculture) zoning district does not constitute a "fly-in development" and is exempt from regulation under this section.
- (b) *Supplemental regulations.*
 - (1) The air strip associated with a fly-in development shall be limited to personal or recreational flying and shall not to be used for commercial airline traffic or any other commercial purpose.
 - (2) A fly-in development may only be established under an approved PUD zoning. The PUD ordinance may contain conditions to ensure appropriate limitations on the development and use of the fly-in development.
 - (3) Typical accessory uses or structures.
 - a. Each Lot Owner within a fly-in development may be allowed a hangar for storage of aircraft, subject to the dimensional requirements of the zoning district.
 - b. A clubhouse or staging area for pilots and residents of the development may be allowed provided it is located a sufficient distance from the runway and air space around the runway.
 - c. Visiting aircraft are generally permitted, provided there are sufficient tie-downs or hangar space to ensure proper storage of the aircraft in the event of a storm or high winds.
 - (4) Development standards.

-
- a. A detailed site plan illustrating the location and size of the runway, residential lots adjacent to or within the flight path of the runway, and accessory structures or uses, including aircraft parking areas, shall be provided to the Department at the time of initial application for PUD review and rezoning runways shall be located in a manner that allows for a final approach and initial departure zone that is clear of places of public assembly and residential areas that are not part of the fly-in development.
 - b. The proposed location and dimensions of the runway must be licensed and approved by the FAA and/or FDOT and the airstrip shall be operated in conformance with FAA and FDOT regulations at all times.
 - c. Hangars or any accessory structures that are intended for use as a club house or staging area or a related Use for residents and visitors to the air strip shall be required to obtain a commercial Building Permit and shall be constructed in accordance with the Florida Building Code, including any access and facility requirements of the code.
 - d. Unless otherwise provided in the ordinance approving the PUD, the fly-in development shall be subject to the design and dimensional requirements of the applicable zoning district as provided in article VII.
 - e. The fly-in development shall, at the boundaries of the development, be subject to the applicable noise levels established under chapter 18, article VII of the Putnam County Code.

Sec. 45-179. Golf course.

- (a) *Definition and purpose.* "Golf course" means a facility for playing the sport of golf. This does not include miniature golf (a.k.a. putt-putt golf), stand-alone golf driving ranges or lighted golf courses, each of which shall be only allowed in accord with the commercial recreation and entertainment—outdoor Use category. The purpose of this subsection is to permit the development of golf courses in Putnam County while preserving and enhancing the natural environment, water resources, agricultural resources, scenic vistas, neighborhoods, land uses and values. The County may rely on nationally recognized environmental golf course certification programs and the expertise of regulating State agencies when determining compliance with this subsection.
- (b) *Supplementary regulations.*
 - (1) A golf course may include a driving range and clubhouse as accessory uses so long as they are 150 feet from any adjoining property.
 - (2) A golf course shall be required to make use of reclaimed water or establish water re-use system using on-site surface waters for primary irrigation systems. This requirement may be waived by the board of County commissioner upon application by the property Owner or developer if he or she can demonstrate an actual hardship or the lack of availability of reclaimed water, subject to the limitations of goals, objectives and policies of the Putnam County Comprehensive Plan and permit approvals from the water management district and the Florida Department of Environmental Protection. If at any time the board determines that reclaimed water has become available for purchase and a conveyance system for such directly served water is within three miles of the golf course boundary, the board may direct the golf course to convert to such reclaimed water. The board may set a reasonable time for conversion.
 - (3) Best management practices as promulgated by FDEP for water bodies shall be utilized in all phases of the golf course development and operation. Golf courses shall be designed, constructed, maintained and operated in conformance with a management plan that incorporates the best management practices for the following:

-
- a. Water quality
 - b. Water conservation
 - c. Integrated pest management
 - d. Waste management
 - e. Wildlife Habitat management

If necessary, the Applicant shall pay reasonable cost incurred by the County for reviewing the management plan including, without limitation, compensation for environmental or technical consultants retained by the County.

- (4) Golf course development review and submittal requirements. A golf course development will be reviewed as a Class III Development under article XII of this Code. In addition to the standard submittal requirements is article XII, division 5 of this Code, the following submittals and design standards shall also be provided:
- a. A map series that illustrates the property, the project boundary, Parcel lines, USGS topographic data for the property, a conceptual site plan showing the size and location of proposed course, water features, all accessory structures and Improvements as well as all required setbacks, and the location for parking, ingress and egress and anticipated traffic routing, all overlaid on the most recent aerial photograph of the property in question.
 - b. An environmental assessment prepared by a qualified environmental professional, which identifies existing natural communities present on the subject property, including, but not limited to, jurisdictional wetlands, streambeds, areas of special flood hazard, endangered and threaten species Habitat, areas of high Groundwater recharge and any other environmentally sensitive lands within the subject property; along with a narrative regarding how these communities will be protected or mitigated.
 - 1. The golf course design shall minimize stream and wetland crossings. Stream and wetland crossings shall be designed in such a way as to minimize erosion and harmful effects to riparian and wetland Habitats and recognized corridors.
 - 2. Boardwalks and bridges should be used to minimize Alteration of the wetland environment.
 - 3. The course design shall employ vegetated buffer strips to mitigate impacts to waterbodies and other critical Habitat which may result from surface drainage of the golf course, cart paths, and other developed areas.
 - 4. Cart paths shall be graded and Swales located such that runoff from them does not flow directly into any natural water body.
 - 5. Habitat for wildlife species (e.g., bats, bluebirds, purple martins, etc.) that help control pests shall be protected. Additional Habitat for these beneficial species should be created whenever feasible and environmentally desirable.
 - 6. Natural Habitat shall be managed to maintain healthy populations of wildlife and aquatic species.
 - c. An irrigation plan. If the Applicant intends to rely on Groundwater irrigation from a private well, the Applicant shall provide a Groundwater study completed by a qualified engineer establishing the level of the Groundwater table on the subject property, the effect of the proposed activity on the Groundwater and surface water resources and land uses within one mile of the site.
 - d. A grading and drainage plan prepared by a qualified civil engineer.

-
- e. An archeological and historical assessment of the property by a qualified professional to determine what historically significant resources may be located on the golf course site.
 - f. A traffic impact and concurrency study, including anticipated traffic routing.

Sec. 45-180. Simulated gambling devices.

(a) *Authority, intent, purpose and scope.*

- (1) This section is adopted in the interest of the public health, safety, and general welfare of the citizens and inhabitants of Putnam County, Florida, pursuant to F.S. ch. 125 and Florida Constitution Article VIII.
- (2) The intent and purpose of this section is to provide for regulation of simulated gambling devices and internet cafés, decrease the unwanted secondary effects associated with the operation of internet cafés, authorize the use of private property for lawful purposes, and deter illegal gambling. To do this, the County intends to broadly prohibit the possession or use of simulated gambling devices not authorized for legal use under Florida law, including any related activity or behavior which can be reasonably construed to be the use of simulated gambling devices. Further, the Board of County Commissioners, in prohibiting simulated gambling devices in no way intends to locally approve the Use of actual slot machines, other forms of casino gambling or other types of gambling devices. In addition, this prohibition is aimed directly at devices that simulate gambling activity, regardless of whether the devices or the simulations in and of themselves can be said to constitute gambling as that term may be defined elsewhere.
- (3) This section applies in unincorporated Putnam County. It does not apply within the cities of Crescent City, Interlachen, Melrose, Palatka or Welaka.
- (4) Family amusement games or devices are exempt from the provisions of this section.
- (5) Pari-mutuel facilities, operated by a holder of a pari-mutuel permit issued pursuant to F.S. ch. 550 and Rule 61D, Florida Administrative Code and devices located therein, are exempt from the provisions of this section.

(b) *Definitions.* For the purpose of this section, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.

- (1) *Internet café* means any location at which simulated gambling devices are made accessible for use by a Person, except those places specifically excluded from this section.
- (2) *Person* means an individual, association, partnership, joint venture, corporation, or any other type of organization, whether conducted for profit or not for profit, or a director, executive, officer or manager of an association, partnership, joint venture, corporation or other organization.
- (3) *Simulated gambling device* means any device that, upon connection with an object, is available to play or operate a computer simulation of any game, where the play or operation of the device may deliver or entitle the Person or Persons playing or operating the device to a payoff directly or indirectly from the Owner or operator of the device or that Person's designee. The following rules of construction apply to this definition of "simulated gambling device":
 - a. The term "device" means any mechanical or electrical contrivance, computer, terminal, video or other equipment that may or may not be capable of downloading games from a central server system, machine, computer or other device or equipment. The term "device" also includes any associated equipment necessary to conduct the operation of the device.
 - b. The term "upon connection with" means insertion, swiping, passing in range, or any other technical means of physically or electromagnetically connecting an object to a device, including

by the manual input by any person of characters, numbers, or any combination thereof, or other code for the purpose of accessing or activating a device, or any other mechanism or method by which the object provides access to the device.

- c. The term "object" means a coin, bill, ticket, token, card, characters, numbers, or any combination thereof, other code, or any other tangible or intangible access mechanism or method, obtained directly or indirectly through payment of consideration, or obtained as a bonus or supplement to another transaction involving the payment of consideration.
 - d. The terms "play or operate" or "play or operation" includes the use of skill, the application of the element of chance, or both.
 - e. The term "computer simulation" includes simulations by means of a computer, computer system, video display, video system or any other form of electronic video presentation.
 - f. The term "game" includes slot machines, poker, bingo, craps, keno, "fish", any other type of game ordinarily played in a casino, a game involving the display of the results of a raffle, sweepstakes, drawing, contest or other promotion, lotto, sweepstakes, and any other game associated with gambling or which could be associated with gambling, but the term "game" does not necessarily imply gambling as that term may be defined elsewhere.
 - g. The term "payoff" means cash, monetary or other credit, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether made automatically from the machine or manually.
 - h. The use of the word "gambling" in the term "simulated gambling device" is for convenience of reference only. The term "simulated gambling device" as used in this part is defined exclusively by this subsection and does not incorporate or imply any other legal definition or requirement applicable to gambling that may be found elsewhere.
 - i. For the purpose of determining the number of simulated gambling devices, each seat, terminal, or other interface at which a separate individual may use the device, shall be counted as a separate and distinct device, regardless of whether the device or any seat, terminal, or other interface is functional. For example, if a single table has six chairs at which six separate persons can play a game, on a common screen/display or otherwise, it shall be counted as six devices; if a stand-up game has three terminals or interfaces at which three people can use the device, it shall be counted as three devices.
- (4) *Slot machine* has the same meaning as specified in F.S. ch. 551.
- (5) *COO* shall mean a certificate of occupancy issued pursuant to the Putnam County Code of Ordinances.
- (c) *Prohibition of simulated gambling devices.*
- (1) It is unlawful for any Person to manage, supervise, maintain, provide, produce, possess, or use a simulated gambling device for commercial, promotional or pecuniary gain or purpose.
 - (2) For determining the allowable unit of prosecution, it is the intent of the Board of County Commissioners that each individual act of managing, supervising, maintaining, providing, producing, possessing, or using a simulated gambling device constitutes a separate violation of this section:
 - a. For example, if a Person possesses five simulated gambling devices, that Person would be subject to a separate penalty for each of the five devices;
 - b. For example, if a Person possesses two simulated gambling devices that the Person sells to another individual, the Person will have committed four acts in violation of this section, and would be subject to a separate penalty for possessing each of the two devices and a separate sanction for providing each of the two devices.

-
- c. For example, if a Person employed at an internet café supervises the establishment.
- (3) Any establishment or property which was lawfully in possession of either a COO or was operating unlawfully prior to the effective date of the ordinance from which this section derives shall immediately cease the use of simulated gambling devices regulated by this section upon the effective date of the ordinance from which this section derives.
- (d) *Exemptions.*
- (1) This section does not prohibit an individual's personal, recreational, and non-commercial ownership, possession, play, operation or use of a device which could be construed to be a simulated gambling device.
- (2) This section does not prohibit the ownership, possession, play, operation or use of any device expressly permitted by F.S. § 546.10, or other provision of the Florida Statutes, except that devices permitted by Article X, Section 23 of the Florida Constitution and F.S. ch. 551 in Broward and Miami-Dade County only are not permitted by this part.
- (3) This section does not prohibit a religious or charitable organization from conducting a fund-raising activity involving gaming, provided the religious or charitable organization does not conduct the activity more than twice in one calendar year for no more than six hours per fund raising activity, the organization provides advance written notice to the sheriff of the date, time, place, and nature of such activity and who will be conducting it, and the activity is not otherwise unlawful.
- (4) This section does not apply to pari-mutuel facilities, operated by a holder of a pari-mutuel permit issued pursuant to F.S. ch. 550, and Rule 61D, Florida Administrative Code or to any devices or games therein.
- (e) *Conflict with State law.* Nothing in this section is intended to conflict with the provisions of the Florida Constitution or F.S. ch. 849 concerning gambling. In the event of a direct and express conflict between this part and either the Florida Constitution or F.S. ch. 849 then the provisions of the Florida Constitution or F.S. ch. 849 control, as applicable.
- (f) *Enforcement, penalties and civil remedies.*
- (1) The sheriff and the Board of County Commissioners, through any of their respective deputies, employees, agents, and attorneys, shall have concurrent jurisdiction to investigate and enforce the requirements of this section, as follows:
- a. By the issuance of a cease-and-desist order. Upon notice from any agency or individual authorized to enforce this section, occupancy or operation of any Structure or property where any simulated gambling device is being used or operated in violation of this section shall immediately cease. Such notice shall be in writing and shall be given to the Owner of the property and his or her agent and the Person operating any establishment where any simulated gambling device is being used or operated in violation of the section. Failure to comply with the terms and conditions of a cease-and-desist order issued pursuant to this section shall constitute an additional violation of this section. Cease and desist orders may be lifted by the issuing agency upon demonstration that all simulated gambling devices have been removed and all applicable civil penalties have been paid.
- b. By action for civil penalties through the County special magistrate as follows:
1. Following the written warning being issued for a first violation, the civil penalty for convictions of violations committed by any Person operating or allowing the operation of an internet café shall be as follows:
- i. Five thousand dollars for a second violation; and

-
- ii. Ten thousand dollars for a third or subsequent violation.
2. Following a warning being issued and there being no evidence presented by the property Owner to show where there is an active eviction case to remove the tenant, civil penalties assessed against property Owners who did not operate the establishment at which illegal use in violation of this section occurred shall follow the fine schedule listed in (b) i. above.
- c. By citation for civil penalties, as provided in this section of the County code, as it may be amended. Civil penalties assessed pursuant to this subsection shall be \$250.00 per violation per day for each violation.
 - d. A violation of this section that is a civil violation may be reclassified to a misdemeanor of the second degree, punishable by up to 60 days imprisonment in the County jail and a fine of up to \$500.00, if, at the time of the violation:
 1. The violator manages, supervises, maintains, provides, produces, possesses, or uses five or more simulated gambling devices for commercial, promotional, or pecuniary gain or purpose;
 2. The violator has one or more prior convictions for a violation of this section or has been found, on one or more occasions, to have committed a violation of this section. For the purpose of this subsection, "conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered. A Person may be found to have committed a violation of this section by any court or board empowered to impose a sanction for violation of this section.
 3. The violator has one or more prior convictions for a violation of any provision of F.S. ch. 849. For the purpose of this subsection, "conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered;
 4. The violator has previously entered in any pretrial intervention program or diversion program for any violation of this section, a substantially similar ordinance of another jurisdiction, or any provision of F.S. ch. 849; or
 5. The violator is in violation of a cease-and-desist order issued pursuant to this section at the time the violations occur.
 - e. By an action for injunctive relief through a court of competent jurisdiction. An action for injunctive relief may be brought by the Board of County Commissioners, the State attorney, or any substantially affected Person. If such action is successful, a judgment for reasonable attorney's fees and costs may be awarded by the court.
 - f. Any Person against whom a civil penalty is assessed pursuant to this section shall be prohibited from applying for any certificate of occupancy for any property until such civil penalty has been paid in full. Prohibitions against application for a certificate of occupancy contemplated in this section shall not become effective until the judgment requiring such prohibition becomes final; however, such certificate of occupancy shall not be issued unless and until the alleged violation is overturned.

(Ord. No. 2021-011 , § 2, 4-27-2021)

Sec. 45-181. Reserved.

Sec. 45-182. Heavy vehicles, parking and storage.

- (a) *Definition.* "Heavy vehicles" are vehicles that have a commercial rated capacity for hauling equipment, materials, goods and people, except school buses, that are licensed to move over the public roadways and typically used for commercial purposes; for example, semi-trucks, panel trucks, dump trucks or tour buses. It does not include pick-up trucks, vans and other personal vehicles used for personal transportation purposes. Additionally, use of the term "heavy vehicles" should not be read to include Heavy Equipment such as backhoes, bulldozers, cranes and related Heavy Equipment, which are typically not tagged and licensed for moving over the public roadways, which is accounted for separately under this Code.
- (b) *Zoning requirements.* Parking and storage of heavy vehicles is otherwise regulated by the list of permitted uses and structures in article II, division 2 of this Code. Land used for the parking or storage of heavy vehicles shall also be required to meet the landscaping and design standards for off-street parking and loading as provided in article VII of this Code.
 - (1) Heavy vehicles shall not be parked or stored in RE, R-1, R-1A, R-1HA, R-2, R-2HA, R-3, R-4, RMH, CPO, C-1, and C-2 except as allowed in the circumstances listed in item (2) below.
 - (2) Heavy vehicles may be temporarily parked in the zoning districts listed in paragraph (1), above, for normal and required loading or unloading of such vehicles, or while providing a normal and required service to the uses and structures in the zoning district. For example, moving or delivery trucks are permitted for purposes of loading and unloading items to be moved to or from a residential Use district.
 - (3) A single, heavy vehicle may be parked on a residential Lot or Parcel in the AG or AE zoning districts, if the Lot or Parcel is at least one acre in size; the heavy vehicle is used as transportation by the Owner or occupant of a residence on the Lot or Parcel; the vehicle is operable and has a current license and tag; and the vehicle is not parked on established rights-of-way, including, but not limited to, public and private access and utility easements. Only the vehicle and the single trailer associated with the vehicle is allowed in the zoning district, and no additional heavy vehicles shall be allowed, unless they are parked and used for a bona fide farming operation on the Parcel or Lot on which the trailer is parked.
 - (4) This subsection addresses the parking and storage of actively used heavy vehicles and trailers and should not be read to allow for the long-term storage of inoperable heavy vehicles or trailers in any of the above-referenced zoning districts.

Sec. 45-183. Kennel.

- (a) *Definition.* "Kennel" means any commercial place of business where three or more domesticated animals, over six months of age are kept for sale, grooming, breeding or overnight boarding. "Kennel" may include a veterinary facility and non-profit rescue facilities if such uses include facilities that meet this definition of "kennel."
- (b) *Supplemental regulations.*
 - (1) Any structures used for the housing of animals must be set back a minimum of 100 feet from any existing residence or residential Lot of different ownership.
 - (2) In any zoning district other than AG, the Structure shall be completely enclosed and sound proofed.
 - (3) Whether established by right or by special use permit, the kennel operator shall, at a minimum, dispose of animal waste in a manner approved by the Florida Department of Health and/or the Florida Department of Environmental Protection as applicable. Such waste disposal shall occur on a daily basis

to prevent the accumulation of filth and to prevent odors and pests from carrying on to neighboring properties.

Sec. 45-184. Reserved.

Sec. 45-185. Livestock, residential.

- (a) Definition. "Livestock, residential" shall mean the keeping of equines, cattle, swine, fowl, and/or goat on a residential Lot that is five acres or less in size and located in an agricultural zoning district (AG or AE). This section also provides for the keeping of one horse in the R-2, and RE zoning districts as indicated in subsection (c) below.
- (b) Supplemental regulations.
 - (1) The residential livestock shall be kept in a fenced enclosure maintained to restrict the animals from being closer than ten feet to a property line.
 - (2) If a place of shelter is provided it must be 100 feet or more from a residence of different ownership.
 - (3) The following minimum area requirements shall be maintained:
 - a. One horse or other equine per acre.
 - b. One cow or other cattle per acre.
 - c. Six goats or sheep per acre.
 - d. 40 chickens or other Poultry per acre in AG and AE zoning districts, but only one rooster (male).
 - e. All swine/pigs shall constitute an intense agricultural operation and be required to obtain a special use permit as outlined in article XII, division 12 of the land development code. One pig/swine is allowed temporarily without a special use permit if the animal is for a 4H/FFA project connected to the Putnam County Fair. Length of stay of said animal shall be from birth to the end of the fair. Said animal shall be removed within 30 days of the end of the fair.
 - (4) As used herein, an "acre" means one acre of undeveloped, useable land area; and does not include the area serving the primary residential Structure. The area requirements are per animal, i.e., a single acre may not support both a horse and a cow, but only one horse or one cow.
- (c) A horse may be permitted in the R-2 and RE zoning districts by special use permit if the following conditions are met in addition to approval of a special use permit pursuant to article XII, division 12 of the land development code.
 - (1) The Parcel shall not be less than five acres in area
 - (2) No more than one horse per three acres
 - (3) Setbacks shall be equal to those listed in subsection (b)(1) and (2)
- (d) 4H/FFA animals in residential districts.
 - (1) Except as provided in subsection (e) below, one farm animal per acre, including a pig, if the animal is for a 4H/FFA project connected to the Putnam County Fair. Length of stay of said animal shall be from birth to the end of the fair. Said animal shall be removed within 30 days of the end of the fair.
 - (2) The minimum size of a Parcel for this activity is one acre.
- (e) Limited residential chicken flocks shall be allowed in R-1, R-2 and RE zoning districts provided:

-
- (1) The Parcel must have an Occupied single family residence on site.
 - (2) This Use shall be prohibited on any Parcel that is Occupied by any multifamily Use or having more than one single family residence unless the other single family residences are otherwise allowed by code or legally nonconforming under this Code.
 - (3) A flock shall be no more than twenty (20) chickens per acre.
 - (4) Roosters and any other species of fowl other than chickens shall be prohibited.
 - (5) The flock shall be kept for personal use only. Commercial raising of chickens or eggs shall be prohibited.
 - (6) Any dead animals, or parts thereof, shall be promptly and properly disposed of in a legal fashion that does not create odors or spread to other properties via wind or stormwater runoff.
 - (7) The flock shall be confined to the Parcel at all times.
 - (8) The flock shall be confined to a coop not exceeding 150 square feet in area during nighttime hours, the coop shall be placed in accordance with the applicable building setbacks and no part of the coop shall exceed a Height of six feet.
 - (9) Stored feed shall be secured to prevent access by vermin.
 - (10) The flight feathers on at least one wing must be clipped regularly to prevent flight.

Sec. 45-186. Manufactured home parks.

- (a) *Definition.* "Manufactured Home Park" is a Parcel of land set aside and rented by any Person for the parking and accommodation of Mobile Homes and/or Modular Homes which are to be Occupied for sleeping or eating in exchange for consideration or benefit to the Owner of the Mobile Home park, and includes all land, buildings, structures or facilities used by occupants of homes on such Premises.
- (b) *Supplementary regulations.*
 - (1) Manufactured home parks are permitted in RMH zoning only and are allowed to contain accessory and support facilities customarily incidental to the operation of the Manufactured Home Park as approved on the site plan. Such facilities shall include recreational, maintenance and laundry facilities for use by park residents.
 - (2) Minimum site requirements for a Manufactured Home Park.
 - a. One hundred feet wide at ingress and egress points.
 - b. Two hundred feet wide at the portion of the site used for Mobile Home lots.
 - c. Five-acre minimum total site area.
 - d. Internal separation between structures/units shall not be less than 20 feet, except that one accessory building 150 square feet or less in size may be placed no closer than three feet to the unit being served and six feet from any other units or accessory buildings.
 - (3) Each home space in a Manufactured Home Park in the RMH district shall be provided with a paved patio with a minimum of 120 square feet.
 - (4) Each Manufactured Home Park must have a Park and recreational area having a minimum area of 200 square feet per home space. Any such area must contain a minimum of 500 square feet.
 - (5) Internal streets must be a minimum of 20 feet wide and meet the standards for construction and drainage in article VII of this Code. Sidewalks shall meet the standards of Sections 45-618 and 45-656 of this Code.

-
- (6) Each home space shall be clearly defined by means of concrete, steel or iron pipe markers placed at all corners.
 - (7) Each Manufactured Home Park shall be provided with a management office and such service buildings as are necessary to provide facilities for mail distribution, and storage space for supplies and maintenance materials.
 - (8) A landscaped buffer at least five feet wide with an opaque screen at least six feet high, shall be maintained along the perimeter of each Manufactured Home Park. Standards for buffer and screening are provided in article VII of this Code.
 - (9) A drainage plan for the Manufactured Home Park which meets the requirements of article VII of this Code must be submitted to the Public Works Department. Approval of the design and implementation of the plan must be obtained from public works.
 - (10) Emergency storm shelters shall be provided as required by article X of this Code.
 - (11) All homes shall be set back at least 15 feet from the boundaries of the Park. Accessory structures need not meet this setback requirement.
 - (12) Central water and sewer systems shall be provided for parks with home spaces that are less than one-half acre in size.
 - (13) Existing Manufactured Home Parks shall comply with the requirements at section 45-813 of this Code.
 - (14) Manufactured home parks are only allowed in RMH zoning.
 - (15) Up to four recreational vehicle (RV) sites may be allowed in a Manufactured Home Park without need of a special use permit. Whether allowed by right or by special use permit, each RV site in a Manufactured Home Park shall comply with the dimensional requirements for a standard home space and the RV itself shall be licensed and operable to travel over the public roadways. Carports, screen rooms, storage sheds or other permanent structures may be located on the RV site as provided herein, however, such Structure shall not be attached or affixed in any fashion to the RV itself. The use of the RV shall be subject to the temporary Occupancy requirements established for overnight recreational parks in section 45-196 of this article.

Sec. 45-187. Reserved.

Sec. 45-188. Reserved.

Sec. 45-189. Manufactured home sales.

- (a) *Definition.* "Manufactured home sales" means the sale of new and/or used manufactured homes on an open Lot .
- (b) *Supplemental regulations.*
 - (1) Subject to the requirements of the Florida Building Code, a manufactured home may be used as a sales office on a manufactured home sales Lot in any zoning district permitting the sale of manufactured homes.
 - (2) Repair of new or used Mobile Homes may be done on Mobile Home sales lots located in the C-3, C-4, IL, IH and PUD zoning districts as necessary to comply with Florida Department of Motor Vehicles regulations and the Florida Building Code, as applicable.

Sec. 45-190. Marina.

- (a) *Definition.* "Marina" means a waterfront establishment for the purpose of storing watercraft and pleasure boats on land, in buildings, in slips, attached to moorings, or on boatlifts. "Marina" includes accessory facilities for purposes including, but not limited to, refueling watercraft, selling of bait and tackle, conducting repairs to watercraft, launching watercraft, restaurants, and snack bars, but does not provide lodging other than allowing for boat Owners to live in their watercraft.
- (b) *Supplemental regulations.*
- (1) Refer to article VI, division 3, waterfront development.
 - (2) Dry storage of watercraft is permitted in a marina.
 - (3) Temporary and permanent live-aboard slips or moorings for watercraft are allowed in a marina.
 - a. Temporary overnight stays aboard watercraft may be allowed for a maximum of 72 hours in a defined mooring field, provided there is a sewage pump station in the marina for use by the overnight watercraft that has been permitted by Florida Department of Environmental Protection.
 - b. Permanent live-aboard slips may be allowed if there is a permanent parking area that provides the equivalent of two parking spaces for each permanent live-aboard boat slip, in addition to any other parking required to support additional facilities at the marina.
 - (4) There shall be properly located and constructed sewage pump-out facilities in accordance with Florida's Clean Marina Program with connections at each slip used for permanent live-aboard vessels.
 - (5) Shower, toilet and lavatory facilities shall be provided based on the number of slips used for live-aboard vessels in accord with department of health and/or department of environmental protection facility requirements.
 - (6) There shall be adequate parking provided for automobiles and trailers at all boat launch facilities.
 - (7) If RVs or any other camping facilities are included as part of the marina the Use shall be governed by the supplemental regulations applicable to overnight recreational parks and Florida Department of Health facility requirements.

Sec. 45-191. Mining.

- (a) *Purpose and Intent.* The purpose and intent of this section is to ensure that the development of mineral resources, as well as other naturally occurring extractable natural resources materials shall be compatible with the overall economic objectives of Putnam County; to protect and conserve natural resources and the environment for present and future generations; to minimize the potential for adverse impacts associated with mining; to maximize the positive benefits of mining; to ensure that mining will not preclude future uses of mined-out lands and to ensure that reclamation is conducted in a manner consistent with current and future land uses in Putnam County; and to implement the Putnam County Comprehensive Plan.

- (b) *Definitions.*

Excavation means the digging, stripping, or removal by any process of natural materials or deposits from their natural state and location, said materials and deposits to include oil, gas, rock, stone, minerals, shell, sand, marl, peat and soil, but not including sod. Excavation shall not include the creation of water bodies undertaken as a part of a planned unit development or other subdivision nor shall it include activities associated with the construction of stormwater management facilities.

Mine shall mean an area of land on which operations for the excavation extractable natural resources consisting of pits, shafts, levels, tunnels, etc., to include open cuts and quarries, by which substances such as clay, sand, limestone, peat, kaolin, etc., are extracted, or are planned to be extracted, from the earth.

Mining operation means all functions, work, facilities, and activities in connection with the development, extraction—whether primary or secondary—or processing of extractable natural resources, and all uses reasonably incidental thereto, such as the construction of roads or other means of access, pipelines, waste disposal and storage, and re-circulating water systems.

Reclamation means the reshaping of land disturbed or affected by mining operations to an appropriate contour that is as close as is practical to the contours existing prior to the mining of the land, unless the reclamation plan establishes an alternate set of contours that is not contrary to the public interest and leaves the site beneficial for a viable future land Use, taking into consideration the type of land Use in place prior to the establishment of the mining operations, the viable land uses that might be established after reclamation, and the surrounding topography and land uses. In an effort to enhance stabilization and site aesthetics and maximize the potential for beneficial Use of the land, the slopes for areas disturbed outside the excavated area shall be reclaimed to a slope of four feet horizontal to one foot vertical (4:1), where such areas have been disturbed to a degree that created a slope steeper than 4:1; and the reclaimed slopes within the actual excavated area shall not exceed a slope of three feet horizontal and one foot vertical. Where the reclamation results in the creation of a water body, the area beginning at the Mean High Water Line to a point six feet below the low water line shall be reclaimed to a slope not to exceed of six feet horizontal to one foot vertical. Reclamation shall include re-vegetation of the lands in a manner consistent with the paragraph (4), below. The preparation and implementation of reclamation plans shall, at a minimum, be consistent with State law for the type of resource extracted; and in the case of a conflict between the State and local laws, the more stringent standard shall apply.

Re-vegetation means using grasses, shrubs, trees and other vegetation native to the area, or an Agriculture or silviculture crop suitable to the surrounding areas, all of which are well adapted to the soil conditions and planted in a manner appropriate to achieve permanent re-vegetation which will minimize soil erosion and surface water runoff, stabilize slopes and conceal the effects of the mining. Quality topsoil that is available on-site shall be stockpiled, segregated and retained on-site for re-vegetation during the reclamation process.

(c) *Supplemental regulations.*

- (1) Mining operations shall only be allowed on property where both the mining future land Use and mining zoning district are in place.
- (2) Mining master plan permit required. A mining operation must obtain final Development Order from the County prior to the commencement of the mining activity, hereinafter referred to as a mining master plan permit. The application for a mining master plan permit shall, to the extent possible, be reviewed concurrently with a related application for a Comprehensive Plan amendment and/or rezoning.
- (3) Phasing required. The excavation of the mine shall be conducted in phases, as set forth in the mining master plan, so as to expose the least amount of land surface practical at any time during the mining operations. The activity to be conducted during each phase shall be described in the mining master plan and shall be based on a variety of factors, including, but not limited to, the type soil being excavated, the location and size of the mine, the duration of the operation, the location of length of the deposits being excavated and the susceptibility of the site to erosion and fugitive dust emissions, and the presence or absence of buffers and setbacks that will impact the aesthetics and the environment.
- (4) The mining master plan permit application and review process:

-
- a. Applicant shall submit a mining master plan application with the required submittals to the Department and the Department shall conduct a sufficiency review within 20 business days. If the Department determines that the information is substantially incomplete, it shall inform the Applicant in writing of the deficiencies. The developer may submit an amended plan within 60 business days without payment of an additional fee, but, if more than 60 days have elapsed, the Applicant must thereafter initiate a new application and pay a new fee.
 - b. The Department shall send a copy of the proposed mining master plan to each member of the Development Review Committee (DRC) and shall place the plan on the agenda of the next committee meeting that allows the DRC at least 20 business days to review the plan.
 - c. Each DRC member shall present comments as to the proposed development's probable effect on the Public Facilities and services that the member represents and any other comments regarding whether the proposal is in compliance with the requirements of this Code. Additional preliminary review meetings can be scheduled as deemed necessary by the Applicant or the committee.
 - d. Within 20 business days after the committee meets for the last time to consider the plan and comments, the Department shall issue a written report setting forth findings and conclusions supporting such findings, and shall forward the matter to the Board of County Commissioners with written findings and a recommendation of either approval, approval with conditions or denial.
 - e. The Board of County Commissioners shall, after a properly noticed public hearing, either issue a preliminary Development Order granting the mining master plan permit, stating any conditions of approval, or deny the application, stating the basis for the denial. In addition to any other additional conditions that may be included in the preliminary Development Order, the order shall include the following conditions precedent to issuance of a final Development Order:
 1. Applicant shall obtain appropriate permits and approvals from the FDEP, FDOT and any other appropriate State or Federal regulatory agencies, including, but not limited to, approval of a reclamation plan consistent with the conceptual plan approved as part of the preliminary Development Order.
 2. Applicant shall provide the appropriate financial assurances, in a form approved by the board, that ensure completion of the approved reclamation plan.
 3. A specific, reasonable time frame for completing the conditions precedent to a final Development Order.
 - f. The developer shall submit a final development plan to the director or his designee for review and approval within the time period in which the preliminary Development Order is valid.
 - g. Within 20 business days the Department shall determine whether the mining master plan permit should be approved or denied based on whether the plan conforms to the preliminary Development Order; and shall either issue a final Development Order complying with section 45-996 of this Code, or refuse to issue a final Development Order based on the failure of the development to comply with the conditions imposed by the preliminary Development Order. If the final Development Order is denied, the Applicant may request a hearing before the Board of County Commissioners to determine whether the final Development Order should be issued.
- (5) The mining master plan permit submittal requirements. Submittal requirements for the mining master plan permit review process shall generally follow article XII, division 5 of this Code, including, but not limited to, section 45-1005, which requires a master plan if the mining activity is going to occur in phases. In addition to the submittal requirements of article XII, division 5, the following submittals shall also be provided:

-
- a. A map series that illustrates the property, the project boundary, Parcel lines, USGS topographic data for the property, a conceptual site plan showing the size and location of proposed accessory structures and Improvements as well as all required setbacks, location for ingress and egress and anticipated traffic routing, and location of the area to be mined, all overlaid on the most recent aerial photograph of the property in question. The map series must also show the surrounding property at least 1,500 feet of the property boundary with Parcel lines and topographic information.
 - b. A location map showing the Parcel under review for the permit in relation to the surrounding Parcels and roadways within a two-mile radius of the proposed mine.
 - c. An environmental assessment prepared by a qualified environmental professional, who identifies existing natural communities present on the subject property, including, but not limited to, jurisdictional wetlands, endangered and threaten species Habitat, areas of high Groundwater recharge and any other environmentally sensitive lands within the subject property; along with a narrative regarding how these communities will be protected or mitigated.
 - d. A geotechnical report and Groundwater study completed by an engineer or geologist that is qualified in the area of hydrogeology showing the location and types of soils, the level of the Groundwater table on the subject property, the effect of the proposed activity on the Groundwater and surface water resources, including wetlands, and land uses within one mile of the site, as well as a conceptual ground and surface water monitoring plan. Ground and surface water levels must be established and monitored for one full year prior to commencement of mining operations, and shall continue to be monitored for the duration of the mining operation.
 - e. An archeological and historical assessment of the property by a qualified professional to determine what historically significant resources may be located on a mining site.
 - f. A traffic impact and concurrency study, including anticipated traffic routing.
 - g. A conceptual reclamation plan that is, at a minimum, consistent with the State's reclamation requirements, which shall include the estimated cost of reclamation; except that the County may require additional reclamation actions not required by State's minimum standards, if it determines such actions are necessary and reasonable given the nature of the mining operation and the area to be disturbed. Additionally, all reclamation plans shall include a plan for re-vegetation as that term is defined in subsection 45-191(b)(4) above.
 - h. Assurances in a form approved by the Board of County Commissioners that the Applicant will be financially able to complete the approved reclamation plan. Such assurances may be in the form of a performance bond or other surety, or by the annual filing of a certified financial statement demonstrating the financial ability to achieve the approved reclamation plan, as determined by the board. Such financial guarantees shall be in an amount not less than 100 percent of the cost of reclamation, as shall be decided by the board based on the recommendation of the County administrator and the advice of the County attorney.
 1. The cost estimates for reclamation will be limited to the active phase of the excavation.
 2. Upon formal written request to the permitting agency or board, the permit holder may request a reduction in the amount or a complete release of the reclamation surety due to completion of some or all of the required reclamation. The Department must be allowed to enter and inspect the reclamation efforts and make a written recommendation regarding the request prior to a final determination to reduce or release the surety.
 3. If the County determines that the previously approved financial assurances do not demonstrate the financial ability to achieve the approved reclamation plan, the County

may, after a duly noticed public hearing, suspend or revoke the mining master plan permit until such time as the permit holder provides additional or different surety.

- i. A list of all required State and Federal permits that must be obtained for the mining operation.
- (6) The site for a mine shall:
- a. Have a minimum land area of five acres.
 - b. Have legal access to a public Right-of-way that will ensure the ingress and egress for the mining operation does not take place on a local road in an established neighborhood.
- (7) The actual excavation area shall be subject to the following minimum setbacks:
- a. One hundred feet of any public roadway.
 - b. Five hundred feet of a natural water body; except that when the water body has not been meandered by the State and it is located entirely within the property boundaries of the mining operation, the setback may be reduced to 50 feet.
 - c. Twenty-five feet from a delineated wetland; except that encroachment into a wetland system may be allowed if it is determined to be an integral part of the mining activity or the board determines the encroachment is necessary for the reasonable operation of the mine and the impact to the wetland system is negligible or sufficiently mitigated. The encroachment must be permitted by the department of environmental protection, and the Owner or operator of the mine must mitigate any net loss to the wetland system.
 - d. Nothing herein shall prevent the board from requiring greater setbacks, where the minimum setbacks are found to be insufficient to protect the roadway, water body, wetland or other adjacent land uses from suffering adverse impacts from the excavation activity.
- (8) A pond permit is not required for an artificial lake that is a part of an approved reclamation plan.
- (9) Copies of any permits or reports required by the Florida Department of Environmental Protection and those that may be required by other State agencies in relation to the mine and the mining operation shall be submitted concurrently to the Director of Planning and Development Services and the director of public works for Putnam County.
- (10) Environmental protection standards.
- a. *Water quality and quantity.*
 1. Point-source discharges. Point-source discharges of water or liquid waste into water bodies are prohibited; except that point source discharge may be allowed if permitted by the Florida Department of Environmental Protection and/or the water management district and the water body has not been meandered by the State and it is located entirely within the property boundaries of the mining operation. This shall not prevent approved discharges into re-circulating plant water systems, retention ponds and surface water storage ponds which are self-contained on the mine property or the undertaking of aquifer recharge programs, or discharges of stormwater runoff from reclaimed lands; nor shall it prevent existing mining operations with valid state permits from discharging in accordance with those permits; provided, however, that in no event may any discharges of water or liquid waste have an adverse effect on water quality, riverine, terrestrial or aquatic biota or preexisting lawful uses of water bodies.
 2. Non-point source discharges. Non-point source discharges of water or liquid waste into waters of the County or State shall not have an adverse effect on water quality, riverine, terrestrial or aquatic biota or preexisting lawful uses of water bodies. All surface drainage

from site runoff shall be directed away from sinkholes or open excavations unless such excavations are part of the approved stormwater management system.

3. Ground and surface water withdrawals shall not adversely impact, due to lowering of potentiometric levels, the Floridian Aquifer beyond the boundaries of the mine. Nor shall mining activities adversely impact the level of the surficial aquifer beyond the boundaries of the mine. Ground and surface water levels shall continue to be monitored for the duration of the mining operation. Wells established for a potable water supply or as part of the mining operation shall be constructed to enable sampling of the aquifer from which the water is drawn. The frequency and form of reporting of monitoring results shall be decided on a case-by-case basis and outlined in the mining master plan permit.
 4. Where feasible, a horizontal impervious layer (possibly including a portion of the extracted resource) to be left undisturbed and un-penetrated beneath all excavated areas in order to retard the movement of water from excavated areas to the Groundwater. The thickness and horizontal extent of confining units, if any, shall be determined using soil borings taken prior to excavation.
 5. Surface water withdrawals. Water shall not be drawn from surface water bodies not totally within the property unless specifically approved as part of the mining master plan permit, and by the State through an environmental resource and/or a consumptive use permit. Such Use shall only be permitted after a thorough analysis of stream flow and surface water conditions and shall be limited to quantities not detrimental to downstream property Owners or the environment.
- b. *Wetlands.* Wetlands shall not be altered or disturbed by mining operations except in accordance with the applicable provisions of article VI, division 2 of the Putnam County Land Development Code and any other applicable State and Federal rules, regulations and ordinances. Appropriate methods of restoring or reclaiming the functions and values of mined areas with special regard to vegetative restoration to ensure that viable wetlands are established free of exotic and noxious plant species shall be taken. The restoration and reclamation methods shall be outlined in the approved reclamation plan.
 - c. *Archaeological and historical resources.* Archaeological and historical sites, cemeteries and burial grounds shall be preserved in accordance with applicable Federal, State, regional and local laws, ordinances, rules and regulations. The State division of archives, history and records management shall be consulted to determine what resources may be located on a mining site.
 - d. *Wildlife resources.* Maximum practicable efforts shall be made to protect Habitats of endangered or threatened species of wildlife and vegetation, and where feasible, incorporate the establishment of Habitat for native wildlife species as part of the reclamation plan.
 - e. *Floodplain.* No mining activity, with the exception of approved peat and muck mining, shall be conducted within the 100-year floodplain of a waterway, lake or stream if such mining activity would have an adverse effect on the 100-year floodplain. Floodplain elevations shall be determined as provided in article VI, division 5 of this Code.
 - f. *Solid waste.* No operator shall dump, pile or permit the dumping, piling or otherwise placing of any earth, overburden rocks, ore, debris or other solid waste upon or into any public roadways or other public property or water bodies or upon any adjacent property except as specifically approved in the operating permit. No operator shall place such materials in such a way that normal erosion or slides brought about by natural physical causes will permit such materials to go upon or into public roadways or other public property or water bodies or upon any adjacent property except as specifically approved in the operating permit.

-
- g. *Hazardous waste.* All hazardous materials intended to be stored or used on-site, including petroleum-based products, shall be reported to the fire marshal and the director of emergency management services for Putnam County. All hazardous wastes generated by activities at the site be disposed of in accordance with local, regional, State and Federal laws, ordinances, rules and regulations.
 - h. *Blasting and vibrations.* No blasting or other use of explosives shall be conducted without proper permits from the governmental entities with jurisdiction, including the State fire marshal. Blasting shall be conducted only from Monday through Saturday and during daylight hours. All mining activities shall be performed in a manner that shall prevent vibrations of the soil from reaching a magnitude sufficient to cause damage to persons or property outside the operator's property.
 - i. *Air quality.* The mining activity shall be conducted so as to prevent the generation and off-site migration of fugitive dusts and particles. All areas in which such dusts or particles may be generated shall be kept wet or controlled in another manner to reduce the potential for their off-site migration. Atmospheric discharges from processing and drying equipment shall comply with all applicable State, Federal, regional and local laws, ordinances, rules and regulations.
 - j. *Erosion and sedimentation.* Soils exposed during site Alteration shall be stabilized and runoff and siltation directed to areas approved in the mining master plan permit in such a manner as to prevent off-site impacts.
 - k. *Dewatering.* Dewatering operations shall be planned and controlled so as to provide minimum draw down of the Groundwater table outside the actual mining site. When it receives credible complaints that the mining operation has resulted in detrimental off-site impacts, the County will coordinate an investigation with the State and Federal regulating agencies and may require the operator to demonstrate that such impacts have not occurred as a result of the dewatering operation. Any dewatering operation which results in detrimental fluctuations of water levels in adjacent water bodies, wetland areas or water supply wells shall be terminated until such time as a satisfactory plan is developed and implemented to maintain water levels in such areas.
- (11) Existing mines that pre-date the effective date of this section shall be subject to the requirements of section 45-813(g) of this Code.
 - (12) Changes in ownership or operation of an approved mine existing before or after the adoption of this section shall be reported [to] the board in writing within 60 days of the change [in] operation and shall include the name, address and telephone number of the new Owner or operator.
 - (13) In determining compliance with this subsection the County may rely on the expertise of the State and Federal permitting agencies.

(Ord. No. 20-04 , § 2(3.02.31), 7-14-2020)

Sec. 45-192. Mini-warehouse.

- (a) *Definition.* "Mini-warehouse" means a storage building that is subdivided by partitions into spaces for storage by individuals and/or small businesses.
- (b) *Supplemental regulations.*
 - (1) Mini-warehouses shall be allowed in the PUD, C-3, C-4, IL, and IH zoning districts and allowed by special Use permit in the C-2 zoning district.

-
- (2) Outside or open storage associated with mini-warehouses may be allowed only if screened from view from all adjacent properties in accord with the open storage screening and buffering standards of article VII.

Sec. 45-193. Motor sports facility.

- (a) Uses defined.
 - (1) A motor sports facility is a road racing track or circuit and related facilities designed to provide the opportunity for one or more of the following:
 - a. To race for auto clubs and amateur drivers.
 - b. To test land based motor vehicles.
 - c. To hold driving schools.
 - d. To race competitively.
 - e. It may include road racing, dirt track circuits, competitive go-kart racing circuits, monster truck rallies, mud bogging, motor cross or drag racing events.
 - (2) "Motor vehicles" as used herein means any form of land based vehicle, including, but not limited to, automobiles, trucks, four-wheel drive vehicles and motorcycles.
- (b) The following are typical uses and structures that may be associated with a racetrack facility:
 - (1) A road racing track, course, circuit or strip, with related pit lanes, entry and exit roads.
 - (2) Concession stands for food, beverages and motor sport related merchandise.
 - (3) Fuel and fluids sales area including pumps to service track users.
 - (4) Offices, meeting rooms, vehicle garages, maintenance workshop, equipment and inventory storage and restrooms.
 - (5) Garages for short-term rental.
 - (6) Vehicle concourse and displays.
 - (7) Campground areas for short term rental to competitors and associated crews.
 - (8) Residence for property manager and/or security, maintenance and management staff.
 - (9) Motor vehicle shows.
- (c) Standards and conditions for approval. A motor sports facility may only be established by a PUD zoning district, which shall, at minimum, address the following:
 - (1) The design of the road racing surface including, if applicable, pit lanes with entry and exit roads onto the main track. The road racing surface shall be a minimum of 500 feet from the nearest property line of any property on which there is a residential Use or Structure.
 - (2) The provision of grassed run-off areas, concrete barrier walls, sand traps, marshal posts and drainage culverts as required by sanctioning bodies and/or insurance companies.
 - (3) The provision of sufficient parking and drainage.
 - (4) Fire and emergency services such that all race events involving more than five vehicles are on the road surface simultaneously shall have in attendance at least one fire prevention equipped truck and ambulance with a trained crew. All corner worker stations along the track shall be equipped with fire

-
- extinguishers. No race event shall occur unless there are proper fire and emergency service vehicles on site. If emergency medical service is not on site, all racing events shall cease until it returns to the site.
- (5) Verification of department of environmental protection and water management district permits or letter of no regulatory action required for the storage, dispensing and handling of water, petroleum products and hazardous materials.
 - (6) Solid and liquid waste collection stations, including specialized areas for handling for hazardous materials and petroleum-based waste.
 - (7) Sound levels. In addressing sound levels, the County shall consider the following standards:
 - a. No individual, primarily, land operated vehicle will be allowed to operate at more than 115 decibels at a 50-foot drive by.
 - b. The noise level requirements under the noise control ordinance of Putnam County for AG zoning shall be met.
 - c. Additional sound dampening design requirements may be required under the PUD Development Agreement.
 - (8) Maximum Height of buildings.
 - (9) Maximum building and impervious coverage.
 - (10) Minimum Parcel area and setback for buildings and other facilities.
 - (11) Minimum Frontage on a paved County or State road with sufficient Level of Service and roadway capacity to support the Use.
 - (12) Landscaping and buffering. At a minimum, the following standards shall be met:
 - a. In addition to any landscaping screening or buffering standards that may be required by article VII, no area of the site is to be visible from a public Right-of-way prior to initiation of the Use except where public rights-of-way abuts the site.
 - b. The property shall be bordered along its property line or boundary with a minimum four-foot high agricultural fence or in the alternative a vegetative barrier designed to be at least dense enough to significantly impede access to the property.
 - c. Existing native vegetation is to be retained and maintained where it does not constitute a danger to track users or interfere with overall use of the property as a motor sports facility.
 - (13) Sewage disposal and potable water supply.
 - (14) Signage. At a minimum, the following standards shall be met:
 - a. Signs shall be subject to the requirements of article VIII of this Code.
 - b. Additional advertising signs may be allowed inside the motor sports facility boundaries along the track or circuit and may serve a dual purpose as a sound barrier, provided that they are no higher than 12 feet in height and are not visible outside the park.
 - (15) Lighting. At a minimum a plan shall be provided that includes expert analysis showing that the lighting will not have an unreasonable negative impact on any surrounding property.
 - (16) Hours of operation for regular use and special events.
 - (17) Protection of environmentally sensitive lands and compliance with resource protection standards of article VI of this Code.

-
- (18) Traffic study, which shall include a Level of Service and roadway safety impacts from the proposed motor sports facility.
 - (19) Nothing herein shall be read to limit the board of County commissioner's authority to impose additional or more stringent conditions on the approved motor sports facility.

Sec. 45-194. Reserved.

Sec. 45-195. Outdoor storage and display.

- (a) *Defined.* The applicable zoning district for outdoor storage and display uses will be defined by type of Use, and is generally limited to recreational vehicles, boats, automobiles, trucks, Heavy Equipment, Mobile Homes, portable storage buildings, plant nurseries, flea markets and bulk storage of construction materials.
- (b) *Standards.*
 - (1) Prior to establishing a Use that includes outdoor storage or display, the Use shall be reviewed by the Development Review Committee (DRC) as a Type II Use to ensure compliance with setbacks, site Improvement, buffering, and drainage requirements. Formal review by the DRC may be waived by the director, if the director is satisfied that the requirements of this subsection have been met and the Applicant is not seeking any waivers or variances from this subsection.
 - (2) Outdoor storage and display shall occur in a defined area identified on a site plan approved by the Department. Storage or display shall be prohibited inside established rights-of-way or required buffer areas.
 - (3) Outdoor storage and display areas shall be subject to the landscaping and buffering requirements of article VII, division 3 of this Code, and treated as a Group 5 Use under Tables 7.03A and 7.03B of this Code.
 - (4) Access drives, customer parking and display areas shall be paved.

Sec. 45-196. Overnight recreational park.

- (a) *Definitions.*
 - (1) *Accessory uses or structures* means designed, intended, and used to serve only overnight guests of the park.
 - (2) *Cabin* means a Structure, the use of which may be for permanent housing, that is permanently affixed to the ground and shall comply with the building code and regulations as adopted by the Board of County Commissioners and the statutes and regulations of the State concerning buildings, electrical installations, plumbing, and sanitation systems.
 - (3) *Campsite* is a generic term encompassing any site to be used for an RV, tent, cabin, or park trailer.
 - (4) *Overnight recreational park* means any facility where guests are invited for overnight stays for short-term recreational purposes, and which includes overnight facilities other than a primitive campground. The Use may be in the form of an RV park, fish camp, hunting camp, religious retreat, eco-tourism lodge, dude ranch, or other such Use. Where a Use meets the definition of both "religious facility" and "overnight recreational park," it shall be treated as an "overnight recreational park."
 - (5) *Park trailer* means a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and which does not exceed 400 square feet when constructed to ANSI A-119.5

standards, and 500 square feet when constructed to U.S. Department of Housing and Urban Development standards.

(6) *Recreational vehicle (RV)* means a vehicular portable Structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation or vacation uses, permanently identified as a recreational vehicle by the manufacturer of the vehicle, having a width not exceeding 14 feet, and an overall dimension not exceeding 500 square feet, when constructed to the U.S. Department of Housing and Urban Development standards and shall include the following:

- a. *Camping trailer* (including the terms "pop-up or pop-out trailer") means a canvas folding Structure, mounted on wheels and designed for travel, recreation or vacation use.
- b. *Motor home* means a portable, temporary dwelling to be used for travel, recreation or vacation uses, and constructed as an integral part of a self-propelled vehicle.
- c. *Travel trailer*, (including the term "fifth-wheel trailer") is primarily designed and constructed to be drawn by another vehicle.
- d. *Truck camper* (including the terms "pick-up coach," "topper" or "slide out camper") means a Structure designed to be mounted on the bed or chassis of a truck.

(7) *RV site* means any site to be used for RV, cabin, or park trailer.

(b) *Standards.* The following standards apply to all new overnight recreational parks:

(1) For purposes of this section, overnight recreational parks shall be deemed a non-residential Use where Density is concerned. All new overnight recreational parks shall be rezoned to PUD. Any expansion or modification of an existing overnight recreational park shall require approval of either a PUD zoning or vesting as described in subsection (c) below.

(2) *Minimum Parcel size and maximum Impervious Surface.* The minimum size shall be 20 acres, unless located in a commercial zoning district, in which case the minimum size shall be five acres; and the Use shall not exceed the maximum Impervious Surface allowed for residential uses under the applicable Comprehensive Plan future land Use category, except that parks located in a commercial future land Use category shall be subject to the Impervious Surface limitation of 85 percent, as set forth in the Comprehensive Plan.

(3) *Uses allowed.* The following uses may be allowed:

- a. RV
- b. Cabins
- c. Lodge
- d. Meeting facilities
- e. Primitive camping
- f. Caretaker residence
- g. Accessory recreational facilities, e.g., golf course, tennis courts, pool, marina, Docks
- h. Accessory retail, e.g., camp store, dive shop
- i. Accessory administrative and other service facilities
- j. Accessory rentals, e.g., boat, canoe, bicycle

(4) *Maximum stay.* The maximum length of stay shall be 90 consecutive days or 120 nonconsecutive days within a 12-month period, with a minimum break of two weeks between stays at the same park. The

Owner of the park shall maintain accurate rental and occupancy records indicating when customers check-in and when they check-out of the park, which shall be made available for inspection during regular business hours upon request from the director or his designee. With the exception of a caretaker residence(s) lawfully constructed in accordance with the applicable Florida Building Code, park facilities shall not be used as a permanent housing option. The length of stay may be extended up to 180 consecutive days pursuant to a temporary use permit if the Person(s) requesting the extension is staying as a result of a demonstrated extreme hardship situation such as a medical emergency, the destruction of a principle home by fire, flood, or other calamity, subject to the following:

- a. The permit shall have a maximum duration of six months.
 - b. The Person(s) requesting the additional time shall have access to lawfully permitted electrical power, potable water, and bathroom facilities. If the Person(s) requesting additional time will be making use of an RV site, the RV site must have a potable water hook up and a lawfully permitted sewer hookup at the RV site or usable dump station on-Premises.
- (5) *Minimum setbacks.* A minimum distance of 20 feet will be maintained between all RVs, tents, or other overnight units.
- (6) *Buffers.* An overnight recreational park shall be treated as a Group 3 Use and subject to the buffering and screening requirements under this Code as a Group 3 Use.
- (7) *Sanitation.*
- a. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings, camp sites within the park to meet the requirements of the park. Each camp site shall be provided with a cold water tap. An adequate supply of hot water shall be provided at all times for all bathing, washing, cleaning, and laundry facilities.
 - b. Restroom and shower facilities shall be provided in accordance with requirements of the State department of health and rehabilitative services, division of health. Such facilities shall be so located as to be reasonably available to all travel trailer spaces and campsites. Sewage effluent may only be disposed of in approved sanitary stations as herein provided.
 - c. A central sanitary sewer system shall be provided with connectors to each RV site. Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks, and laundries in service and other buildings within the park shall be discharged into a public sewer system. Upon demonstration that alternative systems of wastewater disposal are not feasible and that there will be no adverse impacts on Groundwater, a package treatment plant meeting the requirements of the County health department and the State department of health and rehabilitative services, division of health, may be allowed.
 - d. Approved garbage cans with tight fitting covers shall be provided in quantities adequate to permit disposal no farther than 300 feet from any camp site. The cans shall be kept in good repair at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to ensure that the garbage cans shall not overflow. The use of a central garbage collection system shall be permitted as an alternative.
- (8) *Campsites.*
- a. Each campsite shall be clearly defined on the ground and shall abut on a street or on a Driveway with unobstructed access to a street, and each camp site shall contain no more than one RV, cabin, park trailer, or tent, and accessory structures.
 - b. Each campsite shall contain a minimum of 1,500 square feet and shall have a minimum width of 30 feet.

-
- c. The requirements for paving, street lighting, electrical outlets and water taps may be waived in whole or in part where the approved site plan provides for a Density in all or any portion of the campground of four spaces or less per gross acre, and where such spaces are designed and intended to afford the users thereof an opportunity to camp in a quiet, uncongested and natural setting.
 - d. For RV campsites: each RV site shall have an electrical outlet with adequate amperage available to provide the needs of each RV. All such outlets shall be weatherproof. Permanent carports and accessory enclosures may be included in each RV campsite, provided that such enclosures are not attached in any fashion to the RVs.
- (9) *Park trailers and cabins.* Park trailers and cabins shall be limited in size to 500 square feet.
- (10) *Street and Driveway Improvements.*
- a. All streets and Driveways shall be paved in accordance with the specifications as set forth in article VII of this Code.
 - b. All two-way streets and Driveways shall have a minimum width of 20 feet. All one-way streets and Driveways shall have a minimum width of ten feet.
 - c. Street lighting. All streets and Driveways within the campground shall be lighted at night with electric lights providing a minimum average illumination of 0.2 foot-candle.
- (11) *Fires.*
- a. Fires shall be permitted only in stoves, fireplaces, and other equipment intended for such purposes.
 - b. Firefighting and protection equipment shall be provided at appropriate locations within the park. All equipment shall be maintained in good operating condition and its location shall be adequately marked. Inspection, maintenance, and marking of firefighting equipment shall be in accordance with those standards established by the national fire codes (National Fire Protection Association International) and the rules and regulations of the State of Florida fire marshal.
- (12) *Service stores.* A service store, if provided, shall be internally located within the park and shall not be provided separate Driveway access or signage along an exterior road.
- (13) *Site plan.* The special use permit application shall contain a complete site plan at a scale of not less than 50 feet to the inch and showing:
- a. The area and dimensions of the proposed overnight recreational park.
 - b. The street and Lot layout.
 - c. The location of water lines, sanitary sewer lines, natural gas lines, manholes, fire hydrants, and street lights.
 - d. A preliminary drainage plan prepared by a registered engineer.
 - e. Location and dimensions of all cabins, lodges, sanitation facilities, recreational facilities, buffers, office structures, utility buildings, service stores and Impervious Surfaces.
- (c) *Vesting of established overnight recreational parks.*
- (1) *Definition of established overnight recreational park.* An established overnight recreational park is an existing campground, fish camp, dude ranch, RV park and other overnight recreational facility that was lawfully established in Putnam County prior to the effective date of this article and has remained in continuous operation without interruption, vacancy or abandonment of normal operations for more

than 240 consecutive days, but which may not conform to all of the standards required under this subsection.

- (2) *Expansion.* The expansion of these established facilities, and the structures or Improvements that support them, shall generally be subject to the nonconforming Use and/or Structure standards under article IX, division 3 of this Code.
- (3) *Vesting an established overnight recreational facility.* An established overnight recreational facility that does not meet the minimum standards of this subsection may be administratively vested in order to maintain and repair the Use as established, if there is competent substantial evidence that the following criteria have been met:
 - a. The Use and the structures and Improvements supporting the Use were lawfully established at least 90 days prior to the effective date of this article.
 - b. The Use and the structures and Improvements supporting the Use have continued without interruption, vacancy or abandonment of normal operations for more 240 consecutive days.
 - c. The structures and Improvements supporting the Use are in a safe and operable working condition and comply with applicable building code and health department regulations.
 - d. The maximum length of stay for an established overnight recreational park shall not exceed 180 consecutive or nonconsecutive days in a 12-month period.
- (4) *[Request for vesting hearing.]* Overnight recreational parks that cannot be administratively vested for any reason may request a vesting hearing before the Board of County Commissioners pursuant to the process in article IX of this Code. The Applicant may also seek a rezoning of the park to PUD.
- (5) *Effect.* The Owner of an overnight recreational facility that is vested pursuant to paragraph (3) above will be permitted to repair significant damage or deterioration of those existing structures or Improvements, or even replace existing structures or Improvements with structures or Improvements of the same size used for the same purpose without need of a special use permit or a nonconforming use determination and without concern that he or she will be required to cease operations.

A vesting determination under this subsection does not:

1. Preclude or preempt the County building official, the fire marshal, the health department or any other State or Federal regulatory agency from requiring such uses to come into compliance with the codes or regulations as may be enforced by those offices.
2. Preclude the Department from enforcing minimum property maintenance and life/safety standards.
3. Preclude the Department from requiring compliance with the County's flood hazard area protection requirements as provided for in article VI, division 5 of this Code.

Sec. 45-197. Primitive campground.

- (a) *Defined.* A recreational facility or park designed, intended and used for transient overnight stays in tents or pop-up campers and passive accessory uses only.
- (b) *Standards.*
 - (1) A potable water tap shall be provided to each campsite, when required by the Florida Department of Health.
 - (2) Joint bathroom facilities shall be provided within 300 feet of each campsite, when required by the department of health.

-
- (3) All primitive campgrounds other than those owned and operated by the USDA Forest Service or the State of Florida shall be permitted by special use permit, unless otherwise permitted in conjunction with an approved temporary use permit.

Sec. 45-198. Permanent sales of produce.

Farmers who grow produce on property in Putnam County have the right to sell said produce from property they own, or have a lease or rental agreement pursuant to a written agreement in Putnam County subject to the following conditions:

- (1) The sale of said produce will not be undertaken within the public Right-of-way, or block a private easement.
- (2) Any structures used in the sale must meet the requirements of the Florida Building Code, or have an approved farm exemption from the building official.
- (3) Sanitation requirements must meet the requirements of the Florida Building Code and the Florida Health Department.
- (4) The property must be zoned AG, C-1, C-2, C-3, C-4, or IL.
- (5) Adequate off street parking and an approved access must be present.
- (6) A substantial portion of the produce sold at the site must be grown on property in Putnam County that is owned, leased or rented by the vendor.

Sec. 45-199. Religious facilities.

(a) Definition.

- (1) *Religious facility* is any Use, Structure, or group of uses and structures where the primary activity or impetus for the facility is the gathering of people for religious worship, instruction, and associated activities and typically includes, but is not necessarily limited to:
 - a. A Structure in which assembly for religious purposes takes place;
 - b. Classrooms for religious instruction;
 - c. Dining hall/social hall;
 - d. Playground;
 - e. Limited RV sites for traveling pastors or other special guests of the church as provided under section 45-131 of this Code;
 - f. A single residence for a church leader or caretaker.
- (2) Uses that may be owned and operated by a religious organization, but which meet the definition of a typical secular land Use, shall be subject to the same standards as the secular land Use. Such uses include but are not necessarily limited to:
 - a. Overnight recreational parks
 - b. Educational
 - c. Theme parks
 - d. Art galleries
 - e. Book stores

-
- f. Day care
 - g. Gift shops
- (b) Supplemental standards. In addition to standard dimensional and design requirements of article VII of this Code, religious facilities that are allowed without need of a special use permit shall be subject to the following supplemental standards:
- (1) The Use shall have direct access to paved, public roadways with a "minor collector" or higher roadway functional classification and a sufficient Level of Service and functional capacity to support the Use.
 - (2) The Use is not in a location interior to residential neighborhoods in a manner that will encourage the Use of Local Streets for non-residential traffic.
 - (3) The property where the Use is to be located is at least one acre in size and has a Lot width of at least 100 feet.
 - (4) The dimensional (i.e. setbacks and Lot width) requirements of the zoning district where the facility is located shall be met.
- (c) Religious facilities less than 10,000 gross square feet of Floor Area and not on a "minor collector" or higher roadway functional classification may be permitted with approval of a special use permit as provided for in article XII, division 12 of the land development code.

Sec. 45-200. Salvage yard.

- (a) *Definition.* "Salvage yard" means any open area where inoperative, dilapidated, abandoned or wrecked materials are bought, sold, exchanged, stored, processed or handled as a principle or accessory Use. This term shall include operations primarily engaged in the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, and operations engaged in the collection, sorting and shipping of materials for purposes of recycling or reuse. Typical materials found in a salvage yard include inoperable automobiles, trucks, tractors, wagons, boats or other kinds of vehicles and parts thereof, as well as scrap materials, scrap building materials, scrap contractors' equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, appliances, furniture and the like.
- (b) *Supplementary regulations.*
- (1) The setback from any property line which is in a residential district or which is shown for residential Use on the future land Use map shall be 300 feet.
 - (2) The entire area Occupied by a salvage yard shall be surrounded by a continuous solid masonry wall or opaque fence eight feet in Height without openings, except for entrances and exits, which shall be equipped with solid gates. Materials stored in the salvage yard shall not be visible above the wall or fence, and shall not be placed in any required setback area. Fabric or plastic sheets or nets shall not be used as part of the fence or attached to a fence for the purpose of affecting the required opacity.
 - (3) Salvage yards shall be limited to the IH zoning district; except that recycling operation conducted in connection with a solid waste facility may be located in the zoning district where such solid waste facility are allowed, subject to any conditions or requirements related to the solid waste facility.

Sec. 45-201. Solid waste facilities.

- (a) *Definition.* "Solid waste facility" means a land site used primarily for the disposal or transfer by transporting, dumping, burying, burning, or other means and for whatever purposes, of garbage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, and other waste, scrap, debris or discarded material of any kind, including, but not limited to, Class I, II and III Landfills, construction demolition debris Landfills, solid

waste transfer facilities, hazardous waste transfer facilities, recycling centers, composting and other yard waste facilities, and other substantially similar facilities and uses.

- (b) *Location—Generally.* Location of solid waste facilities, regardless of type, shall be limited to the land Use category(s) in the Future Land Use Element of the Putnam County Comprehensive Plan that expressly allows for such facilities. The location of solid waste facilities shall be further limited, based the type of solid waste activity, to the following zoning districts:
- (1) Class III Landfills, construction debris Landfills, compost and yard trash facilities (as defined by Florida Statutes and Florida Administrative Code) may be allowed in the P-1 or P-2 zoning district by special Use permit.
 - (2) Class I, Class II Landfills (as defined by Florida Statutes and Florida Administrative Code) and any other solid waste facility not specifically listed under paragraph (1), above, shall only be allowed in the P-2 or IH zoning district by special Use permit.
- (c) *Standards.*
- (1) In no case shall any solid waste facility be allowed to operate without the appropriate State licensing, registrations or approvals as required by State law. The absence of a State permit requirement shall not exempt a solid waste facility from the requirements of this Code, unless expressly preempted by State law.
 - (2) The minimum Lot size for Class III Landfills, construction and debris Landfills, and yard trash facilities is 30 acres. The minimum Lot size for Class I, Class II Landfills is 100 acres.
 - (3) Solid waste facilities and associated uses or structures shall be subject to the following setbacks:
 - a. Front, rear, and side Yards shall be a minimum of 300 feet.
 - b. When adjacent to a property with a residential Dwelling Unit, there shall be no disposal of wastes within 1,000 feet of the closest portion of the Dwelling Unit or private potable water well, whichever provides the greater setback distance.
 - c. The Use shall not be within 1,000 feet of a school, house of worship, or Hospital, measured on a straight line along the shortest distance between the perimeter of the solid waste facility and the boundary of the property upon which the school, house of worship, or Hospital is located.
 - d. Class I and II Landfills only shall be located at least 10,000 feet from any licensed and operating Airport runway used by turbine powered aircraft, and 5,000 feet from any licensed and operating Airport runway used only by piston engine aircraft, unless the Applicant demonstrates that the facility is designed and will be operated so that it does not pose a bird hazard to aircraft.
 - (4) The Use shall comply, at a minimum, with the buffering and screening standards of Table 7.03A and Table 7.03B of the land development code as a Group 6 land Use.
 - (5) The Use shall obtain all required department of environmental protection or department of health approvals prior to taking any action to develop the property for the Use.
 - (6) Except as provided in paragraph (12), below, the maximum height shall be 30 feet above the natural grade of the land at the location of the proposed solid waste facility; except that the closure height may extend up to 70 feet above natural grade if approved by special use permit and if the solid waste facility operation provides an additional 50 feet of setback from the property line for every additional one foot in height over 30 feet.
 - (7) The hours of operation of any solid waste facility shall be set as a permit condition by the Zoning Board of Adjustment, or Board of County Commissioners in the case of a PUD, but in all cases, shall not extend beyond sundown or commence prior to sunrise.

-
- (8) The use of the property as a solid waste facility shall be recorded on deeds and surveys of the property; including deeds and surveys of the property related further subdivisions of the property.
 - (9) The entire solid waste facility shall be fenced to prohibit vehicle and foot access, with the exception of the entrance and exit, neither of which shall be greater than 45 feet in width. The entrance and exits must be blocked off and locked when the solid waste facility is not in operation. Ingress and egress to the solid waste facility shall not take place on a local road if the local road passes through established residential neighborhoods.
 - (10) The operator on duty must be properly certified in identifying and handling hazardous wastes.
 - (11) Airborne particles must be contained on site by spray irrigation or any other environmentally sound dust control method.
 - (12) The closure elevation of a construction demolition debris Landfill or yard trash Landfill operated as part of a reclamation plan for a borrow area shall have no vertical rise above natural grade or the elevation indicated by the appropriate U.S.G.S. quad map.
 - (13) Any setback requirements shall be respected with regard to the entire operation, including accessory uses or structures. Setbacks areas shall not be filled with or used for storage of debris or waste of any kind for any period of time.

Sec. 45-202. Vehicular repair and vehicular service.

(a) *Definitions.*

- (1) *Vehicular repair* means any building, Structure, or land used for major vehicular repair such as body work, frame repair, interior repair, major mechanical repair, painting, welding or tire recapping.
- (2) *Vehicular service* means any building, Structure or land used for dispensing, sale or offering for sale at retail of any fuel, oils, accessories and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning are conducted. Service stations shall not include Premises where heavy vehicular maintenance activities, such as engine overhauls, painting, and body fender work are conducted.
- (3) *Vehicle* or *vehicular* shall include cars, trucks, motorcycles, and marine craft including boats and personal watercraft. This shall not include "heavy vehicles or equipment."

(b) *Supplementary regulations.* The following provisions shall apply to the location, design, construction and operation of commercial vehicular service and repair uses, provided, however, that more restrictive requirements in article VII shall take precedence:

- (1) Street Frontage:
 - a. On a corner Lot each street Frontage must be at least 100 feet.
 - b. On an interior Lot the street Frontage must be at least 100 feet.
- (2) No Driveway or Curb cut for a Driveway should be located within ten feet of an adjoining property line, as extended to the curve or pavement, or within 20 feet of any exterior (corner) Lot line or street intersection. The number of Curb breaks or Driveways giving access to a single street shall not exceed two for each 100 feet of street Frontage, each having a width of not more than 40 feet or less than 25 feet. Any two Driveways giving access to a single street shall be separated by an island with a minimum dimension of 20 feet at both the Right-of-way line and the Curb or edge of the pavement.
- (3) All lights and lighting shall be so designed and arranged so that no source of light shall be uncomfortably harsh or glaring to any residential district; this provision shall not be construed to prohibit interior-lighted signs.

-
- (4) No main or accessory building, no gasoline pump or canopy and no storage tank shall be located within 25 feet of any property that is residentially zoned. No gasoline pump shall be located within 20 feet of any street Right-of-way. Canopy roofs, but not support structures, may extend into setback areas to adequately cover fueling facilities.

Secs. 45-203—45-210. Reserved.

ARTICLE IV. OVERLAY ZONES AND PLANNED UNIT DEVELOPMENT DISTRICTS

DIVISION 1. IN GENERAL

Sec. 45-211. Purpose.

The purpose of this section is to describe overlay zones and planned unit development districts used to impose special development standards in certain areas. The location of overlay zones and planned unit development districts is established by the County based on the need for special development standards in specified areas. The overlay zones and planned unit development districts impose additional or different development standards than those that would otherwise apply in a conventional zoning district.

Sec. 45-212. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Overlay zone means a district that encompasses one or more underlying zones and that imposes additional or alternative requirements above that stipulated for the underlying zones.

Planned unit development (PUD) means land under unified control, planned and constructed as a whole in a single unified development or in approved phases. PUD's may include a variety of land uses and types of Dwelling Units as well as related uses and facilities. There is no minimum acreage size required for a PUD.

Secs. 45-213—45-220. Reserved.

DIVISION 2. PLANNED UNIT DEVELOPMENT (PUD)

Sec. 45-221. Purpose and intent of the PUD zoning district.

- (a) The PUD zoning district is established by Policy A.1.9.3.C of the Putnam County Comprehensive Plan. It is the purpose of this district to provide a method for landowners or developers to submit unique proposals which may not be provided for or allowed in the other zoning districts otherwise established by this Code. The PUD zoning district allows a mix of residential and nonresidential uses and/or unique design features which might otherwise not be allowed in one of the other listed districts, but that otherwise conform to the Putnam County Comprehensive Plan.
- (b) These PUD provisions are intended to promote flexibility of design and integration of uses and structures, while at the same time retaining in the Board of County Commissioners (hereinafter "County commission") the absolute authority to establish limitations and regulations thereon for the benefit of the public health, welfare and safety. By encouraging flexibility while retaining control by the County commission, the PUD is designed to accomplish one or more of the following:
 - (1) Permit innovative residential, nonresidential, and mixed-use developments provide for an integration of housing types and accommodation of changing lifestyles within neighborhoods; and provide for

design that encourages internal and external convenient and comfortable travel by foot, bicycle, and transit through such strategies as various street widths compatible with the type of development project proposed, modest setbacks, front porches, connected streets, multiple connections to nearby land uses, and mixed uses.

- (2) Provide flexibility to meet changing needs, technologies, economics and consumer preferences.
 - (3) Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing and outstanding landscape features and scenic vistas.
 - (4) Lower development and building costs by permitting smaller networks of utilities, and the use of more economical development patterns and shared facilities.
 - (5) Achieve overall coordinated building and facility relationships and infill development, and eliminate the negative impacts of unplanned and piecemeal development.
 - (6) Enhance the combination and coordination of architectural styles, building forms and building relationships within the development.
 - (7) Promote the use of traditional, quality-of-life design features, such as pedestrian scale, parking located to the side or rear of buildings, connected streets, terminated vistas, front porches, recessed garages, Alleys, aligned building facades that face the street, and formal landscaping along streets and sidewalks.
 - (8) Provide an efficient public process for considering large scale, complex developments where the proposed development is of such size, scale, complexity, and/or unique design that it would be inconvenient and inefficient to process such a proposal outside the PUD process.
- (c) All building code, housing code and other land Use regulations of this Code are applicable to a PUD; unless otherwise approved within the PUD ordinance.

Sec. 45-222. Justification and minimum requirements for rezoning to planned unit development.

- (a) An Applicant for a PUD rezoning must present evidence in the PUD narrative that the rezoning to PUD is justified by one or more of the following:
- (1) The proposed development is unique. Although it does not fit within an existing zoning district, it is consistent with the County Comprehensive Plan. The land Use designation on the Future Land Use Map of the Comprehensive Plan shall be such that it allows the proposed activity of the PUD prior to any application for rezoning to this designation being accepted.
 - (2) The proposed development is of such size, scale, complexity, and/or unique design that it would be inconvenient and inefficient to process such a proposal outside the PUD process.
 - (3) The nature of the proposed Use at a specific site requires specialized design characteristics to preserve and protect neighborhood character, environmental concerns and other concerns unique to the immediate area, consistent with Comprehensive Plan policies.
- (b) If a PUD proposal is found to be justified as required by subsection (a) above, the Applicant for the PUD rezoning must further present evidence in the aforementioned PUD narrative that the rezoning to PUD meets the following standards:
- (1) The Density and/or intensity, character and type of development proposed in the development plan is consistent with the Comprehensive Plan, Future Land Use Map and the concurrency management system, and the development plan meets one or more of the objectives set forth in section 45-221(b) above.

-
- (2) The land uses proposed within a PUD are compatible with the terrain and the existing and planned uses of properties surrounding the PUD. An evaluation of the external compatibility of a PUD should be based on the following factors: (1) adjacent existing and proposed uses, (2) design of the development to avoid undue noise, odor, traffic or other nuisances and other nuisances and dangers to abutting property Owners; (3) traffic circulation to ensure the transportation system and streets are of sufficient width and capacity to serve the demands created by the development; and (4) Density and/or intensity including type and size of structures and/or units and Height shall be considered to address compatibility.
 - (3) The residential Density of the PUD must comply with the Density limitations for each land Use category..
 - (4) Usable Open Spaces, plazas and recreation areas provided within a PUD must be consistent with the policies of the Comprehensive Plan and must be sufficient to provide appropriate recreational opportunities, protect sensitive environmental areas, conserve areas of unique beauty or historical significance, enhance neighborhood design, and encourage compatible and cooperative relationships between adjoining land uses.
 - (5) The site of the PUD must be suitable for use in the manner proposed without hazards to Persons either on or off the site from the likelihood of increased flooding, erosion or other dangers.
 - (6) Every Dwelling Unit or other Use permitted in the PUD shall have access to a public street either directly or by way of a private road, pedestrian way, court or other area which is either dedicated to public use or is a common area guaranteeing access. Permitted uses are not required to front on a dedicated public road, but at a minimum, private roads and other access ways shall be required to be constructed so as to ensure that they are safe and maintainable. To that end, all roads within any PUD, public and/or private, shall be constructed in accordance with Article VII, division 10.A of this Code . Connection to existing or planned adjacent streets is required, where applicable and feasible to minimize adverse traffic impacts.
 - (7) Sufficient off-street and on-street parking for bicycles, automobiles and other vehicles must be provided. Parking areas must be constructed in accordance with the standards outlined in article VII of this Code, and any deviations must be specifically identified and approved by the County commission to ensure that they are safe and maintainable and that they allow for sufficient privacy for adjoining uses. The design of a PUD should, whenever feasible, incorporate appropriate pedestrian and bicycle access ways so as to provide for a variety of mobility opportunities. Connection to all sidewalks, greenways, trails, bikeways, and transit stops along the perimeter of the PUD is required. Where existing perimeter sidewalks do not exist, sidewalks shall be provided by the development unless otherwise approved within the PUD ordinance.
 - (8) Utilities and essential public services, including, but not limited to, sanitary sewer, potable water, fire abatement services or appurtenances, solid waste, and other services must be available and have capacity to serve the development.

Sec. 45-223. Application requirements for rezoning to PUD.

- (a) The standard rezoning applications requirements of sections 45-1071 and 45-1072 shall apply to a request to rezone to PUD, except as follows:
 - (1) In addition to the standard rezoning application and submittals, the Applicant shall submit a PUD report describing the PUD and setting for the manner in which the proposed PUD complies with the requirements of section 45-222 of this Code.

-
- (2) Development review committee. Prior to any public hearings, the PUD application, including the development plan, shall be reviewed by the Development Review Committee.
- (b) The PUD ordinance must include the following:
- (1) Written findings complying with subsection 45-223(c) below;
 - (2) The PUD agreement;
 - (3) The development plan for the PUD;
 - (4) The schedule for development of the PUD;
 - (5) The legal description of the area within the PUD; and
 - (6) Language requiring:
 - a. That the proposed development shall proceed in accordance with the PUD ordinance, the development plan for the PUD, the schedule for development of the PUD, and such conditions and safeguards as many be established by the Board of County Commissioners in such ordinance.
 - b. That the proposed development will be completed according to plans approved by the PUD ordinance, and that there will be continuing operating and maintenance such areas, functions and facilities as are not to be provided, operated or maintained by the County pursuant to written agreement.
 - c. That any commitments made in the application or approved PUD report shall be binding on the applicant's successors in title or interest.
- (c) The board's decision to adopt the ordinance must be based on the findings listed below.
- (1) The request for a rezoning to PUD is consistent with the Comprehensive Plan.
 - (2) The PUD meets the general intent of the County's land development code even though it differs in one or more respects from the usual application of the standards in the code.
 - (3) The PUD accomplishes one or more of the purposes listed in section 45-221 of this Code and the applicable policies of the Comprehensive Plan.
 - (4) The PUD complies with standards for applicability listed in subsection 45-222(a) of this Code.
 - (5) The PUD complies with standards for development standards listed in subsection 45-222(b) of this Code.
 - (6) The PUD is either not being placed in an area of agricultural land Use, or if placed in an area of agricultural land Use, the activity of the PUD will be consistent with policies of the Comprehensive Plan with regard to development in Agriculture lands.
- (d) Specific development plans must be submitted according to the schedule adopted as part of the PUD ordinance. Such development plans shall be in the form of a subdivision plat or a site plan, as applicable.
- (1) In the case where a PUD involves one or more subdivision plats, final development plans must follow the general requirements for subdivision approval provided in article XII of this Code. The staff, committees and boards reviewing the subdivision plats must find the plats consistent with the PUD ordinance and all other applicable standards of this Code. In order to facilitate minor adjustments, changes which comply with the following criteria may be approved by the planning and development services director:
 - a. The number of subdivision lots is the same or less and are located in the same general location.
 - b. The Open Space is in the same general location and in the same amount, or greater amount.

-
- c. The streets follow approximately the same layout.
 - d. There is no change in the Use.
 - e. Extension of time limits for development for periods not exceeding one year upon showing good cause, submission of a development status report and submission of a revised schedule of development.
- (2) For all mixed-use or non-residential PUD developments, the staff, committees and boards shall review the plans under either the Class I, II or III development review processes in article XII, divisions 3 and 4 of this Code and they must find the site plans consistent with the PUD ordinance. The Department can allow for concurrent review under the PUD and development review processes where appropriate. In order to facilitate minor adjustments, changes which comply with the following criteria may be approved by the planning and development services director:
- a. The number of Dwelling Units is the same or less.
 - b. The Open Space is in the same general location and in the same amount, or greater amount.
 - c. The Floor Area of the buildings is the same or less.
 - d. The streets follow approximately the same layout.
 - e. Access points for the project site are the same or less in number and in the same general location.
 - f. Extension of time limits for development for periods not exceeding one year upon showing good cause, submission of a development status report and submission of a revised schedule of development.
- (e) Time limits.
- (1) The development of the PUD must proceed according to the schedule for development included in the PUD ordinance. If the development does not commence within the time frame specified in the PUD ordinance, or in the case of a phased development, a phase of development does not commence within the time frame specified in the PUD ordinance, the ordinance shall become invalid and no further development shall be permitted. Where no time frames have been specified the expiration date shall be 48 months from the date of adoption of the PUD ordinance. If time limits contained in the approved PUD are not complied with and not extended for good cause, the County commission may initiate rezoning of the property or any part of it, and/or amend the approved PUD development plan, so as to best protect adjoining properties and the public health, safety or welfare. County staff shall initiate action to rezone the property to another appropriate zoning district by following the rezoning procedure described in article XII of this Code. No development shall be permitted under an expired PUD.
- (2) Extensions of time. Applicants may request extensions of time on PUD ordinances. Such extensions may be granted for a maximum of up to two years per extension request. Extensions may be granted only upon a showing by the Applicant that reasonable efforts have been made towards securing the required permits and commencing work on the project, that any proposed amendment of the development plan will serve to the benefit of the County and the project, and the extension is based upon good cause, as determined by the Board of County Commissioners. Such requests shall be heard by the Board of County Commissioners pursuant to article XII of this Code unless otherwise administratively approved as an administrative deviation. Any such extension shall not automatically extend the normal expiration date of a certificate of concurrency, Building Permit, site plan approval, Development Agreement or other Development Order. Failure to complete phasing on schedule shall require a new concurrency review and obligation to obtain the appropriate certificate of concurrency reservation pursuant to article V of this Code, where applicable.

-
- (f) Permits. All construction in the development of a PUD shall proceed only under applicable permits issued by the County and any other regulatory department or agency. No Building Permit, certificate, or other document authorizing construction or Occupancy within a PUD shall be issued except in accordance with the approved development plan.

Sec. 45-224. Unified control.

- (a) All land included in any PUD shall be under the complete, unified, legal, otherwise-encumbered control of the applicant, whether the Applicant be an individual, partnership, corporation, other entity, group or agency.
- (b) Upon request of the County administrator or designee, the Applicant shall furnish the County sufficient evidence to the satisfaction of the County attorney that the Applicant is in the complete, legal and unified control of the entire area of the proposed PUD.
- © Upon request of the County administrator or designee, the Applicant shall provide the County, for approval by the County attorney, all agreements, contracts, guarantees and other necessary documents and information that may be required by the County attorney to assure the County that the development project may be lawfully completed according to the plans sought to be approved.
- (d) If any such documents are requested, the application shall not be considered by the County commission until the County attorney has certified in writing that the legal requirements of this section have been fully met. The County attorney may require the Applicant to provide an opinion of its attorney to the same effect. The Applicant shall acknowledge within the application that the Applicant and any successors and assigns in title and/or interest shall be bound by any commitments made in the adopted PUD ordinance unless otherwise approved by the Board of County Commissioners.

Sec. 45-225. Phasing.

- (a) The Board of County Commissioners may permit or require the phasing or staging of a PUD.
- (b) When provisions for phasing are included in the development plan, each phase must be so planned and so related to previous development, surrounding properties and the available Public Facilities and services that a failure to proceed with subsequent phases will have no adverse impact on the PUD or surrounding properties.
- (c) Concurrency certification is not reserved by PUD phasing. Article V of the Land Development Code establishes the process for obtaining a certificate of concurrency that is subject to the Level of Service requirements of the Putnam County Comprehensive Plan and Land Development Code.

Sec. 45-226. Application for development review.

Applications for development review of a PUD shall be available from the Planning and Development Services Department (hereafter, the "Department"). The completed application shall be signed by all Owners of the property subject to the proposal, and, where applicable, their agent; all signatures shall be notarized. Signatures by other parties will be accepted only with notarized proof of legal 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.

Secs. 45-227—45-240. Reserved.

DIVISION 3. AIRPORT OVERLAY REGULATIONS

Sec. 45-241. Purpose.

The purpose of this section is to establish height limitations and land Use limitations in Putnam County around Palatka Municipal Airport in order to prevent the creation of obstructions or other land uses that may be hazardous to Airport and aircraft operations. It is recognized that airports present an increased risk to the public's health, safety and well-being due to aviation noise and the potential for an aviation accident. As a result, this section identifies overlay zones that provide height restrictions based on obstruction standards established by Federal Aviation Administration (FAA) and Florida Department of Transportation (FDOT); and land Use limitations based on sensitivity to aviation generated noise, the increased risk of injury to persons or property in the event of an aircraft accident and the increased risk to aviation due to certain uses:

- (1) Airport height notification zone (See Figure 4.1 and Map 4.2 in appendix IV);
- (2) Educational facility restriction zone (Map 4.4 and 4.5 in appendix IV);
- (3) Residential and educational restriction zone (Maps 4.4 in appendix IV); and
- (4) Runway protection zones;
- (5) Use notification zone.

These overlay zones and the requirements for each apply only to that portion of a given Parcel that falls within the zone, and only to proposed or existing structures or other objects within the zone. They do not apply to accessory Open Space, landscape and buffering, stormwater management, or Driveway and parking uses provided these do not violate applicable height restrictions.

Sec. 45-242. Airport height notification zone.

- (a) *Establishment of zone.* The Airport height notification ("AHN") zone is hereby established as an overlay zone that regulates the height of structures and other objects in the vicinity of a public airport. The AHN zone extends outward 20,000 feet from the ends and each side of all active runways (See Map 4.2 and Figure 4.1). Any proposed Structure that exceeds a height of 200 feet anywhere in the County shall be regulated as provided herein.
- (b) *AHN requirements.* Development or permit approvals for potential Airport obstructions shall not be issued without a condition requiring FAA approval stating that the potential Airport obstruction does not exceed the FAA obstruction standards of 14 CFR Part 77. Any such condition must be satisfied prior to final inspection or final approval, as applicable.
 - (1) *Potential Airport obstruction.* A permit application or proposed development represents a "potential Airport obstruction" if the proposed project will result in an object or natural vegetation having a height greater than an imaginary surface that extends outward 20,000 feet from the ends and sides of an active, public runway at slope of one vertical foot for every 100 horizontal feet (100:1). For example, a proposed development that will be located 1,000 feet from the end of an active runway at Palatka Municipal Airport will be determined a potential Airport obstruction by the County, if the Height of the proposed Structure exceeds ten feet. Figure 4.1 in appendix IV of this Code illustrates this overlay for Palatka Municipal Airport.

-
- (2) *Notice and approval.* If the planning and development services department determines that a proposed development is a potential Airport obstruction, the Department shall require the Applicant to demonstrate that the proposed development is not Airport obstruction prior the issuance of development approval or permit.
- a. The Department may approve a proposed development, subject to all other applicable provisions of this Code, if the approval is conditioned upon receipt of a written determination from the FAA that the proposed development does not exceed the obstruction standards in 14 CFR Part 77 and the director determines that the proposed development does not constitute an immediate threat to aviation or public safety.
 - b. If the Applicant cannot provide a written determination in accordance with subsection (2)a. above or if the FAA finds that the proposed development exceeds the obstruction standards in 14 CFR Part 77, no final inspections shall be approved and the proposed development shall immediately cease until a favorable FAA determination can be obtained and the Applicant can demonstrate compliance.
- (3) *Appeal.* With the exception of an adverse determination from the FAA, an Applicant may appeal any adverse determination under subsection 45-242(b) to the Zoning Board of Adjustment pursuant the provisions of article XI of this Code.
- (c) *Variance.* A request for a variance from the AHN zoning requirements may be submitted to the Department and heard by the Zoning Board of Adjustment. The Zoning Board of Adjustment shall not consider an application for a variance to the requirements of AHN zoning unless it affirmatively appears that a copy of the application has been furnished to the Florida Department of Transportation, Division of Mass Transit Operations, Aviation Bureau ("FDOT") pursuant to F.S. § 333.07(2)(a). The FDOT shall be allowed 45 days to comment on the proposed variance and the zoning board shall not render a final decision until this 45-day time period expires. The Applicant shall also submit a copy to the Airport manager, Palatka Municipal Airport. A request for a variance shall otherwise be determined in accordance with article XI of this Code.

Sec. 45-243. Land Use restriction zones.

- (a) *Runway protection zones (RPZ).*
- (1) Identified:
 - a. The RPZ for runway 9 is an area shaped as a trapezoid that is 500 feet wide at the end of the runway and centered on the end of the runway. The RPZ extends 1,700 feet outward from the end of the runway and is 1,010 feet wide at its outer edge.
 - b. The RPZ for runway 27 is an area shaped as a trapezoid that is 500 feet at the end of the runway and centered on the end of the runway. The RPZ extends 1,000 feet outward from the end of the runway and is 700 feet wide at its outer edge.
 - c. The RPZ for runways 17 and 35 are shaped as trapezoids that are 500 feet wide and centered on the ends of each runway. The RPZ extends 1,000 feet outward from the ends of these runways and are 700 feet wide at the outer edges.
 - (2) No new development shall be allowed within the RPZ without:
 - a. The express written determination of no hazard to air navigation from the FAA;
 - b. Written authorization from FDOT; and
 - c. Written authorization from the Airport manager for the Palatka Municipal Airport.

-
- (b) *Prohibition of sanitary Landfills.* Pursuant to F.S. § 333.03(2), new sanitary Landfills shall not be located within 10,000 feet from any runway or within the lateral limits of any primary, approach, horizontal or conical surfaces of Palatka Municipal Airport. The aerial extent of Airport surfaces is shown in Map 4.3 of appendix IV.
 - (c) *Prohibition of new residential uses and educational facilities.* Pursuant to F.S. § 333.03(3), new residential uses and new educational facilities shall not be located within an area equal to one-half the length of the longest runway and extending from runway ends and centerlines as shown in Map 4.4 of appendix IV.
 - (d) *Additional prohibition of new educational facilities.* Pursuant to F.S. § 333.03(3), new educational facilities shall not be located within an area equal to one-half the length of the runway and extending five miles outward from the end of each runway as shown in Map 4.5.

Sec. 45-244. Other Use restrictions.

- (a) Other Use restrictions. Notwithstanding any other provision of this Code, no Use may be made of land or water within the airspace of Palatka Municipal Airport as shown on Map 4.3 of appendix IV that would interfere with:
 - (1) The safe operation, takeoff and landing of aircraft,
 - (2) Communications between aircraft and airport, or
 - (3) Visibility of aircraft within the airspace, unless otherwise approved by the Director of Planning and Development Services.
- (b) The Department shall give notice to the Airport manager of any proposed development or Use occurring within six miles of the Palatka Municipal Airport that generates smoke, airborne particulates, electromagnetic interference or involving structures or equipment in excess of 60 feet in Height.

Sec. 45-245. Lighting.

Notwithstanding the other provisions of this article, the Owner of any proposed or existing Structure that obtains a permit or variance pursuant to this Code or that is over 200 feet above ground level shall comply with lighting requirements of the FAA and FDOT as applicable.

Secs. 45-246—45-250. Reserved.

DIVISION 4. HISTORIC DISTRICTS AND LANDMARKS OVERLAY

Sec. 45-251. Purpose.

Putnam County hereby recognizes that, as a matter of public policy, the preservation, protection, enhancement, and perpetuation of property with historical, cultural and aesthetic merit is in the best interest of the public health, prosperity and general welfare. The purpose of this section is to effect the protection, enhancement and perpetuation of districts, structures, objects, and sites which represent distinctive elements of the County's (or a given community within the County) social, economic, political and architectural history.

Sec. 45-252. Definitions.

Definitions applicable to this section are as follows:

Alteration means any act or process that changes one or more of the exterior architectural appearances of a Structure, including, but not limited to, the erection, construction, reconstruction, remodeling, replacement or removal of any Structure or part of any Structure.

Major Alteration means any Alteration of a regulated work item that is not a minor Alteration.

Minor Alteration means any Alteration of a regulated work item that involves minor changes to a Structure by way of replacement of non-structural items, including the replacement of doorways, window frames or siding.

Certificate of appropriateness means a certificate issued by the Zoning Board of Adjustment or a properly established historical district commission indicating its approval of plans for the Alteration, construction, removal, or demolition of a Structure listed in the local register of historic places or identified as contributing to a district listed on the local register of historic places.

Certificate of economic hardship means a certificate issued, based on a finding of economic hardship by the Zoning Board of Adjustment or a properly established historical district commission, indicating approval of plans for Alteration, construction, removal, or demolition of a Structure listed in the local register of historic places or identified as contributing to a district listed on the local register of historic places, even though a certificate of appropriateness was previously denied.

Economic hardship means a condition resulting from a denial of a certificate of appropriateness inflicting an excessive economic burden upon the Owner and/or amounting to a taking without just compensation.

Emergency repairs means repairs necessitated by unforeseen events such as storms, fires or civil disturbance that must be accomplished without delay.

Exterior architectural appearance means the architectural character and general composition of the exterior of a Structure, including, but not limited to, the kind, color, and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements.

Removal means any relocation of a Structure or an exterior piece of a Structure on its site or to another site.

Repair means any change to a Structure that is not construction, removal or Alteration.

Structure means anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but not limited to, buildings, fences (of any type), walls, gazebos, advertising signs, billboards, radio and television antennae or dishes, support towers and swimming pools.

Sec. 45-253. Local register of historic places.

- (a) *Established.* A local register of historic places ("local register") is hereby established as a means of identifying and classifying various sites, buildings, structures, objects, and districts as historic and/or architecturally significant. The planning and development services department shall keep the local register, which shall be in written and graphical form, where possible, and be made available for the public to review and copy upon request in accordance with established public records request procedures.
- (b) *Initiation of placement on the local register placement.* Placement of sites, buildings, structures, objects or districts on the local register may be initiated by a nomination from the Putnam County Board of County Commissioners or the Zoning Board of Adjustment. In addition, placement may be initiated by a nomination from the Owner of the site, building, Structure, object, or area; or, in the case of a district, by the Owner of a site, building, Structure, object, or area within the proposed district pursuant to the nomination procedures established herein. A district may also be nominated by a Historic District committee created pursuant to these regulations.

-
- (c) *Placement on the local register.* The following procedure shall be followed for placement of sites, buildings, structures, objects, areas, and districts on the local register:
- (1) A nomination form, available from the Department, shall be completed by the nominating party and returned to the Department.
 - (2) Upon receipt of a completed nomination form, including necessary documentation and information indicated on the nomination form, the Department shall place the nomination on the agenda of the next regularly scheduled meeting of the Zoning Board of Adjustment. If the next regularly scheduled meeting of the Zoning Board of Adjustment is too close at hand to allow for the required notice to be given, the nomination shall be placed on the agenda of the succeeding regularly scheduled meeting.
 - (3) Adequate notice of the Zoning Board of Adjustment's consideration of the nomination shall be provided to the public at large through a newspaper of general publication, and through a direct mailing to the Owner(s) of the nominated property(ies) and the Owner(s) of the property(ies) within 300 feet of a nominated property(ies). Such notice shall be at least 15 days in advance of the meeting at which the nomination will be considered.
 - (4) The Zoning Board of Adjustment shall, within 30 days from the date of the meeting at which the nomination is first on the Zoning Board of Adjustment agenda, review the nomination and write a recommendation to the Planning Commission thereon. The recommendation shall include specific findings and conclusions as to why the nomination does or does not meet the appropriate criteria for listing on the local register. The recommendation shall also include any Owner's objection to the listing. If the nomination is of a district, the recommendation shall also clearly specify, through the use of maps, lists, or other means, those buildings, objects, or structures which are classified as contributing to the historical significance of the district. If the 30-day period runs and the Zoning Board of Adjustment has not prepared and sent a recommendation, and the period has not been extended by mutual consent of the Applicant and the Zoning Board of Adjustment, the nomination may be submitted by the Applicant directly to the Planning Commission.
 - (5) The nomination form and the Zoning Board of Adjustment's recommendation shall be sent to the Planning Commission. The nomination shall then be processed pursuant to the rezoning procedures in this Code.
- (d) *Criteria for listing on the local register.*
- (1) A district, site, building, Structure or object must meet the following criteria before it may be listed on the local register:
 - a. It must possess integrity of location, design setting, materials, workmanship, feeling and association, and
 - b. It must be associated with events that have made a significant contribution to local, State, or national history; or
 - c. It must be associated with the lives of persons significant in local, State or national history; or
 - d. It must embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or
 - e. It must have yielded, or may be likely to yield, information important in prehistory or history.
 - (2) Prior to listing a historical district, the Zoning Board of Adjustment shall indicate each Parcel that is contributing to the historical character of that district pursuant to the following criteria:
 - a. The property is one which, by its location, design, setting, materials, workmanship, feeling and association adds to the district's sense of time, place and historical development.

-
- b. A property should not be considered contributing if the property's integrity of location, design, setting materials, workmanship, feeling and association has been so altered that the overall integrity of the property has been irretrievably lost.
 - c. Structures that have been built within the past 50 years shall not be considered contributing to the significance of a district, unless a strong justification concerning their historical or architectural merit is given or the historical attributes of the district are considered to be less than 50 years old.
- (3) Vacant Parcels within a district listed in the local register are presumed to be contributing to that district and any Alteration or new construction thereon must obtain a certificate of appropriateness pursuant to section 45-254 below.
- (e) *Buffer.* Prior to issuing permits for the development of property adjacent to a Structure or district listed on the local register, the planning and zoning department shall review the proposed development to determine whether it will adversely impact on the historical Structure or district. Where there is a potential for an adverse impact, the planning and zoning department shall treat the proposed development as an incompatible Use and require sufficient buffering or screening. Except that a barrier or screen composed of non-living material must be in keeping with the historical Structure or district. Chain-link, barbed-wire, silt screen or any other cloth or metal material shall not be permitted to function as the required buffer.
- (f) *Historical district committee option.*
- (1) In the case of a district to be nominated or established pursuant to this section, the nominating parties or the residents of the district may choose to form a historical district committee. Once created pursuant to this part, a historical district committee shall perform, for the district covered by the committee, all historic preservation related duties otherwise performed by the Zoning Board of Adjustment under this part; including submitting the nomination and the findings and recommendations for that particular district to the Planning Commission pursuant to subsection 45-253(a)—(e) above. It shall also conduct the initial review and findings for the certificates of appropriateness and economic hardship pursuant to sections 45-254 and 45-255 below. Any provisions in this part where the Zoning Board of Adjustment is provided with certain powers or duties should be read to provide a properly formed historical district committee with the same powers and duties, except in the case of an appeal of a decision of the historical district committee. The County will not provide support staff and legal representation for the committee.
 - (2) All actions of the historical district committee(s) shall be governed by the criteria and procedures established in this section and the Florida Statutes regarding open government.
 - (3) A notice of intent to create a historical district committee must be submitted to the Department with the necessary documentation described herein. The Department shall set the notice of intent for a hearing before the Planning Commission in accordance with the timing and notice provisions of subsection 45-253(c) of this Code. The creation of the committee must be finally approved by a resolution of the Board of County Commissioners before the committee takes any action pursuant to this section.
 - (4) The written notice of intent shall include at a minimum:
 - a. A statement of the purpose for forming the committee.
 - b. A list of the proposed initial members for the committee, which shall include the name of the primary contact person for the committee.
 - c. Proposed articles and bylaws, which at a minimum shall indicate that actions taken by the committee shall be pursuant to the requirements of article IV, division 4 of this Code, and include

any proposed additional procedures or requirements such as meeting schedule and background requirements for appointment to the committee.

- d. A list of names of all Persons that own property within the district. This list shall include Parcel numbers, the most current mailing address and indicate whether each Person listed supports or opposes the creation of the committee, or whether the property Owner's opinion is unknown.
 - e. Proof of a properly noticed meeting to establish the initial committee.
- (5) Any committee proposed under this subsection must have a minimum of three and a maximum of nine members.
 - (6) Members of the committee shall be appointed by the property Owners in the proposed district at a properly noticed meeting.
 - (7) The term of office of each member of the committee shall be no more than five years, and each member may serve only two consecutive terms.
 - (8) A quorum shall consist of a majority of the members of the committee, and all decisions of the committee shall be by majority vote at a meeting where quorum is present.
 - (9) No member of the committee shall vote on any matter that materially affects the property, business or income of that member.
 - (10) All potentially impacted property Owners shall have an opportunity to be heard prior to any action being taken by the committee that could deprive or restrict such property Owners' Use of his or her property, including his or her ability to modify, maintain, dispose or demolish such property.
 - (11) Notice of the initial meeting where it is decided to establish a committee and members of the committee are to be appointed shall be provided in writing by mail to all property Owners within the district no less than 15 and no more than 30 days prior to the scheduled date of the meeting. Meetings regarding applications for certificate of appropriateness shall be conducted as provided in section 45-254.
 - (12) Any proposed action by the historical district committee to place structures or property on the local register shall be submitted directly to the Planning Commission and treated as a rezoning. Proposed action by the historical district committee pursuant to sections 45-254 and 45-255 shall be deemed final, and may be appealed to the Zoning Board of Adjustment pursuant to the appeal procedure set forth in this Code.
- (g) *Effect of listing on local register.*
- (1) The Department may issue an official certificate of historic significance to the Owner of properties listed individually on the local register or judged as contributing to the character of a district listed on the local register. The Department is authorized to issue and place official signs denoting the geographic boundaries of each district listed on the local register.
 - (2) Structures and buildings listed individually on the local register or judged as contributing to the character of a district listed on the local register shall be deemed historic and entitled to modified code enforcement as provided in Florida Building Code.
 - a. Modified code enforcement means that the provisions of the technical building codes relating to construction, Alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures listed in the local register individually or as contributing to the character of a district listed in the local register.
 - b. This exemption is subject to the local building official's judgment concerning the safety of the Structure and the public interest of health, safety and welfare regarding any proposed

construction, Alteration, repair, enlargement, restoration, relocation or moving of the building or Structure.

- (3) No demolition, Alteration, relocation or construction activities may take place on any buildings, structures or Parcels listed in the local register or judged to be contributing to the character of a district listed in the local register, except as provided below in section 45-254.

Sec. 45-254. Certificates of appropriateness.

(a) *When required.*

- (1) A certificate of appropriateness must be obtained before making certain Alterations, described below as regulated work items, to contributing structures and structures listed individually on the local register.
- (2) For each of the regulated work items listed below, the following applies:
- a. Ordinary maintenance. If the work constitutes "ordinary maintenance" as defined in this Code, the work may be done without a certificate of appropriateness. ordinary maintenance, which includes repairs, means work done to prevent the deterioration of a Structure or to correct any minor deterioration or decay of a Structure or any part thereof by restoring the Structure as nearly as practicable to its condition prior to such deterioration or decay.
 - b. Emergency repairs as defined in section 45-252 may commence without a certificate of appropriateness when replacement materials are not readily available or cost is considered excessive and could be considered for economic hardship if time were not of the essence. If the work normally requires a Building Permit, the permit must be obtained. When a Building Permit is not required, the Department must be notified within three days of the repair. In either case an after the fact review regarding appropriateness will be conducted following the normal processes.
 - c. Department approval. If the work is not "ordinary maintenance," but involves minor Alterations, a certificate of appropriateness must be obtained from the Department before the work may be done. The certificate of appropriateness shall be mailed to all Persons within the district. Where a historical district committee is in place, the Department shall provide a copy of the certificate of appropriateness to the designated contact person for the committee. If the Department makes a written determination that the extent or cumulative effect of the minor Alterations are such that they constitute major Alterations, the certificate of appropriateness shall be reviewed in accord with paragraph d. below. The Department decisions may be appealed to the Zoning Board of Adjustment in accordance with the standard appeal provisions of this Code, or when established pursuant to this part, the historical district committee.
 - d. Zoning board of adjustment approval. If the work is not "ordinary maintenance" and involves major Alterations, a certificate of appropriateness must be obtained from Zoning Board of Adjustment before the work may be done, or when established pursuant to this part, the historical district committee.
- (3) The following are regulated work items:
- a. Installation, Alteration or removal of metal awnings or metal canopies.
 - b. Installation or Alteration of all decks above the first-floor level and/or on the front of the Structure.
 - c. Installation or Alteration of an exterior door or door frame, or the infill of an existing exterior door opening.

-
- d. Installation, Alteration or removal of any exterior wall, including the enclosure of any porch or other outdoor area with any material other than insect screening.
 - e. Installation, Alteration or relocation of wood, chain-link, masonry (garden walls) or wrought iron fencing, or the removal of masonry (garden walls) or wrought iron fencing.
 - f. Installation, Alteration or removal of all fire escapes, exterior stairs or ramps for the handicapped.
 - g. Painting unpainted masonry including stone, brick, terra-cotta and concrete.
 - h. Installation, Alteration or removal of railings or other wood, wrought iron or masonry detailing.
 - i. Abrasive cleaning of exterior walls.
 - j. Installation of new roofing materials, or Alteration or removal of existing roofing materials.
 - k. Installation, Alteration or removal of security grilles, except that in no case shall permission to install such grilles be completely denied.
 - l. Installation, Alteration or removal of existing exterior siding materials.
 - m. Installation, Alteration or removal of exterior skylights.
 - n. Installation or Alteration of exterior screen windows or exterior screen doors.
 - o. Installation or Alteration of an exterior window or window frame or the infill of an existing exterior window opening.
 - p. Installation, Alteration or removal of signs.
 - q. Installation or Alteration of exterior lighting.
- (4) A certificate of appropriateness must be obtained from the Zoning Board of Adjustment to erect a new Structure or parking Lot within a district listed on the local register.
 - (5) A certificate of appropriateness must be obtained from the Zoning Board of Adjustment to demolish a building, Structure, or object listed individually on the local register, or designated as contributing to a district listed on the local register.
 - (6) A certificate of appropriateness must be obtained from the Zoning Board of Adjustment to relocate a building, Structure, or object listed individually on the local register, or designated as contributing to a district listed on the local register.
- (b) *Criteria for issuing.*
- (1) The decision on all certificates of appropriateness, except those for demolition, shall be guided by the secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings and the following visual compatibility standards:
 - a. *Height.* Height shall be visually compatible with adjacent structures.
 - b. *Proportion of building, Structure or object's front facade.* The width of building, Structure or object to the height of the front elevation shall be visually compatible to structures and places to which it is visually related.
 - c. *Proportion of openings within the facility.* The relationship of the width of the windows in a building, Structure, or object to the height of the windows shall be visually compatible with structures and places to which the building, Structure or object is visually related.

-
- d. *Rhythm of solids to voids in front facades.* The relationship of solids to voids in the front facade of a building, Structure or object shall be visually compatible with structures and places to which it is visually related.
 - e. *Rhythm of buildings, structures, or objects on streets.* The relationship of the buildings, structures, or objects to Open Space between it and adjoining structures and places shall be visually compatible to the structures and places to which it is visually related.
 - f. *Rhythm of entrance and/or porch projection.* The relationship of entrances and projections to sidewalks of a building, Structure, or object shall be visually compatible to the structures and places to which it is visually related.
 - g. *Relationship of materials, texture, and color.* The relationship of materials, texture and color of the facade of a building, Structure or object shall be visually compatible with the predominant materials used in the structures to which it is visually related.
 - h. *Roof shapes.* The roof shape of the building, Structure, or object shall be visually compatible with the structures to which it is visually related.
 - i. *Walls of continuity.* Appurtenances of a building, Structure, or object such as walls, fences, landscape masses shall, if necessary, form cohesive walls of enclosure along a street, to ensure visual compatibility of the building, Structure, or object to the Structure and places to which it is visually related.
 - j. *Scale of a Structure.* The size of the building, Structure, or object, the building mass of the building, Structure or object in relation to Open Space, the windows, door openings, porches, and balconies shall be visually compatible with the structures and places to which it is visually related.
 - k. *Directional expression of front elevation.* A building, Structure, or object shall be visually compatible with the structures and places to which it is visually related in its directional character.
 - l. *Signs.* Proposed new or altered signs shall not materially impair the architectural or historical value of a district or Structure listed in the local register.
- (2) In addition to the guidelines provided in paragraph (1) above, issuance of certificates of appropriateness for relocations of structures shall be guided by the following factors:
- a. The historic character and aesthetic interest the building, Structure, or object contributes to its present setting;
 - b. Whether there are definite plans for the area to be vacated and the effect of those plans on the character of the surrounding area;
 - c. Whether the building, Structure, or object can be moved without significant damage to its physical integrity; and
 - d. Whether the proposed relocation area is compatible with the historical and architectural character of the building, Structure or object.
- (3) Issuance of certificates of appropriateness for demolitions shall be guided by the following factors:
- a. The historic or architectural significance of the building, Structure, or object;
 - b. The importance of the building, Structure, or object to the ambience of a district;
 - c. The difficulty or the impossibility of reproducing such a building, Structure or object because of its design, texture, material, detail, or unique location;

-
- d. Whether the building, Structure, or object is one of the last remaining examples of its kind in the neighborhood, the County, or the region;
 - e. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and the effect of those plans on the character of the surrounding properties with the district; and
 - f. Whether reasonable measures can be taken to save the building, Structure, or object from collapse.
- (4) If necessary to preserve the historic nature of a Structure listed on the local register (or identified as contributing to a listed district) or prevent demolition of the historic Structure, the Zoning Board of Adjustment may allow a Use of the Structure by special exception that is otherwise not allowed under the applicable zoning. For example, the Zoning Board of Adjustment could allow the Use of a historic residential Structure for professional office in a residential zone or the Use of a historic commercial or public Use Structure for residential in a commercial zone, provided it meets the County's issuance criteria for granting special exceptions set forth in this Code. The Zoning Board of Adjustment may also allow rehabilitation of an otherwise non-conforming historic Structure in order to preserve the historic nature of the Structure.
- (c) *Procedure.*
- (1) A Person wishing to undertake any of the actions specified in subsection 45-254(a) shall file an application for a certificate of appropriateness, and supporting documents, with the Department. In the case of individual historical district committees, the Department shall immediately forward the application to the designated contact person(s) within the committee. The Applicant may elect to submit a copy of the application directly to the committee.
 - (2) The prospective Applicant shall confer with the Department, or where applicable the contact person for the historical district committee, concerning the nature of the proposed action and requirements related to it. The Department or contact person shall advise the Applicant of the nature and detail of the plans, designs, photographs, reports or other exhibits required to be submitted with the application. Such advice shall not preclude the Zoning Board of Adjustment from requiring additional material prior to making its determination in the case. Following the conference with the Department, a pre-application conference shall be held with the Zoning Board of Adjustment, if requested by the applicant.
 - (3) Upon receipt of a completed application and all required submittals and fees, the Department or contact Person shall place the application on the next regularly scheduled meeting of the Zoning Board of Adjustment or historical district committee, allowing for notice as required herein. Applications for certificates of appropriateness may be heard at specially called meetings of the Zoning Board of Adjustment provided all notice requirements are met. Upon mutual agreement between the Applicant and the Department or the contact Person, the application may be set for hearing at a meeting later than the next regularly scheduled meeting.
 - (4) At least 15 days, but not more than 30 days, prior to the meeting at which the application is to be heard, the Department shall give the following notice:
 - a. Written notice of the time and place of the meeting shall be sent to the Applicant and all Persons or organizations filing written requests with the Department and all Persons within 300 feet of the subject property(ies).
 - b. One advertised notice in a newspaper of general circulation, with the cost of such advertisement to be borne by the applicant.

-
- c. Where there is a Historic District committee in place, the contact person shall give the notice as required in paragraphs a. and b. above, and otherwise perform the duties of the Department as enumerated in this part, once the matter is referred to the Historic District committee.
- (5) The hearing shall be held at the time and place indicated in the notice. The decision of the Zoning Board of Adjustment shall be made at the hearing.
 - (6) The Zoning Board of Adjustment shall use the criteria set forth in subsection 45-254(b) of this section to review the completed application and accompanying submittals. After completing the review of the application and fulfilling the public notice and hearing requirements set forth above, the Zoning Board of Adjustment shall take one of the following actions:
 - a. Grant the certificate of appropriateness with an immediate effective date;
 - b. Grant the certificate of appropriateness with special modifications and conditions;
 - c. Deny the certificate of appropriateness.
 - (7) The Zoning Board of Adjustment shall make specific findings and conclusions that indicate the criteria considered for granting certificates of appropriateness. All parties shall be given the opportunity to present evidence through documents, exhibits, testimony, or other means. All parties shall be given the opportunity to rebut evidence through cross-examination or other means.
 - (8) The Department, or where applicable, the historical district committee, shall record and keep records of all meetings. The records shall include the vote, absence, or abstention of each member upon each question, all official actions of the zoning board or the committee, and the findings and conclusions. All records shall be filed in the Department.
 - (9) Any Person aggrieved by a decision reached by the Zoning Board of Adjustment under this section may appeal the decision to a circuit court. In the case of a historical district committee, any Aggrieved Person may appeal the committee's decision to the Zoning Board of Adjustment, and further appeal shall then be to the circuit court. Such an appeal from the committee to the zoning board shall be based solely on the record from the proceedings before the committee, and no new evidence shall be permitted.
 - (10) No work that requires a certificate of appropriateness may be undertaken unless a certificate of appropriateness authorizing the work is conspicuously posted on the property where the work is to be performed.

Sec. 45-255. Certificate of economic hardship.

- (a) Application for a certificate of economic hardship may be made on a form prepared by the Department, and hearings on such applications shall be conducted in accordance with subsection 45-254(c) above.
- (b) The Zoning Board of Adjustment, or historical district committee, shall require the Applicant to submit the following information, where applicable, before it makes a determination:
 - (1) Estimated cost of proposed construction, Alteration, demolition or removal and an estimate of any additional costs that would be incurred to comply with the changes necessary to obtain a certificate of appropriateness.
 - (2) A report from an engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
 - (3) Estimated market value of property in its current condition, after completion of the proposed construction, Alteration, demolition and removal and with the changes necessary to the proposed plans to receive a certificate of appropriateness.

-
- (4) In the case of proposed demolition, a report from a contractor or developer experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing Structure.
 - (5) Amount paid for the property, terms of sale and financing, the date of purchase and party from whom it was purchased.
 - (6) If the property is income producing, the annual gross income from the property for the previous two years; itemized operating expenses for previous two years; and depreciation deductions during the same period.
 - (7) Remaining balance on the mortgage or other financing sources used to purchase the property.
 - (8) All appraisals of the property in the past two years.
 - (9) All listings of the property as being for sale or lease in the past two years, and/or any offers made to purchase or lease the property in the past two years.
 - (10) Two most recent assessments of the value of the property.
 - (11) Real estate taxes for the past two years.
 - (12) List of all Owners of record of subject property.
 - (13) Any other reasonable information the Zoning Board of Adjustment, or committee, believes is necessary to determine the whether there is an economic hardship.
- (c) The Zoning Board of Adjustment, or historical district committee, shall review all evidence and information required of an Applicant for a certificate of economic hardship and make a written determination within 45 days from the date of receipt of the application as to whether the denial of the certificate of appropriateness denied the Applicant of the reasonable Use of, or economic return on, the property.

Sec. 45-256. Duty to maintain.

Neither the Owner of, nor the Person and entity in charge of, a Structure listed on the local register or identified as contributing to a district listed on the local register shall permit the Structure to fall into a state of disrepair which may result in the deterioration of the Structure so as to produce a detrimental effect upon the character of the district as a whole or the life and character of the Structure itself. Such structures shall, at minimum, be kept impervious to wind and rain and painted regularly to avoid deterioration.

Secs. 45-257—45-270. Reserved.

DIVISION 5. MILITARY RESTRICTION OVERLAY

Sec. 45-271. Purpose and definition.

- (a) The purposes of this section are to:
- (1) Implement the Comprehensive Plan policies requiring the protection of the existing military facilities from encroachment by other uses that may affect the current and future viability of those facilities;
 - (2) Preclude incompatible residential development in areas within a designated Military Restriction Overlay Zone (MROZ) including areas determined by the Department to be "antiquated" subdivisions to promote compact, energy efficient land Use;
 - (3) Preserve private property rights.

-
- (b) Definition for the purposes of this section and code shall mean:

Antiquated subdivision means a subdivision that was recorded or is otherwise portrayed on the Official Map of the Putnam County Property Appraiser that has substantially failed to be built and the continued buildout of the subdivision in accordance with the subdivision's zoning and land Use purposes would cause an imbalance of land uses and would be detrimental to the local and regional economies and environment, hinder current planning practices, and lead to inefficient and fiscally irresponsible development patterns.

Sec. 45-272. Residential transfer zones.

- (a) Residential Density may be transferred from one Lot, Parcel or tract of land to another upon approval by the Board of County Commissioners pursuant to the requirements of this section.
- (b) The "sending zones," or areas from which residential Density may be transferred, shall be those areas within the military restriction overlay zone (MROZ) as shown on Map #16 of the Future Land Use Map series, Putnam County Comprehensive Plan.
- (c) The "receiving zones," or areas to which residential Density may be transferred, shall be areas served by central water and/or sewer utility within the designated MROZ surrounding the Lake George Range and Rodman Range of the Pinecastle Military Range Complex. One type of central utility shall be required at a Density of two units per acre and both shall be required at a Density of three or more units per acre. In the event that clustering of units or multi-family development is proposed the Density standards for provision of utilities shall remain the same.

Sec. 45-273. General rules.

- (a) Transferable Density units may not be derived from any of the following:
- (1) Density previously sold or transferred;
 - (2) Property that is limited by easements, deed restrictions or other restrictive covenants;
 - (3) Property that has conditions associated with approved special use permits (SUP), development approved conditions or existing development; or
 - (4) Other limiting factors.
- (b) Density units shall only be transferred in whole units. A fractional unit shall not entitle the holder to an additional whole unit (a.k.a. shall not be rounded up).
- (c) The number of units that may be transferred from any Lot, Parcel or tract of land shall be determined by the Department in accordance with its current Future Land Use designation, current zoning designation and any legally non-conforming lots of record.
- (d) For the purposes of calculation of the area of the sending Parcel, the area shall be determined by:
- (1) The official records of the Putnam County Property Appraiser's; or
 - (2) A privately funded survey prepared and sealed by a Florida licensed surveyor.
- (e) Density units from one sending site may be allocated to more than one receiving site and one receiving site may accept Density units from more than one sending site.
- (f) The Applicant wishing to receive and utilize Density units must demonstrate that Necessary Public Facilities are included within the adopted five-year schedule of Capital Improvements, or are guaranteed in an enforceable, executed contract, Development Agreement, or Development Order that requires the Applicant to construct the needed utilities to maintain the established LOS at the time of construction.

-
- (g) Density units may be held indefinitely without being used and may be assigned to third parties upon execution of an assignment of Density units by holder and recording of same in the public record. Approval by the Board of County Commissioners shall be required prior to either the separation of Density from a sending site or the transfer and Use of Density on a receiving site. Density units may be utilized only if current taxes have been paid and there are no encumbrances, liens or other such clouds of title.

Secs. 45-274—45-280. Reserved.

DIVISION 6. RESERVED FOR MAJOR ROADWAY CORRIDOR OVERLAY

Secs. 45-281—45-300. Reserved.

DIVISION 7. RESERVED FOR REDEVELOPMENT DISTRICT¹

Secs. 45-301—45-314. Reserved.

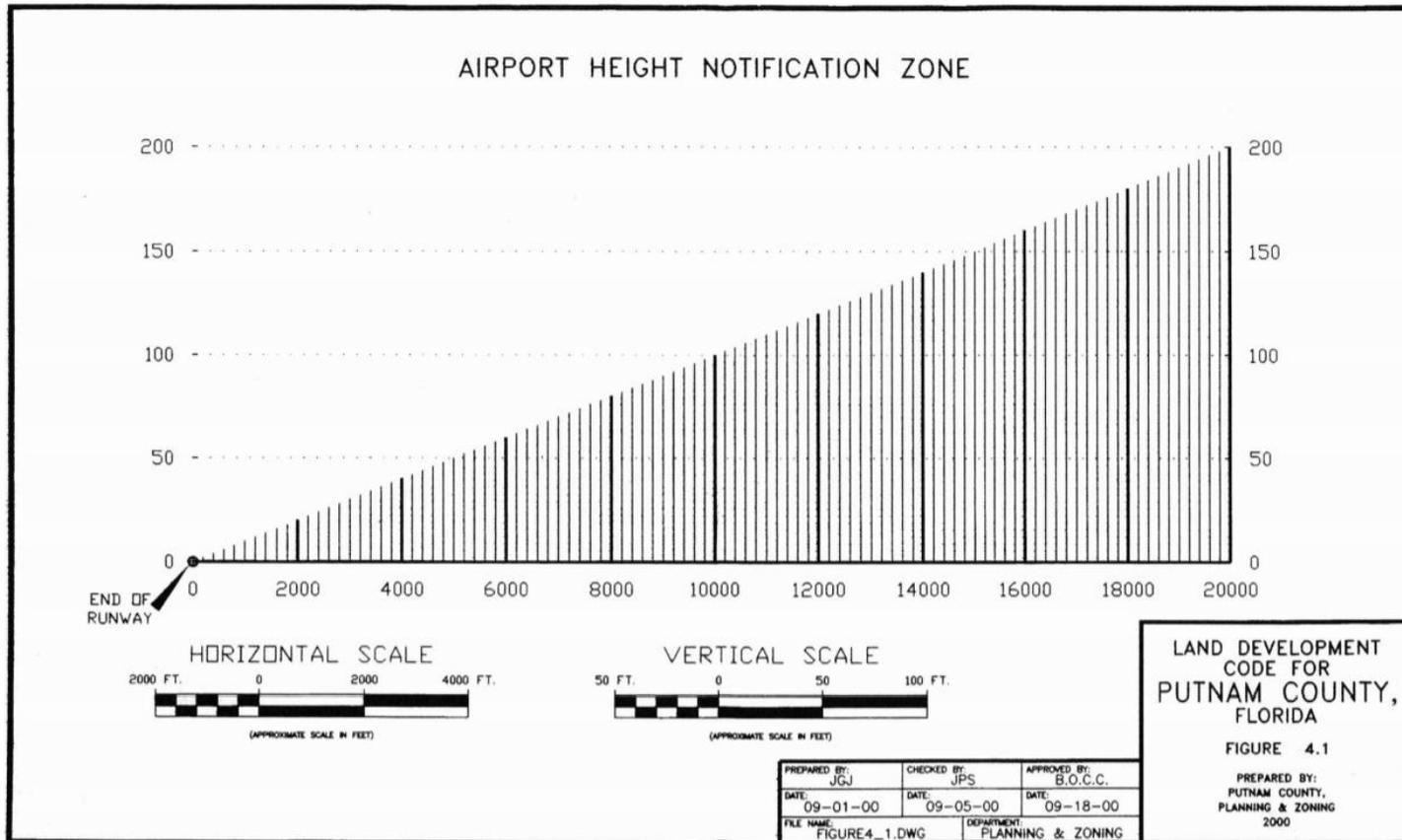
DIVISION 8. RESERVED FOR R-O-W PROTECTION DISTRICT

Secs. 45-315—45-330. Reserved.

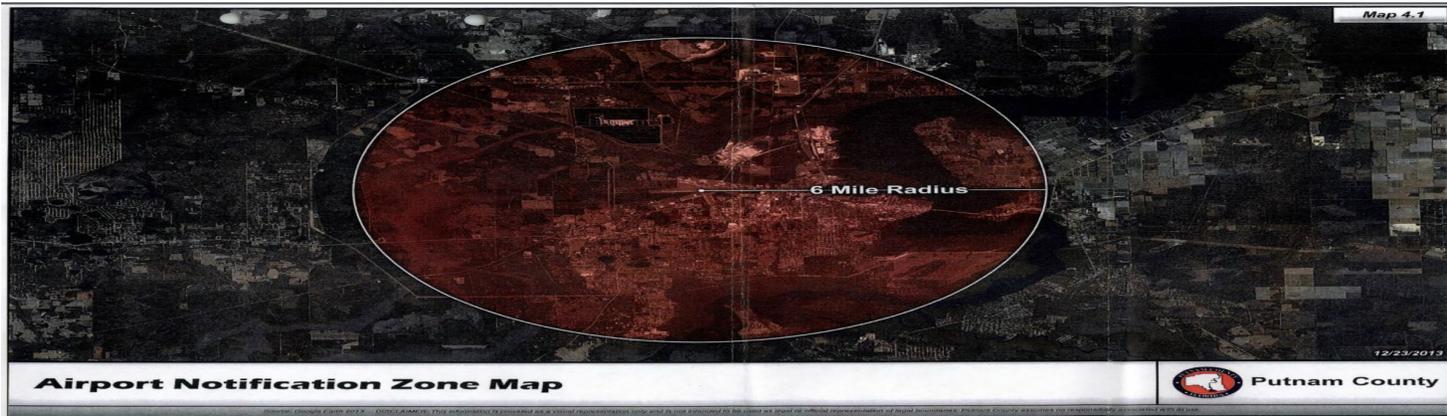
¹Editor's note(s)—Note: This division will be added if needed to effectively implement Policy A.1.2.1, art. VIII, Signs, and art. IX, Non-Conforming Uses, [which] contain provisions to implement this policy.

APPENDIX IV. FIGURES

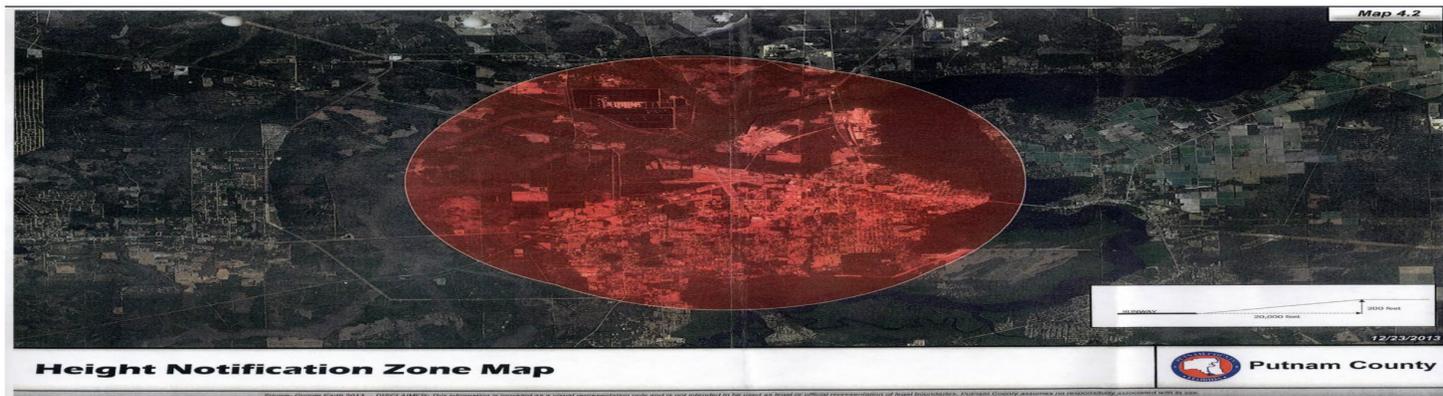
Figure 4.1



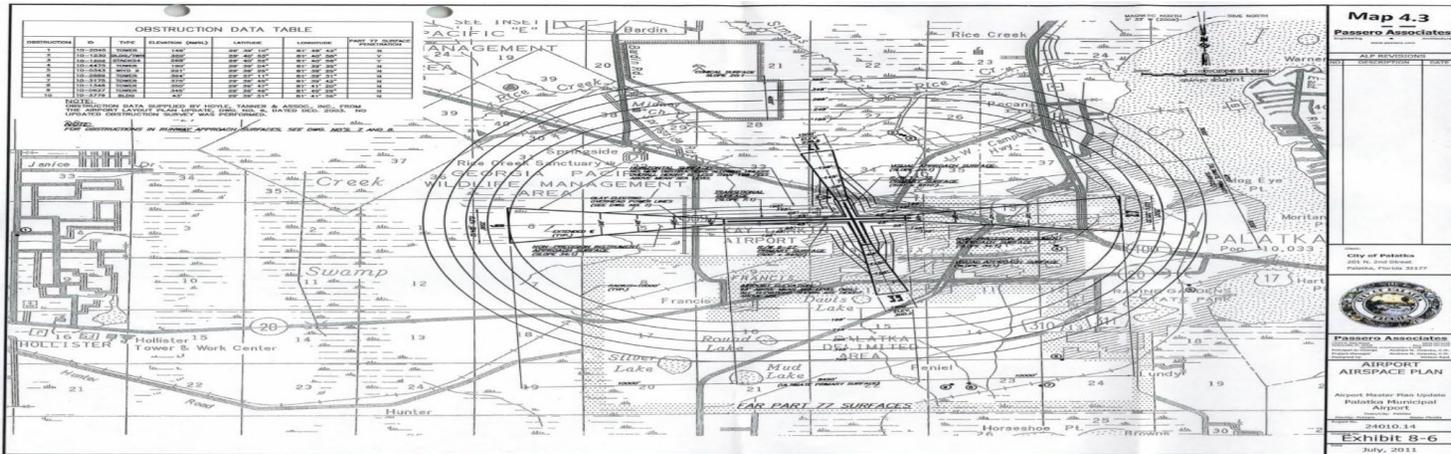
Map 4.1



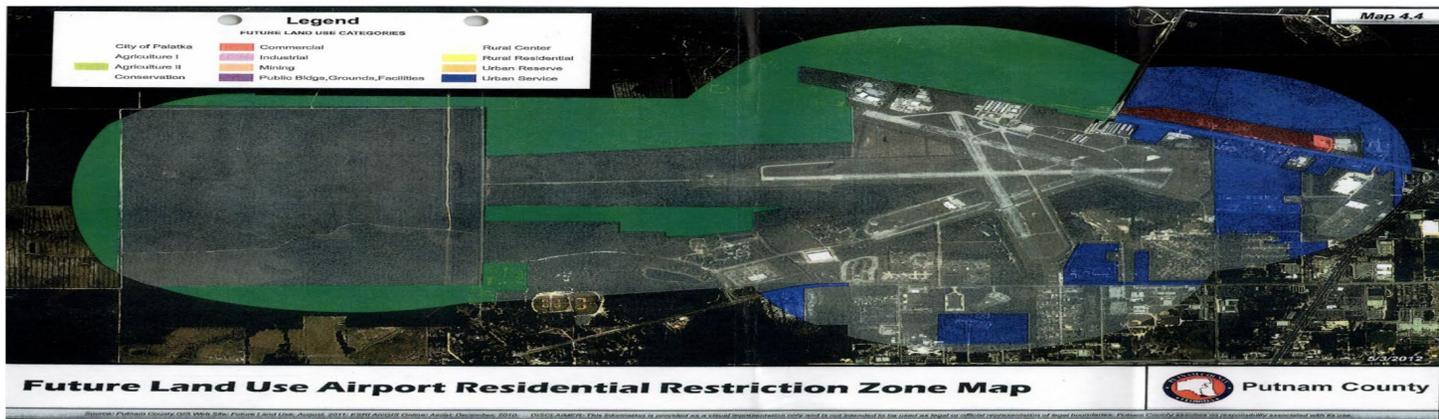
Map 4.2



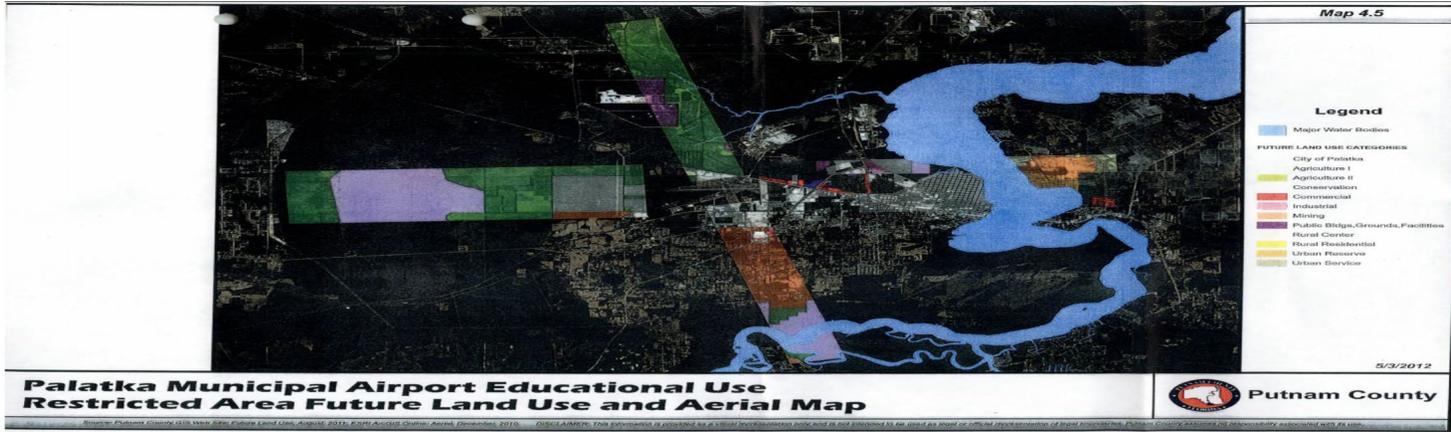
Map 4.3
Airport Airspace Plan



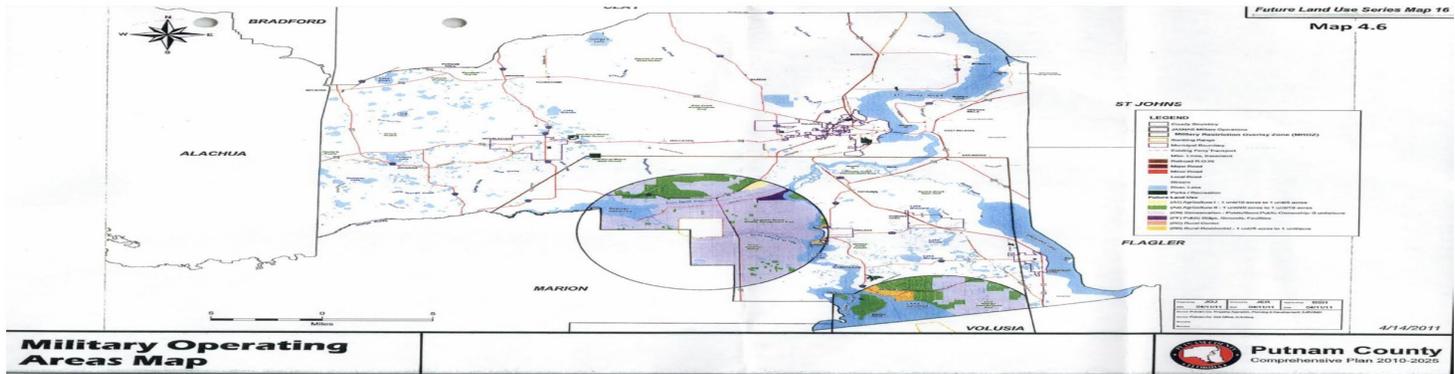
Map 4.4



Map 4.5



Map 4.6



ARTICLE V. FACILITIES AND SERVICES: CONCURRENCY AND DEVELOPMENT EXACTIONS

DIVISION 1. CONCURRENCY MANAGEMENT SYSTEM

Sec. 45-331. Purpose and intent.

- (a) This section is established in order to ensure that adequate Public Facilities are available to handle the impacts of development and maintain the County's adopted Level of Service (LOS) standards concurrent with those impacts. This section establishes standards and procedures to ensure each Public Facility is available to serve development concurrent with the impacts of development on Public Facilities, or that final Development Orders are conditioned upon the availability of Public Facilities to serve development within a specified time. This section establishes a monitoring system that enables the County to determine whether it is adhering to the adopted LOS standards and its schedule of Capital Improvements. This section establishes a system for implementing the concurrency provisions of the Putnam County Comprehensive Plan by requiring a determination of the anticipated impacts of development on the LOS for potable water, sanitary sewer, solid waste, drainage, parks and recreation and road facilities, and prohibiting the issuance of any Development Orders where the anticipated impacts would result in a degradation in the LOS below the level approved in the Putnam County Comprehensive Plan. Finally, this section provides a means for the County to ensure that any proposed development pays its fair share of any costs for providing or improving Public Facilities and services that are, or will be incurred as a result of a need created by that development.

County

Sec. 45-332. Exemptions.

- (a) The following development activity is recognized as exempt for purposes of complying with this section:
- (1) Development found to be vested to concurrency pursuant to article IX, division 2 of this Code.
 - (2) The replacement of conforming structures destroyed by fire, hurricanes, tornadoes or other acts of God not exceeding the area and cubic content of the Structure prior to its destruction.
- (b) De minimis development. If a proposed development includes land Use of such low intensity as to have a de minimis effect, if any, upon the LOS standards set forth in the Putnam County Comprehensive Plan, the development shall be exempt from concurrency review. The following development activities shall be deemed de minimis:
- (1) The construction of accessory structures, except accessory apartments; swimming pools; fences; communications towers; and signs.
 - (2) The removal of trees.
 - (3) A single-family residential unit on a single previously platted Lot that may be developed without a variance. Previously platted as used herein means a legally created Parcel that was created prior to 5:00 p.m. on December 19, 1991.

- (4) For transportation LOS standards only, the proposed development meets all the requirements specified in F.S. § 163.3180(6), which provides that a de minimis impact is an impact that would not affect more than one percent of the maximum volume at the adopted Level of Service of the affected transportation facility as determined by the local government. No development activity, including activity described in paragraphs (1) through (3) above, will be de minimis if it would exceed the adopted LOS on a designated hurricane evacuation route.
 - (5) With the exception of paragraphs (1) through (3) above, no impact will be de minimis if the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted Level of Service of the affected transportation facility.
- (c) Existing urban service area. In order to promote urban infill development, if the proposed development is a redevelopment project located within a defined and mapped existing urban service area or enterprise zone with Public Facilities such as sewage treatment systems, roads, schools and recreation areas already in place, it shall be exempt from these concurrency requirements for up to 110 percent of the impact of the previously existing development [Rule 9J-5.055(3)(c)6, Florida Administrative Code].

Sec. 45-333. Level of service standards.

The Level of Service (LOS) standards for Public Facilities and services contained in the Putnam County Comprehensive Plan as identified in Table 5.1 below are hereby adopted.

Table 5.1—Level of Service Standards for Public Facilities and Services

Required Facilities	Comprehensive Plan Element	Comprehensive Plan Goals, Objectives and Policies
Wastewater (or Sanitary Sewer)	Capital Improvement Element	Policy H.4.1.2
Parks and Recreation	Capital Improvement Element	Policy H.4.1.6
Roads	Capital Improvement Element	Policy H.4.1.8
Stormwater Management (or Drainage)	Capital Improvement Element	Policy H.4.1.3
Solid Waste	Capital Improvement Element	Policy H.4.1.5
Potable Water	Capital Improvement Element	Policies H.4.1.1

Sec. 45-334. Concurrency requirements.

- (a) *General requirement.* No development approval shall be granted by the County unless adequate Public Facilities will be available to handle the impacts of the proposed development and maintain the County's adopted LOS Standards concurrent with those impacts. Thus, the County shall not grant a development approval unless the following standards are met:
- (1) The necessary facilities and services are in place at the time the development approval is issued; or
 - (2) The development approval is subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
 - (3) The necessary facilities are under construction at the time the development approval is issued; or
 - (4) The necessary facilities and services are guaranteed in an enforceable contract, Development Agreement or Development Order to ensure that the necessary facilities and services will be in place

when the impacts of the development occur and that the Applicant or developer will pay his fair share of the costs incurred to fulfill the need for the facilities and services created by proposed development.

- (b) *Potable water, sanitary sewer, solid waste, and stormwater management.* For potable water, sanitary sewer, solid waste and stormwater management, the concurrency management requirements may only be satisfied by ensuring that the standards in paragraph (a) above are met. Additionally, any minimum lake levels established by the St. Johns River and Suwannee River Water Management Districts shall not be exceeded by surface water withdrawals.
- (c) *Parks and recreation.* For parks and recreation, the concurrency requirement may be satisfied by ensuring that the standards in paragraph (a) above are met or by the following:
- (1) In lieu of the requirements of paragraph (a), concurrency may be satisfied if the Development Order or permit is issued subject to the condition that Putnam County has dedicated or acquired the acreage for the necessary facilities and services at the time the certificate of occupancy or its equivalent is issued, or the developer's fair share of the funds needed to acquire such facilities and services are committed; and
 - (2) The necessary facilities and services are guaranteed in a binding and enforceable executed contract, Development Agreement or Development Order that requires the services to be in place and under construction not more than one year from when the impacts from development occur;
 - (3) In lieu of paying its fair share for upgrading or expanding existing public parks facilities and Open Space in order to meet the LOS standards of the Comprehensive Plan, an Applicant may elect to dedicate land and facilities for parks, recreation and Open Space, subject to approval by the Board of County Commissioners. Dedicated land and facilities for parks, recreation and Open Space must be appropriately located, accessible to the general public, suitable for recreational Use, and available for use within one year of issuance of the certificate of occupancy for the proposed development.
 - a. Dedication of land to Open Space in subdivision developments shall be provided in accordance with articles VII and XII of this Code.
 - b. All lands dedicated for use as Open Space or recreation shall be subject to a covenant restricting the Use of the dedicated land and taxed in accordance with article VII of this Code.
 - c. Required buffer yards, setbacks and stormwater drainage or retention ponds shall not be utilized to fulfill Open Space and recreational LOS requirements under this Code. However, a significant expansion of any such buffer yard, set back or stormwater drainage or retention pond may be considered in evaluating an applicant's attempt to mitigate a proposed development's impact on the LOS for Open Space and recreational facilities.
- (d) *Roads.* For roads, the concurrency requirement may be satisfied by ensuring that the standards in paragraph (a), above, are met or that the following alternative standards are met:
- (1) For roads included in the five-year schedule of Capital Improvements, the concurrency requirement may be satisfied by ensuring that:
 - a. The Improvements required to maintain or attain the LOS adopted for the impacted road are scheduled to commence within three years after the issuance of the certificate of occupancy, or its equivalent, pursuant to the County's five-year schedule of Capital Improvements; or
 - b. The necessary facilities and services are guaranteed in an enforceable, executed contract, Development Agreement or Development Order which requires the Applicant to pay its fair share of the costs incurred to construct the needed facilities or provide services to maintain the established LOS, and the facilities or services are in place within one year of the issuance of the applicable development permit.

-
- (2) The County shall not allow any new development that will have a LOS impact upon a backlogged road to occur, except for properties exempt from these requirements pursuant to section 45-332 of this section, unless a final Development Order is subject to the adoption and implementation of an area-wide traffic mitigation plan. An area-wide traffic mitigation plan may include, but not be limited to the following mitigation measures:
 - a. Turn lanes;
 - b. Signalization;
 - c. Van or car pool programs; or
 - d. Staggered work hours.
 - (3) The County may not deny a developer or property Owner a Building Permit or other Development Permit if the developer or property Owner demonstrates a willingness and capability to maintain service levels consistent with the levels established in the Putnam County Comprehensive Plan by entering into an enforceable Development Agreement including the implementation of an area-wide traffic mitigation plan, where the developer has demonstrated compliance with the requirement to ensure 100 percent mitigation of the impact of such development.
 - (4) Compliance with these concurrency provisions shall not alleviate the Applicant from mitigating any traffic safety concerns created by the project. Traffic safety mitigation shall be at the applicant's expense.

Sec. 45-335. Concurrency management review procedures.

- (a) *Generally.* Prior to the granting of any development approval, the planning and zoning staff shall conduct the concurrency management review prescribed in this section. (See the code glossary for definition of development approval.)
- (b) *Determination of exemption.* Upon receipt of the initial application or submittal requesting any development approval, the planning and zoning staff shall, within ten working days, make a determination as to whether the development is exempt from concurrency management requirements under section 45-332 above. The Applicant shall be informed in writing of the staff's determination.
- (c) *Preliminary concurrency determinations.* Any Person may request a preliminary concurrency determination at any time subject to payment of a fee established by resolution of the Board of County Commissioners. A preliminary concurrency determination is simply a quick determination by staff as to whether capacity for a particular development activity appears to exist. It reserves no capacity and is in no way binding upon the Putnam County. All Persons requesting a preliminary concurrency determination shall complete the required forms provided by the County.
- (d) *Required information.* Where any type of development approval is sought, the following information shall be provided along with the initial application or submittal:
 - (1) *Traffic impact studies for larger developments.* Where the requested development approval would authorize development that would generate 500 or more trip ends per day, the Applicant shall provide the County with a traffic impact study. The number of trip ends shall be determined by reference to the most current edition of Institute of Traffic Engineers Trip Generation Manual, or to locally derived trip generation rates accepted as accurate. The study shall be prepared by a qualified traffic engineer and shall be signed and sealed by the professional engineer and shall include the following:
 - a. Projected average daily trip ends for the development.

-
- b. Design capacity of the accessed roads and impact of the development on the LOS of the accessed roads and of the arterial and collector roads, and intersections thereof, within one mile of the project. All such roads and intersections within two miles shall be analyzed for developments generating more than 2,000 trip ends per day.
 - c. Average generated peak-hour trip ends.
 - d. Analysis of projected on-site and off-site traffic patterns and turning movements.
 - e. Projected percentage of truck and bus traffic.
 - f. Recommended Improvements made necessary by the development. These Improvements shall be designed to maintain or improve the existing LOS within the study area provided in paragraph (b) above and to improve the efficiency of the streets and intersections impacted by the development.

This requirement may be waived by planning and zoning for developments impacting upon road facilities with 20 percent or more excess capacity and which are expected to use no more than five percent of said excess capacity.

- (2) *Traffic impact studies for all other developments.* Except where a traffic impact study is submitted pursuant to paragraph (1) above, the County shall conduct the following transportation impact analysis.
 - a. The analysis shall compare the existing LOS to the adopted LOS established by the Putnam County Comprehensive Plan for the affected roads. The LOS shall be determined for conditions on the existing roads, to include any committed or funded improvements to those roads, meeting the minimum requirements for concurrency set forth in subsection 45-334(d). At the request of the applicant, the Public Works Director shall review with the Applicant the methodology and procedure used in determining compliance with the concurrency management requirement, and in determining the primary impact area and study period. This will usually be a p.m. peak hour analysis; however, other time periods may require analysis. Any proposed reduction factors for internal capture of trips between land uses of a mixed use project or for passerby trips shall be provided by the Applicant at the meeting and considered by the Public Works Director.
 - b. For development proposals impacting on roadway facilities which are within two percent of the established LOS and for which the preliminary analysis undertaken pursuant to the provisions contained in subsection 45-335(d)(2) of this section indicates the proposed development will result in a lower LOS than the adopted standard for the roadway, the County may require that a traffic study be undertaken fulfilling the requirements of subsection 45-335(d)(1).
 - c. The study area of impact shall be determined by County staff using the Trip Characteristics Table found in Table 5.2 of Appendix V to this Code.
- (3) *Potable water.* Proof that sufficient capacity exists as demonstrated by one of the following:
 - a. Documentation from the Putnam County Public Works Department indicating that a well or water treatment facility regulated by the Department has the capacity to serve the project as proposed, at or above the adopted LOS. If the ability to serve a proposed project is contingent upon planned facility expansion, details regarding such planned Improvements shall also be submitted. Prior to the issuance of a final Development Order by the County, the Applicant may be required to enter into a utility service agreement with the County confirming the County's commitment and ability to serve the proposed project.
 - b. A notarized statement or affidavit that there is an existing potable water well on the site and documentation that the well has sufficient capacity to meet all the demand for the development

including necessary fire flow without resulting in a violation of any minimum lake levels established by the St. Johns River and Suwannee River Water Management Districts.

- c. Documentation by department of health or department of environmental protection indicating that a well or water treatment facility regulated by the Department has the capacity to serve the project as proposed, at or above the adopted LOS.
- (4) *Wastewater*. Proof that sufficient capacity exists as demonstrated by one of the following:
- a. Documentation from the Putnam County Public Works Department indicating that it has the capacity to serve the project as proposed, at or above the adopted LOS. If the ability of the Putnam County Public Works Department to serve a proposed project is contingent upon planned facility expansion, details regarding such planned improvements shall also be submitted. Prior to the issuance of a final Development Order by the County, the Applicant may be required to enter into a utility service agreement with the County confirming the County's commitment and ability to serve the proposed project.
 - b. For proposed residential development that is to be serviced by an on-site sewage disposal system, the Applicant must provide documentation from the department of health that the onsite treatment and disposal system meets department of health standards and is eligible for permits.
 - c. Documentation by the department of environmental protection indicating that a sanitary sewer facility regulated by the Department has the capacity to serve the project as proposed, at or above the adopted LOS.
- (5) *Stormwater management*. An affidavit from the property Owner or developer, or both, acknowledging that all stormwater quality and quantity requirements of this Code, the Florida Department of Environmental Protection, and the St. Johns River and Suwannee River Water Management Districts can and must be met prior to the issuance of a certificate of occupancy for the proposed development.
- (e) *Review procedure*.
- (1) *Completeness of submittal*. Any concurrency-related submittal required by paragraph (d) above shall be subject to a review for completeness as other permit submittals.
 - (2) *Determination of compliance*. Upon a finding that the submittals are complete, the determination whether the proposed development meets the concurrency management standards in this section shall be made in the same manner and by the same decision-maker(s) as other determinations of compliance with this Code.
 - (3) *Presumptions*. In making the determination of compliance with the provisions of this section, the following presumptions shall apply:
 - a. In the case of potable water, wastewater, and stormwater management, a presumption of available capacity shall be created upon the receipt by the complete and properly prepared submittal required for each under subsections 45-335(d)(3)—(5), above.
 - b. Based upon the data and analysis provided by the Putnam County Sanitation Department, adequate capacity exists for estimated demand for solid waste services through July 15, 2007. Therefore, a presumption of available capacity for all development shall be rendered by the planning and zoning staff for the period beginning July 15, 2000, through July 15, 2007. The concurrency management system annual report for 2007 shall reassess the available capacity for solid waste, and a determination made as to whether the presumption of available capacity is to be continued. Absent amendment to this provision, future presumptions of capacity shall be based on the concurrency management system annual reports beginning in 2007.

-
- c. Based upon the data and analysis contained in the Putnam County Comprehensive Plan, adequate capacity exists for estimated demand for park and Open Space facilities through 2005. Therefore, a presumption of available capacity for all development shall be rendered by the planning and zoning staff for the period beginning January 1, 2002 through January 1, 2006. At such time, the available capacity for park and Open Space facilities shall be re-assessed and a determination made as to whether the presumption of available capacity is to be continued.
- (4) *Certificate of concurrency determination.* The planning and zoning staff shall issue a certificate of concurrency determination prior to issuing a final Development Order. Such certificate shall be in letter format and shall indicate a temporary commitment of capacity of Necessary Public Facilities for a period not to exceed six months or until a final Development Order is issued, whichever occurs first.
- (5) *Certificate of concurrency reservation.*
- a. The planning and zoning staff shall issue a certificate of concurrency reservation as part of the final Development Order issued pursuant to article X or normal permitting procedures, whichever may apply. Such certificate shall constitute a commitment of capacity of Necessary Public Facilities for a period not to exceed the one of the following:
 - 1. For a residential subdivision, or phase, or unit thereof, including residential subdivision phases of planned unit developments, the certificate of concurrency reservation shall remain in effect for a period of 60 months from the date of the construction permit's approval; provided that both a valid permit is obtained and maintained, and the work proceeds in a timely manner as prescribed by a resolution of the Board of County Commissioners. A certificate of concurrency reservation shall not remain valid if necessary permits are not obtained and work is not substantially underway within 24 months from the date that the certificate is issued.
 - 2. For an individual single-family Lot or Parcel, the certificate shall remain in effect for a period of 24 months for the purpose of obtaining a valid construction permit. If a permit is obtained within that 24-month period, the certificate shall remain in effect as long as the permit is maintained and construction proceeds in a timely manner. Lots included within subdivisions that have not passed a concurrency evaluation, or where the concurrency or vesting period has expired are included in this category.
 - 3. For commercial, industrial or multifamily developments, the certificate shall remain valid for 36 months for purpose of obtaining a construction permit. If the needed permits are obtained within the 36-month period, the certificate shall remain in effect for as long as the work authorized proceeds in a timely manner as provided for by resolution of the Board of County Commissioners.
 - 4. Where any of the applicable time periods in paragraphs a.1 through 3. above expire, a new concurrency evaluation, with payment of all applicable fees, must take place in order for the project to proceed.
 - b. A period of time other than those prescribed in paragraph a. above may be agreed upon by the County and the applicant, provided that the period of time is explicitly set forth in a binding Development Agreement or Development Order and the Applicant provides one or more of the following assurances, acceptable to the County in form and amount, to guarantee the applicant's pro rata share of the cost of completing or providing any Public Facilities and services that may be necessary to maintain the adopted LOS standards for the subject property:
 - 1. Cash escrow;
 - 2. Irrevocable letter of credit;

3. Prepayment of capacity/connection charges.

The pro rata share shall be defined by the Development Agreement or Development Order at the time this customized certificate of concurrency is issued.

- c. Whenever an applicant's pro rata share of a public facility is less than the full cost of the facility, the County shall do one of the following:
1. Contract with the Applicant for the full cost of the facility, including terms regarding reimbursement of the Applicant for costs in excess of the applicant's pro rata share; or
 2. Require the Applicant to establish a cash escrow, or commit to an irrevocable letter of credit or prepay capacity/connection charges, and have the County commit to providing such facilities with a specified time period not to exceed three years after the issuance of the certificate of occupancy, or its equivalent, pursuant to the County's five-year schedule of capital improvements; or
 3. Amend the Comprehensive Plan to modify the adopted LOS standard so as to reduce the required facility to equal the applicant's needs.
- d. No further determination of capacity for the subject property shall be required before the expiration of the certificate of concurrency reservation except that any change in the Density, intensity or land Use which requires additional Public Facilities or capacity shall be subject to review and approval or denial by the County.
- (6) *Appealing County's concurrency determination.* A developer may challenge any concurrency determination made by the planning and zoning staff by appealing the decision to the Zoning Board of Adjustment following the procedures in article XII of this Code. If the appeal is to be successful, it shall be required to demonstrate through substantial, competent evidence that sufficient capacity does exist by virtue of the following:
- a. The impacts of the proposed development will differ from the impacts estimated by the County as a result of special circumstances of that development;
 - b. Based on the County's own information the analysis being used has an error in its base data;
 - c. In the case of roads, the Applicant presents evidence through travel speed, distance and time studies that impacted roadway links actually operate at higher levels than indicated by the County. Methodology for such travel speed/distance/time studies shall be developed by public works before the commencement of such a study. In the event the travel time/distance/time studies are warranted, the County or its agent shall conduct such a study after receiving a fee from the Applicant to cover the costs of conducting and analyzing the study. The Applicant shall have the opportunity to review the methodology prior to the commencement of the study.

Sec. 45-336. Options for achieving compliance.

Where it appears, or it has been determined, that there is a lack of capacity to service a proposed development, the developer should consider a variety of methods for achieving compliance. Some possibilities are as follows:

- (1) *Plan amendment.* The developer may propose a plan amendment that lowers the adopted LOS standard for the affected facilities and/or services.
- (2) *Reduce impact of development.* The developer may propose a reduction in the scale or impact of the proposed development.

-
- (3) *Phasing of development.* The developer may propose a phasing of the proposed development to match the availability of capacity with the timing of each phase of the development. Specific conditions for permitting each phase to proceed shall be included in an enforceable Development Agreement or Development Order to ensure that Necessary Public Facilities and services will be in place when the impacts of the development occur.
 - (4) *Development Agreement.* The developer may propose a Development Agreement with the County that assures the County that the developer will provide required public facility capacity. Any Development Agreement must provide one or more of the following assurances, acceptable to the County in form and amount, to guarantee that the Applicant will provide the needed Public Facilities or services, or provide its pro rata share of the cost of completing or providing any Public Facilities and services which may be necessary to maintain the adopted levels of service standards for the subject property:
 - a. Cash escrow;
 - b. Irrevocable letter of credit;
 - c. Prepayment of capacity/connection charges.
 - (5) *[Pro rata share.]* Whenever an applicant's pro rata share of a public facility is less than the full cost of the facility, the County shall do one of the following:
 - a. Contract with the Applicant for the full cost of the facility, including terms regarding reimbursement of the Applicant for costs in excess of the applicant's pro rata share; or
 - b. Obtain assurances from other sources similar to those described above in this section; or
 - c. Amend the Comprehensive Plan to modify the adopted LOS standard so as to reduce the required facility to equal the applicant's needs.
 - (6) *Alternative transportation study.* Where a developer disagrees with the results obtained by the County in its concurrency review regarding transportation, a transportation study pursuant to subsection 45-335(d)(1) of this section may be performed at the option and expense of the developer. The results of the study shall be considered by the County in subsequent determinations regarding the development's compliance with concurrency requirements. The transportation study shall be signed and sealed by a registered professional engineer.
 - (7) *Other transportation studies.* For those roadway facilities which indicate a lower LOS than the adopted standard of the Putnam County Comprehensive Plan, the County may consider an applicant's operating LOS assessment based upon procedures recognized in the transportation analysis profession and approved by the Florida Department of Transportation. A discussion of any proposed transportation system management and/or mitigation strategies shall be included in the study. The transportation study shall be signed and sealed by a registered professional engineer. The cost of this assessment shall be borne by the applicant. The results of the study shall be considered by the County in making its recommendations to the Development Review Committee and the Zoning Board of Adjustment.

Sec. 45-337. Concurrency management monitoring.

- (a) *Generally.* In order to ensure that adequate Necessary Public Facilities are available concurrent with the impacts of development on Public Facilities, the County shall establish and maintain the following monitoring practices.
- (b) *Annual capital improvements element update.* As provided in the Putnam County Comprehensive Plan, the capital improvement element shall be updated annually during the budget review process. A report shall be prepared annually by planning and zoning in conjunction with the budget review process detailing the existing conditions of the Public Facilities, including their available capacities based upon their LOS, and a

forecast of the capacity of existing and planned capital improvements identified in the five-year capital improvement schedule for each of the five succeeding years. The forecast shall be based on the most recently updated schedule of capital improvements for each public facility. The County shall also revise relevant population projections, update public facility inventories, update unit costs, and update revenue forecasts. The findings of planning and zoning shall be fully considered in preparing any proposed amendments to the capital improvement element, and proposed amendments to the County's annual budget for Public Facilities, and the review of and issuance of final Development Orders or permits during the next year.

- (c) *Recommendation of amendments to capital improvements element and annual budget.* Based upon the report described in paragraph (b) of this section, planning and zoning shall annually propose to the County commission any amendments to the capital improvements element and the County's annual budget for Capital Improvements made necessary by circumstances described in the report.
- (d) *Annual report.* Planning and zoning shall prepare an annual concurrency management report containing the following information:
 - (1) A summary of actual development activity, including a summary of certificates of occupancy, indicating the quantity of development represented by type and square footage.
 - (2) A summary of Building Permit activity, indicating:
 - a. Those that expired without commencing construction;
 - b. Those that are active at the time of the report;
 - c. The quantity of development represented by the outstanding Building Permits;
 - d. Those resulting from development permits issued prior to the adoption of this Code; and
 - e. Those that result from development permits issued pursuant to the requirements of this Code.
 - (3) A summary of development permits issued, indicating:
 - a. Those that expired without subsequent development permits;
 - b. Those that were completed during the period;
 - c. Those that are valid at the time of the report;
 - d. Those that are valid at the time of the report but do not have associated Building Permits or construction activity; and
 - e. The phases and quantity of development represented by the outstanding development permits.
 - (4) An evaluation of each facility and service indicating:
 - a. The capacity available for each at the beginning of the reporting period and the end of the reporting period.
 - b. The portion of the available capacity held for valid final development permits.
 - c. A comparison of the actual capacity to calculated capacity resulting from approved Development Orders and development permits.
 - d. A comparison of actual capacity and levels of service to adopted levels of service from the Putnam County Comprehensive Plan.
 - e. A forecast of the capacity for each facility based upon the most recently updated schedule of capital improvements in the capital improvements element of the Comprehensive Plan.

Secs. 45-338—45-350. Reserved.

DIVISION 2. DEVELOPMENT EXACTIONS

Sec. 45-351. Purpose.

The County recognizes that even when a proposed development will not exceed the adopted LOS standards for a given facility or service, certain development can have a significant impact on existing facilities and services. Such impacts can shorten the anticipated life span of a facility or stretch the limits of a given public service and create a need for repairs and Improvements to protect the health, safety and general welfare of the public. In order to mitigate these impacts, the County is hereby authorized to require certain development exactions in accordance with this section.

Sec. 45-352. Development exactions.

- (a) *Roads.* Where a proposed development is determined by the department of public works to create a safety hazard, whether it is due to ingress and egress from the development or due to accelerated deterioration of the road, the department of public works shall notify the property Owner or developer in writing that the proposed project is a safety hazard and may require certain exactions from the Applicant to mitigate these hazards, including, but not limited to, installation, expansion or Improvements to the following:
- (1) Turn lanes;
 - (2) Acceleration/deceleration lanes;
 - (3) Additional Right-of-way;
 - (4) Signalization or signage;
 - (5) Shoulder; or
 - (6) Road reconstruction.

Public works shall establish general, written guidelines for establishing when exactions will be required and determining the nature and extent of the development exactions.

- (b) *Potable water, sanitary sewer and stormwater management.* The County does not provide potable water, sanitary sewer or stormwater management facilities and services on a countywide basis. For any development that will use or impact such facilities or services, where provided, the Applicant shall pay its fair share costs for hook up and utilization of such facilities and services, including any costs associated with installation, expansion or Improvements that may be required due to the proposed development. Fair share is defined in Article XIII.
- (c) *Solid waste.* Solid waste impacts are mitigated by a County-wide MSBU for residential services and tipping fees for non-residential services.
- (d) *Recreation.* Recreation facility impacts may be mitigated pursuant to the concurrency provisions in article V, division 1 above.

Secs. 45-353—45-360. Reserved.

DIVISION 3. PROPORTIONATE FAIR-SHARE: TRANSPORTATION

Sec. 45-361. Generally.

- (a) The purpose of this section 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 F.S. § 163.3180(16).
- (b) The County commission finds and determines that transportation capacity is a commodity that has a value to both the public and private sectors and the County proportionate fair-share program:
 - (1) Provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors;
 - (2) Allows developers to proceed under certain conditions, notwithstanding the failure of transportation concurrency, by contributing their proportionate fair-share of the cost of a transportation facility;
 - (3) Contributes to the provision of adequate Public Facilities for future growth and promotes a strong commitment to comprehensive facilities planning, thereby reducing the potential for moratoria or unacceptable levels of traffic congestion;
 - (4) Maximizes the use of public funds for adequate transportation facilities to serve future growth, and may, in certain circumstances, allow the County to expedite transportation improvements by supplementing funds currently allocated for transportation improvements in the capital improvement element (CIE);
 - (5) Is consistent with F.S. § 163.3180(16), and with the Putnam County Comprehensive Plan.
- (c) The proportionate fair-share program shall apply to all developments in the County that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the County concurrency management system (CMS), including transportation facilities maintained by the Florida Department of Transportation or another jurisdiction that are relied upon for concurrency determinations, pursuant to the requirements of section 45-362.
- (d) The proportionate fair-share program shall not apply to developments of regional impact using proportionate fair-share under F.S. § 163.3180(12), or to developments exempted from concurrency by State or County law.

Sec. 45-362. Proportionate fair-share option.

- (a) An Applicant may choose to satisfy the transportation concurrency requirements of the County by making a proportionate fair-share contribution, pursuant to the following requirements:
 - (1) The proposed development is consistent with the Comprehensive Plan and applicable land development regulations.
 - (2) The five-year schedule of capital improvements in the County capital improvement element or the long-term schedule of capital improvements for an adopted long-term CMS includes a transportation improvement that, upon completion, will satisfy the requirements of the County transportation CMS. The provisions of (b) below may apply if a project or projects needed to satisfy concurrency are not presently contained within the local government CIE or an adopted long-term schedule of capital improvements.
- (b) The County may choose to allow an Applicant to satisfy transportation concurrency through the proportionate fair-share program by contributing to an Improvement that, upon completion, will satisfy the requirements of the County transportation CMS, but is not contained in the five-year schedule of capital

improvements in the CIE or a long-term schedule of capital improvements for an adopted long-term CMS, where the following apply:

- (1) The County adopts, by resolution or ordinance, a commitment to add the Improvement to the five-year schedule of capital improvements in the CIE or long-term schedule of capital improvements for an adopted long-term CMS no later than the next regularly scheduled update. To qualify for consideration under this section, the proposed Improvement must be reviewed by the County and determined to be financially feasible pursuant to F.S. § 163.3180(16)(b)1, consistent with the Comprehensive Plan, and in compliance with the provisions of this article. Financial feasibility for this section means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed ten years to fully mitigate impacts on the transportation facilities.
- (2) If the funds allocated for the five-year schedule of capital improvements in the County CIE are insufficient to fully fund construction of a transportation improvement required by the CMS, the County may still enter into a binding proportionate fair-share agreement with the Applicant authorizing construction of that amount of development on which the proportionate fair-share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one or more Improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system.
- (c) The Improvement or Improvements funded by the proportionate fair-share component must be adopted into the five-year capital improvements schedule of the Comprehensive Plan or the long-term schedule of capital improvements for an adopted long-term concurrency management system at the next annual capital improvements element update.
- (d) Any Improvement project proposed to meet the developer's fair-share obligation must meet design standards of the County for locally maintained roadways and those of the FDOT for the State highway system.

Sec. 45-363. Procedures.

- (a) Upon notification of a lack of capacity to satisfy transportation concurrency, the Applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the proportionate fair-share program pursuant to the requirements of section 45-362.
- (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 facility is on the SIS, then the FDOT will be notified and invited to participate in the pre-application meeting.
- (c) Eligible applicants shall submit an application to the County that includes an application fee as established by resolution and the following:
 - (1) Name, address and phone number of Owner(s), developer and agent;
 - (2) Property location, including Parcel identification numbers;
 - (3) Legal description and survey of property;
 - (4) Project description, including type, intensity and amount of development;
 - (5) Phasing schedule, if applicable;
 - (6) Description of requested proportionate fair-share mitigation method(s); and
 - (7) Copy of concurrency application.

-
- (d) The planning director shall review the application and certify that the application is sufficient and complete within ten business days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the proportionate fair-share program as indicated in section 45-362, then the Applicant will be notified in writing of the reasons for such deficiencies within ten business days of submittal of the application. If such deficiencies are not remedied by the Applicant within 30 days of receipt of the written notification, then the application will be deemed abandoned. The County commission may, in its discretion, grant an extension of time not to exceed 60 days to cure such deficiencies, provided that the Applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.
 - (e) Pursuant to F.S. § 163.3180(16)(e), proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrency of the FDOT. The Applicant shall submit evidence of an agreement between the Applicant and the FDOT for inclusion in the proportionate fair-share agreement. Facilities designated as emerging SIS shall not be subject to this part.
 - (f) When an application is deemed sufficient, complete, and eligible, the Applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the County or the Applicant with direction from the County and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a SIS facility, no later than 60 days from the date at which the Applicant received the notification of a sufficient application and no fewer than 14 days prior to the County commission meeting when the agreement will be considered.
 - (g) The County shall notify the Applicant regarding the date of the County commission meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the County commission.

Sec. 45-364. Determining proportionate fair-share obligation.

- (a) Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions 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 market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.
- (c) The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in F.S. § 163.3180(12), as follows:

"The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an Improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the Improvement necessary to maintain the adopted LOS."

OR

$$\text{Proportionate Fair-Share} = \Sigma [((\text{Development Trips}_i) / (\text{SV Increase}_i)) \times \text{Cost}_i]$$

Where:

Development trips $_i$ = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the CMS.

SV Increase $_i$ = Service volume increase provided by the eligible Improvement to roadway segment "i" per section E.

Cost_i = 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 physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

- (d) For the purposes of determining proportionate fair-share obligations, the County shall determine Improvement costs based upon the actual cost of the Improvement as obtained from one of the following:
 - (1) CIE;
 - (2) MPO/TIP (if applicable);
 - (3) FDOT work program;
 - (4) An analysis by the County of costs by cross section type that incorporates data from recent projects and is updated annually and approved by the County commission. In order to accommodate increases in construction material costs, project costs shall be adjusted by an inflation factor; or
 - (5) 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. Cost estimates for State road Improvements not included in the adopted FDOT work program shall be determined using this method in coordination with the FDOT district.
- (e) If the County has accepted an Improvement project proposed by the applicant, then the value of the Improvement shall be determined using one of the methods provided in this section.
- (f) 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:
 - (1) At 120 percent of the most recent assessed value by the County property appraiser or;
 - (2) By fair market value established by an independent appraisal, performed by an MAI designated appraiser, approved by the County and at no expense to the County. Where the fair market value is believed to be in excess of \$500,000.00, the County shall have the option to require a second appraisal.

The Applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the County at no expense to the County. If the estimated value of the Right-of-way dedication proposed by the Applicant is less than the County estimated total proportionate fair-share obligation for that development, then the Applicant must also pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair-share, public or private partners should contact the FDOT for essential information about compliance with Federal law and regulations.

Sec. 45-365. Transportation impact fee credit for proportionate fair-share mitigation.

- (a) Proportionate fair-share contributions shall be applied as a credit against transportation impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure Improvements contemplated by the local government's transportation impact fee ordinance.
- (b) Transportation impact fee credits for the proportionate fair-share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. Transportation impact fees owed by the Applicant will be reduced per the proportionate fair-share agreement as they become due per the County transportation impact fee ordinance. If the applicant's proportionate fair-share obligation is less than the development's anticipated transportation impact fee for the specific stage or phase of development under review, then the Applicant or its successor must pay the remaining transportation impact fee amount to the County pursuant to the requirements of the County transportation impact fee ordinance.

-
- (c) Major projects not included within the local government's impact fee ordinance or created under subsections 45-362(b)(1) and (2) which can demonstrate a significant benefit to the impacted transportation system may be eligible at the local government's discretion for transportation impact fee credits.
 - (d) The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any transportation impact fee credit based upon proportionate fair-share contributions for a proposed development cannot be transferred to any other location unless provided for within the local transportation impact fee ordinance.

Sec. 45-366. Proportionate fair-share agreements.

- (a) Upon execution of a proportionate fair-share agreement (agreement) the Applicant shall receive a County certificate of concurrency approval. Should the Applicant fail to apply for a Development Permit within 12 months of the execution of the agreement, then the agreement shall be considered null and void, and the Applicant shall be required to reapply.
- (b) Payment of the proportionate fair-share contribution is due in full prior to issuance of the final Development Order or recording of the final plat 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 fair-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, pursuant to section 45-364 and adjusted accordingly.
- (c) All developer Improvements authorized under this article must be completed prior to issuance of a development permit, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required Improvements. It is the intent of this section that any required Improvements be completed at the time of the occurrence of any adverse transportation impact requiring mitigation. No Building Permits or certificates of occupancy will be issued on any phase or stage of a development causing the adverse transportation impact until completion of any required Improvements or other approved mitigation.
- (d) Dedication of necessary Right-of-way for facility Improvements pursuant to a proportionate fair-share agreement must be completed prior to issuance of the final Development Order or recording of the final plat.
- (e) Any requested change to a development project subsequent to a Development Order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.
- (f) 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.

Sec. 45-367. Appropriation of fair-share revenues.

- (a) Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled Improvements in the County CIE, or as otherwise established in the terms of the proportionate fair-share agreement. At the discretion of the local government, proportionate fair-share revenues may be used for operational Improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived. Proportionate fair-share revenues may also be used as the 50 percent local match for funding under the FDOT TRIP.
- (b) In the event a scheduled facility Improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another Improvement within that same corridor or sector that would mitigate the impacts of development pursuant to the requirements of subsection 45-362(b)(2).

- (c) Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in F.S. § 339.155, and then the County may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT TRIP. Such coordination shall be ratified by the County through an inter-local agreement that establishes a procedure for earmarking of the developer contributions for this purpose.

Sec. 45-368. Intergovernmental coordination.

- (a) Pursuant to policies in the intergovernmental coordination element of the County Comprehensive Plan and applicable policies in the Northeast Florida regional plan, the 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.
- (b) An inter-local agreement may be established with other affected jurisdictions for this purpose.

Secs. 45-369—45-380. Reserved.

APPENDIX V²

Table 5.2: Trip Characteristics for Putnam County

ITE LUC	Land Use	Unit	Trip Generation Rate	% New Trips	Avg. Mi. Trip Length
Residential					
210	Single Family	Dwelling unit	9.550	100.00	6.0
221	Low-Rise Apt.	Dwelling unit	6.590	100.00	6.0
222	High-Rise Apt.	Dwelling unit	4.198	100.00	6.0
240	Mobile Home Park	Dwelling unit	4.814	100.00	6.0
252	Congregate Care Facility	Dwelling unit	2.150	100.00	6.0
310	Hotel	Room	8.700	71.00	6.0
320	Motel	Room	10.190	59.00	6.0
Commercial					
416	Campground/RV Park	Acre	74.380	90.00	3.0
420	Marina	Berth	2.960	90.00	3.0
430	Golf Course	Holes	37.590	90.00	3.0
443	Movie Theater w/o matinee	Screen	153.330	85.00	3.0
444	Movie Theater w/ matinee	Screen	220.000	85.00	3.0
492	Racquet Club	Courts	42.900	75.00	3.0

²Note(s)—Source: Table 1-14 in "Putnam County Comprehensive Impact Fee Study," April, 1994, by Planning Research Services, Inc. Trip generation rates are from the Institute of Transportation Engineers (ITE) Trip Generation, 5th Edition, 1991; new trips are based on the ITE report and studies for Lake County and St. Johns County; and trip lengths are based on studies for Lake County and Flagler County (see pages 1-25 and 1-28 of the Putnam County Study).

710	General Office under 50,000 sq. ft.	1,000 sq. ft.	16.618	92.00	5.0
710	General Office 50,000 to 99,999 sq. ft.	1,000 sq. ft.	14.032	92.00	5.0
710	General Office 100,000 to 199,999 sq. ft.	1,000 sq. ft.	11.849	92.00	5.0
710	General Office 200,000 to 299,999 sq. ft.	1,000 sq. ft.	10.733	92.00	5.0
710	General Office 300,000 to 499,999 sq. ft.	1,000 sq. ft.	9.475	92.00	5.0
710	General Office 500,000 sq. ft. or more	1,000 sq. ft.	8.728	92.00	5.0
720	Medical-Dental Office	1,000 sq. ft.	34.170	77.00	5.0
760	Research and Development Center	1,000 sq. ft.	7.700	92.00	5.0
815	Discount Store	1,000 sq. ft.	70.130	61.00	3.0
816	Hardware/Paint Store	1,000 sq. ft.	51.289	40.00	3.0
820	Shopping Center under 50,000 sq. ft.	1,000 sq. ft.	91.652	38.56	3.0
820	Shopping Center 50,000 to 99,999 sq. ft.	1,000 sq. ft.	70.673	43.06	3.0
820	Shopping Center 100,000 to 299,999 sq. ft.	1,000 sq. ft.	46.809	55.05	3.0
820	Shopping Center 300,000 to 499,999 sq. ft.	1,000 sq. ft.	38.649	69.09	3.0
820	Shopping Center 500,000 to 569,999 sq. ft.	1,000 sq. ft.	36.796	74.03	3.0
820	Shopping Center 570,000 to 999,999 sq. ft.	1,000 sq. ft.	32.089	75.17	3.0
820	Shopping Center 1,000,000 sq. ft. or more	1,000 sq. ft.	30.693	79.50	3.0
831	Quality Restaurant	1,000 sq. ft.	96.510	82.00	3.0
832	Sit-Down Restaurant	1,000 sq. ft.	200.895	79.00	2.0
834	Drive-in Restaurant	1,000 sq. ft.	632.120	50.14	1.5
841	New Car Sales	1,000 sq. ft.	47.910	79.00	3.0
844	Service Station	Pump	133.000	23.00	2.0
850	Supermarket	1,000 sq. ft.	87.820	48.83	3.0
851	Convenience Market	1,000 sq. ft.	737.990	34.15	1.5
860	Wholesale Market	1,000 sq. ft.	6.728	75.00	3.0
890	Furniture Store	1,000 sq. ft.	4.345	50.00	5.0

911	Walk-In Bank	1,000 sq. ft.	140.610	80.00	3.0
912	Drive-In Bank	1,000 sq. ft.	265.210	55.00	2.0
913	Walk-In Savings and Loan	1,000 sq. ft.	61.000	80.00	3.0
914	Drive-In Savings and Loan	1,000 sq. ft.	74.170	55.00	2.0
Industrial					
110	General Light Ind.	1,000 sq. ft.	6.967	92.00	6.0
120	General Heavy Ind.	1,000 sq. ft.	1.496	92.00	6.0
130	Industrial Park	1,000 sq. ft.	3.340	92.00	6.0
140	Manufacturing	1,000 sq. ft.	3.846	92.00	6.0
150	Warehousing	1,000 sq. ft.	4.882	92.00	6.0
151	Mini-Warehouse	1,000 sq. ft.	2.606	92.00	6.0
Institutional					
520	Elementary School	1,000 sq. ft.	10.720	80.00	5.0
530	High School	1,000 sq. ft.	10.900	90.00	5.0
540	Community College	1,000 sq. ft.	12.870	90.00	5.0
550	University/College	Student	2.370	90.00	5.0
560	Church	1,000 sq. ft.	9.320	90.00	5.0
565	Day Care Center	1,000 sq. ft.	79.260	74.00	5.0
610	Hospital	1,000 sq. ft.	16.780	77.00	5.0
620	Nursing Home	Bed	2.600	75.00	5.0

ARTICLE VI. RESOURCE PROTECTION STANDARDS

DIVISION 1. IN GENERAL

Sec. 45-381. Purpose.

The purpose of this article is to implement the resource protection requirements of the Putnam County Comprehensive Plan. Additional resource protection standards shall be provided in article VII of this Code in the sections governing stormwater management and sewage disposal. This article is intended to protect resources identified as important to the public health, safety and welfare by establishing areas of a development site that must be protected from harmful effects of development. A developer should apply the provisions of this article to a proposed development site 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. The setbacks and buffers required by this article are meant to work in concert with standard zoning district setback and buffering requirements, and where the resource protection standards differ from the zoning district requirements with regard to setbacks and buffers, the more restrictive standards (i.e. larger setback) shall apply.

Secs. 45-382—45-390. Reserved.

DIVISION 2. WETLANDS

Sec. 45-391. Purpose and intent.

It is the purpose and intent of this section to provide for the protection, maintenance, enhancement and utilization of wetlands within Putnam County in accordance with the adopted Putnam County Comprehensive Plan, while recognizing the rights of individual property Owners to use their lands in a reasonable manner, as well as the importance of wetland ecosystems to flood control, waste assimilation, water purification and recharge, and wildlife Habitat and the rights of all citizens to protect Putnam County's wetland ecosystems to ensure that they serve these needed functions. Nothing within article VI, division 2 replaces or supersedes the jurisdiction and regulations of the Florida Department of Environmental Protection ("DEP"), the St. John's River Water Management District ("SJRWMD") or the Suwannee River Water Management District ("SRWMD"). Property Owners are responsible for obtaining appropriate permits from these agencies, where required.

Sec. 45-392. Applicability and requirements.

Development of any property in a wetland or within 25 feet of a wetland shall be subject to the following:

- (1) Wetland impacts shall first be avoided to the maximum extent possible. Structures and other site Improvements, including accessory uses, shall be setback at least 25 feet from these wetlands, except for those uses described in section 45-393 of this Code.
- (2) Proposed developments shall establish a 25-foot buffer of native vegetation adjacent to wetlands to provide filtration of stormwater pollutants. In addition, if the development is or will be serviced by an

onsite septic system, it must comply with the requirements of the Florida Department of Health or the Florida Department of Environmental Protection (FDEP), as applicable.

- (3) Where a wetland is adjacent to or an integral part of a water body as described [in] article VI, division 3 of this Code, then the more restrictive provisions of either article VI, divisions 2 or 3, including setback and buffering requirements, shall apply. For example, development of a property with wetlands adjacent to a water body will be required to meet the 50-foot setback requirements in article VI, division 3; however, if the adjacent wetlands extend 50 or more feet from the water body, the minimum 25-foot wetland buffering requirements in paragraphs (1) and (2) of this section shall still apply, and the development will be set back 75 or more feet from the water body.
- (4) All applicable State and Federal regulations for wetland permitting and mitigation must be met.
- (5) Transfer of Density from wetlands to the upland portion of a site shall be permitted through approval of an appropriate planned unit development (PUD) application, a Development Order or an appropriate article X Development Agreement and by establishing flexibility in the Lot area requirements in the various zoning districts established in this Code in order to ensure that development occurs outside of the wetlands and the 25-foot buffer. The wetland area will be included in calculating the gross Density applicable to a property.
- (6) Wetland protection shall be considered when the County evaluates a variance or administrative deviation request for a setback modification that would move development away from wetlands.
- (7) When creating a new Parcel or subdividing or cutting out a portion of an existing Parcel, each newly created Lot or Parcel shall contain sufficient uplands to allow the property to be developed under the existing zoning without encroachment on the wetlands or the 25-foot buffer and without need of a variance. Transfer of Density from the wetlands to uplands, in accordance with paragraph (5) above, may be allowed in order to permit the creation of new Parcels or Lots that, except for the presence of wetlands, are permissible under this Code.

Sec. 45-393. Exemptions.

- (a) Activities that may be exempted from this section are as follows:
 - (1) Residential lots of record existing on or before the adoption of the Comprehensive Plan on December 19, 1991 at 5:00 p.m. which do not contain sufficient uplands or area to permit development of a residence without encroaching into wetlands, or the required 50-foot or 25-foot vegetated buffers, may be developed with one residential dwelling. Encroachments into wetlands or buffer areas pursuant to this section shall be minimized.
 - (2) Resource-based recreational facilities such as trails, boardwalks, piers, and boat ramps.
 - (3) Water dependent components of commercial development such as port facilities, marinas, fish camps, and commercial fishing and shell fishing operations.
 - (4) General Agriculture consistent with State and Federal law and following currently accepted best management practices.
 - (5) Silviculture consistent with State and Federal law and following currently accepted best management practices.
 - (6) Essential public services, as those are defined in section 45-403 below.
 - (7) Any emergency activity that is immediately necessary for the protection and preservation of life or property or for the protection or preservation of a natural resource.

-
- a. Within three days after the commencement of an emergency activity which otherwise would be treated as a regulated activity under this section, the Person chiefly responsible for undertaking such emergency activity shall send a written statement to the Department of Public Works generally describing the actions taken and setting forth the pertinent facts regarding the nature of the emergency, including an explanation of the life, property or resource such activity was designed to protect or preserve.
 - b. Within three days of receiving notice of the emergency activity, the Public Works Director shall make a written determination regarding whether the activity was the result of an emergency or, where it is determined that the impacted wetlands fall within the jurisdiction of the FDEP or SJRWMD, advise the appropriate State agency of the action in writing.
 - c. Should the Public Works Director determine that the activity taken on wetlands under the County jurisdiction and such actions were not the result of an emergency situation, the Person undertaking the activity may be subject to an enforcement action under this Code, and the Public Works Director shall report the activity to the appropriate State and Federal agencies. Where the Public Works Director determines that there was an emergency situation, he may require the property Owner to mitigate some or all of the wetland impacts.
- (b) Additional activities that may be exempted from this section are set forth in paragraphs (1) through (4) below. However, where the exemptions identified in paragraphs (1) through (4) are based on acreage or size thresholds, they shall not apply and are expressly omitted as exceptions to this Code:
- (1) All activity exempt from regulation by the FDEP under F.S. ch. 403, including any applicable agency rules.
 - (2) All activity exempt from regulation by the USACOE as authorized by section 404, Clean Water Act or Section 10, River and Harbor Act.
 - (3) All activity exempt from regulation by the St. Johns River Water Management District pursuant to Rule 40C-4, Florida Administrative Code.
 - (4) All activity exempt from regulation by the Suwannee River Water Management District pursuant to Rule 40B-4, Florida Administrative Code.
- (c) All exceptions in this section are allowed only when the proposed Use is otherwise permissible under all other applicable laws and ordinances of this County; site characteristics are such that wetland impacts cannot be avoided; the impacts are limited to the minimum necessary to allow the permitted Use of the property; and the site development or Use complies with FDEP, USACOE, Florida Department of Health and any applicable Water Management District regulations for permitting and mitigation.

Secs. 45-394—45-400. Reserved.

DIVISION 3. WATERFRONT DEVELOPMENT

Sec. 45-401. Purpose and intent.

In order to maintain surface water quality and reduce nutrient loading in lakes, rivers, creeks, streams and estuaries (hereinafter referred to collectively as "water body"), this section is enacted as a measure to protect the public health and welfare by requiring that new structures be setback a reasonable distance from surface waters, and by requiring retention of vegetated Shorelines.

Sec. 45-402. Applicability.

The regulations set forth in this section, shall apply to all water bodies within the unincorporated areas of Putnam County, Florida.

Sec. 45-403. Surface water protection requirements.

All development within 500 feet of the ordinary high water line (OHWL) of a water body shall comply with the following requirements:

- (1) Lots that are created after December 19, 1991 that are adjacent to a water body must have at a minimum 100 feet of frontage along the water body in order to be eligible for permits. Lots created before December 19, 1991, shall meet the requirements of the applicable laws and ordinances at the time of creation.
- (2) New waterfront development shall be reviewed to ensure that they do not degrade ambient water quality of adjacent waters. The developer or property Owner shall submit his proposed development to Putnam County Public Works for review and approval of the stormwater management plans prior to issuance of any Building Permits.
- (3) Where the development includes an on-site sewage system, such as a septic tank, the system must meet the design standards set forth by the Florida Department of Health or the Florida Department of Environmental Protection (FDEP), as applicable, and the following criteria:
 - a. The system shall be set back a minimum of 100 feet from the mean or Ordinary High Water Line.
 - b. The wall of a retaining dam of any effluent ponds must be at least three feet in elevation above the Mean High Water mark. Subject to approval by the Florida Department of Environmental Protection ("FDEP"), exceptions may be made upon the recommendation of the Putnam County Public Works Department and approval of the Board of County Commissioners. Effluent ponds shall be prohibited in an area of special flood hazard except as provided in article VI, division 5 below.
 - c. It shall be unlawful for any Person, firm, corporation or utility to allow raw or treated sewage to be discharged directly into a water body or a tributary connected to such water body. No permits shall be issued that will allow such discharge to occur unless authorized by the Florida Department of Environmental Protection (FDEP).
- (4) Structures, including accessory structures, shall be set back a minimum of 50 feet from the water body, and a vegetated upland buffer or filter using native plants shall be preserved, restored or installed for any waterfront development. The buffer strip shall provide for sheet flow of the surface runoff, and shall be a minimum of 50 feet in width, except as follows:
 - a. Fifteen feet in areas of less than four and one-half percent slope where the vegetation is ground cover species or mixed woody (trees and shrubs) and ground cover species.
 - b. Twenty-five feet in areas of four and one-half percent or greater slope where the vegetation is ground cover species or mixed woody (trees and shrubs) and ground cover species.
 - c. Thirty feet in areas of less than four and one-half percent slope where the vegetation is only woody species (trees and shrubs).
 - d. Fifty feet in areas of four and one-half percent or greater slope where the vegetation is only woody species (trees and shrubs).

Where there are associated wetlands, the 25-foot vegetative buffer requirements of subsection 45-392(2) shall apply.

- (5) Underground storage tanks are prohibited within 100 feet of the mean or ordinary water line and the installation of aboveground or belowground storage tanks within 500 feet of a water body must be approved by the Florida Department of Health or the Florida Department of Environmental Protection, as applicable.
- (6) Except for those uses described in paragraphs a. through e. below, no development activity shall be undertaken within buffers required by this article VI, division 3. The uses described in paragraphs a. through e. below will be allowed only when the proposed Use is otherwise permitted under all other applicable laws and ordinances of this County; when the site characteristics are such that impacts cannot be avoided; and when the impacts are limited to the minimum necessary to allow the permitted Use of the property. Any permit issued shall be conditioned upon compliance with any applicable State and/or Federal permitting requirements.
 - a. Resource-based recreational facilities such as trails, boardwalks, piers and boat ramps.
 - b. Water dependent components of commercial development such as port facilities, marinas, fish camps, and commercial fishing and shell fishing operations.
 - c. General Agriculture consistent with State and Federal law and following currently accepted best management practices.
 - d. Silviculture consistent with State and Federal law and following currently accepted best management practices.
 - e. Essential public services, which includes the following:
 1. Emergency repairs on public or private projects necessary for the preservation of life, health, or property where taken to implement and accomplish the beneficial purposes of this section.
 2. Maintenance of public or privately owned portions of a structural stormwater or drainage control system that does not constitute major construction or rebuilding.
 3. Activities undertaken by Federal, State, regional and local agencies of government.
 4. Utility crossings.
 5. Mosquito control activities performed by the State or the County.
 6. Scenic, historic, wildlife, or scientific preserves.
 7. Developing a "wetlands stormwater discharge facility" or "treatment wetland" in accordance with State permits received under Chapter 62-25, Florida Administrative Code.
- (7) Minimization of impacts. Activities that are allowed in the shoreline buffers required by this section shall be designed, constructed, maintained and undertaken in a way that minimizes the adverse effects on the beneficial functions of the affected shoreline protection zone.
- (8) Design standards for water dependent uses. In addition to any other applicable design standards, uses that can be carried out only on, in or adjacent to water bodies shall be subject to the following:
 - a. Marinas, fish camps, ports, commercial Docks or moorings and other appropriate water dependent uses (hereinafter collectively referred to as "marinas") shall post the following signs where they are readily visible to all users of the development:
 1. Regulations pertaining to handling and disposal of waste, sewage, or toxic materials.

-
2. Regulations prohibiting the Use of vessel toilets while moored unless these toilets are self-contained or have an approved treatment device.
 3. Regulations prohibiting the disposal of fish or shellfish cleaning wastes, scrap-fish, viscera, or unused bait in or near the development.
 4. Appropriate messages relating to local ecological concerns, e.g., manatee protection.
- b. A marina shall include public boat launch facilities unless the Applicant can demonstrate that providing such facilities is not feasible or it is determined by the County that the ramp would be excessively damaging to the aquatic environment.

The intent of this requirement is to combine destructive activities to a minimal number of sites along the Shoreline. Providing a boat ramp at the already-disturbed marina site may be preferable to disturbing another site along the Shoreline to provide the ramp.
 - c. Marinas shall have adequate rest-room facilities in compliance with Florida Department of Health regulations.
 - d. Adequate garbage receptacles shall be provided and maintained by the marina operator at several locations convenient to users.
 - e. Any dredging shall be conducted at times of minimum biological activity to avoid fish migration and spawning, and other cycles and activities of wildlife.
 - f. If dredging changes the littoral drift processes and causes adjacent shores to erode, the developer shall periodically replenish these shores with the appropriate quantity and quality of aggregate in accordance with appropriate permits obtained from Federal, State or regional levels of government.
 - g. Where wet moorage is offered for boats that have on-board sewage holding facilities or where other recreational vehicles (RVs) are allowed to stay overnight, then the developer or Owner of the moorage or RV sites shall provide pump-out, holding, or treatment facilities for sewage and other wastes, including bilge, contained on vessels and vehicles. The facilities shall be conveniently available to all vessels and vehicles.
- (9) Limitations on Clearing.
- a. When applying for a Building Permit, a property Owner who desires to clear more than 25 feet or 25 percent of Shoreline must demonstrate compliance with all other setback and buffering requirements of this section. Any permit issued shall be conditioned upon compliance with any applicable State and/or Federal permitting requirements.
 - b. A property Owner whose Shoreline was cleared prior to the adoption of this Code in accordance with Federal, State and local regulations existing prior to the adoption of this Code may not need to obtain a permit as required by this subsection, if the clearing is continuously maintained.

Secs. 45-404—45-410. Reserved.

DIVISION 4. HABITAT OF ENDANGERED OR THREATENED SPECIES

Sec. 45-411. Habitat protection and Density bonuses.

Impacts to Habitat of endangered or threatened species shall first be avoided and disturbance of such Habitats shall not be allowed where an otherwise permissible development can occur without impacting such Habitat.

- (1) The County may require transfer of densities in order to prevent or minimize a development's impacts to Habitat of endangered or threatened species.
- (2) Developments that result in the protection of significant wildlife Habitat and vegetative communities that warrant protection shall be eligible for Density bonuses in accordance with the requirements contained in article VII of this Code.
- (3) Protection of Habitat for endangered and threatened species shall be considered when the County evaluates a variance request for a setback modification that would move development away from the Habitat.

Sec. 45-412. Endangered species, threatened species, or species of special concern.

Future development of property in Putnam County known to serve as a Habitat for plant or animal species listed by the U.S. Fish and Wildlife Service (USFWS), Florida Fish and Wildlife Conservation Commission (FFWCC), Florida Department of Environmental Protection, or the Florida Department of Agriculture as endangered, threatened or as species of special concern, shall comply with the management and permitting criteria of the USFWS and the FFWCC.

Sec. 45-413. Manatee protection plan.

The County shall post informational signage regarding manatees at all County-owned and maintained public boat ramps.

Sec. 45-414. Development adjacent to Ocala National Forest, Greenways and other wildlife or resource conservation and preservation areas.

In the process of reviewing site plans, the County shall assess the compatibility of land Use activities and development on Parcels adjacent to the Ocala National Forest, established greenways, as well as other wildlife management areas, State or private preserves or other Federal, State or local natural resource protection, conservation and environmentally sensitive areas and conservation easements. The County may require additional buffering and setbacks between the proposed Use and the protected area. In establishing such buffering, the reviewing board or staff member will look at the nature and quality of the protected area; the type of Use (i.e. residential, agricultural, commercial, industrial, or mining); the proximity of the Use to the protected area; the intensity, size and duration of the Use; other adjacent land uses; and the Use's potential for impacting the protected area.

Secs. 45-415—45-420. Reserved.

DIVISION 5. FLOOD HAZARD MANAGEMENT AND FLOODPLAIN PROTECTION

Sec. 45-421. Title.

These regulations shall be known as the floodplain management ordinance of Putnam County, Florida, hereinafter referred to as "this section" or "this division".

Sec. 45-422. Scope.

The provisions of this section shall apply to all development that is wholly within or partially within any flood hazard area, including, but not limited to, the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

Sec. 45-423. Intent.

The purposes of this division and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

Sec. 45-424. Coordination with the Florida Building Code.

This section is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

Sec. 45-425. Warning.

The degree of flood protection required by this section and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside of mapped special flood hazard areas, or that uses

permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the flood insurance study and shown on flood insurance rate maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the national flood insurance program. No guaranty of vested Use, existing Use, or future Use is implied or expressed by compliance with this section.

Sec. 45-426. Disclaimer of liability.

This section shall not create liability on the part of Board of County Commissioners of Putnam County, Florida or by any officer or employee thereof for any flood damage that results from reliance on this section or any administrative decision lawfully made thereunder.

Sec. 45-427. Applicability.

- (a) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (b) *Areas to which this division applies.* This section shall apply to all flood hazard areas within Putnam County, Florida, as established in subsection 45-427(c) of the Putnam County Land Development Code.
- (c) *Basis for establishing flood hazard areas.* The flood insurance study for Putnam County, Florida and incorporated areas dated February 2, 2012, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this division and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the department of planning and development services, 2509 Crill Avenue, Suite 300, Palatka, Florida.
- (d) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to section 45-430 of the Putnam County Land Development Code, the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
 - (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this section and, as applicable, the requirements of the Florida Building Code.
 - (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the Applicant obtains a letter of map change that removes the area from the special flood hazard area.
- (e) *Other laws.* The provisions of this section shall not be deemed to nullify any provisions of local, State or Federal law.
- (f) *Abrogation and greater restrictions.* This section supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including, but not limited to, land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this division and any other ordinance, the more restrictive shall govern. This section shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this section.
- (g) *Interpretation.* In the interpretation and application of this section, all provisions shall be:
 - (1) Considered as minimum requirements;

-
- (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under State statutes.

Sec. 45-428. Duties and powers of the floodplain administrator.

- (a) *Designation.* The building official is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.
- (b) *General.* The floodplain administrator is authorized and directed to administer and enforce the provisions of this section. The floodplain administrator shall have the authority to render interpretations of this division consistent with the intent and purpose of this section and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this section without the granting of a variance pursuant to section 45-432 of the Putnam County Land Development Code.
- (c) *Applications and permits.* The floodplain administrator, in coordination with other pertinent offices of the community, shall:
 - (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 - (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this section;
 - (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a Person contesting the determination shall have the opportunity to appeal the interpretation;
 - (4) Provide available flood elevation and flood hazard information;
 - (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
 - (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
 - (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this section is demonstrated, or disapprove the same in the event of noncompliance; and
 - (8) Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this section.
- (d) *Substantial Improvements and substantial damage determinations.* For applications for Building Permits to improve buildings and structures, including Alterations, movement, enlargement, replacement, repair, change of Occupancy, additions, rehabilitations, renovations, substantial Improvements, repairs of substantial damage, and any other Improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:
 - (1) Estimate the market value, or require the Applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or Structure before the start of construction of the proposed work; in the case of repair, the market value of the building or Structure shall be the market value before the damage occurred and before any repairs are made;

-
- (2) Compare the cost to perform the Improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of Improvements and repairs, if applicable, to the market value of the building or Structure;
 - (3) Determine and document whether the proposed work constitutes substantial Improvement or repair of substantial damage; and
 - (4) Notify the Applicant if it is determined that the work constitutes substantial Improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this section is required.
- (e) *Modifications of the strict application of the requirements of the Florida Building Code.* The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to section 45-432 of the Putnam County Land Development Code.
- (f) *Notices and orders.* The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this section.
- (g) *Inspections.* The floodplain administrator shall make the required inspections as specified in section 45-431 of the Putnam County Land Development Code for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- (h) *Other duties of the floodplain administrator.* The floodplain administrator shall have other duties, including, but not limited to:
- (1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial Improvement and substantial damage made pursuant to subsection 45-428(d) of the Putnam County Land Development Code;
 - (2) Require that applicants proposing Alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State floodplain management office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
 - (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;
 - (4) Review required design certifications and documentation of elevations specified by this division and the Florida Building Code and this division to determine that such certifications and documentations are complete; and
 - (5) Notify the Federal Emergency Management Agency when the corporate boundaries of Putnam County, Florida are modified.
- (i) *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this section and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial Improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this section; notifications to adjacent

communities, FEMA, and the State related to Alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this section and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at department of planning and development services, 2509 Crill Avenue, Suite 300, Palatka, Florida.

Sec. 45-429. Permits.

- (a) *Permits required.* Any Owner or Owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this division and all other applicable codes and regulations has been satisfied.
- (b) *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this section for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or Structure, the floodplain administrator may determine that a floodplain Development Permit or approval is required in addition to a Building Permit.
- (c) *Buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to the requirements of Federal regulation for participation in the national flood insurance program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this section:
 - (1) Railroads and ancillary facilities associated with the railroad.
 - (2) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
 - (3) Temporary buildings or sheds used exclusively for construction purposes.
 - (4) Mobile or modular structures used as temporary offices.
 - (5) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
 - (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
 - (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
 - (8) Temporary housing provided by the department of corrections to any prisoner in the State correctional system.
 - (9) Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.

-
- (d) *Application for a permit or approval.* To obtain a floodplain Development Permit or approval the Applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
- (1) Identify and describe the development to be covered by the permit or approval.
 - (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
 - (3) Indicate the Use and Occupancy for which the proposed development is intended.
 - (4) Be accompanied by a site plan or construction documents as specified in section 45-430 of this Code.
 - (5) State the valuation of the proposed work.
 - (6) Be signed by the Applicant or the applicant's authorized agent.
 - (7) Give such other data and information as required by the floodplain administrator.
- (e) *Validity of permit or approval.* The issuance of a floodplain Development Permit or approval pursuant to this section shall not be construed to be a permit for, or approval of, any violation of this section, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.
- (f) *Expiration.* A floodplain Development Permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.
- (g) *Suspension or revocation.* The floodplain administrator is authorized to suspend or revoke a floodplain Development Permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this section or any other ordinance, regulation or requirement of this community.
- (h) *Other permits required.* Floodplain development permits and Building Permits shall include a condition that all other applicable State or Federal permits be obtained before commencement of the permitted development, including, but not limited to, the following:
- (1) The St. Johns River Water Management District; F.S. § 373.036,
 - (2) Florida Department of Health for Onsite Sewage Treatment and Disposal Systems; F.S. § 381.0065, and Chapter 64E-6, F.A.C.
 - (3) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.
 - (4) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
 - (5) Federal permits and approvals.

Sec. 45-430. Site plans and construction documents.

- (a) *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this section shall be drawn to scale and shall include, as applicable to the proposed development:
- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

-
- (2) Where flood hazard areas, base flood elevations, or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with subsections 45-430(b)(2) or (3) of the Putnam County Land Development Code.
 - (3) Where the Parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with subsection 45-430(b)(1) of the Putnam County Land Development Code.
 - (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
 - (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
 - (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
 - (7) Existing and proposed alignment of any proposed Alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this section but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this section.

- (b) *Information in flood hazard areas without base flood elevations (approximate Zone A).* Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:
 - (1) Require the Applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - (2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a Federal or State agency or other source or require the Applicant to obtain and Use base flood elevation and floodway data available from a Federal or State agency or other source; or
 - (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the Applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is two feet above the Highest Adjacent Grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.
 - (4) Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the Applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the Applicant to satisfy the submittal requirements and pay the processing fees.
- (c) *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the Applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

-
- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the Applicant proposes to undertake development activities that do increase base flood elevations, the Applicant shall submit such analysis to FEMA as specified in subsection 45-430(d) of the Putnam County Land Development Code and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.
 - (2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, a hydrologic and hydraulic analyses that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
 - (3) For Alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the Applicant shall submit the analysis to FEMA as specified in subsection 45-430(d) of the Putnam County Land Development Code.
- (d) *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the Applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Sec. 45-431. Inspections.

- (a) *General.* Development for which a floodplain Development Permit or approval is required shall be subject to inspection.
- (b) *Development other than buildings and structures.* The floodplain administrator shall inspect all development to determine compliance with the requirements of this section and the conditions of issued floodplain development permits or approvals.
- (c) *Buildings, structures and facilities exempt from the Florida Building Code.* The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this section and the conditions of issued floodplain development permits or approvals.
- (d) *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, the Owner of a building, Structure or facility exempt from the Florida Building Code, or the Owner's authorized agent, shall submit to the floodplain administrator:
 - (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
 - (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with subsection 45-430(b)(3)b. of the land development code, the documentation of height

of the lowest floor above Highest Adjacent Grade, prepared by the Owner or the Owner's authorized agent.

- (e) *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the Owner or Owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the Highest Adjacent Grade; such certifications and documentations shall be prepared as specified in subsection 45-431(d) of the Putnam County Land Development Code.
- (f) *Manufactured homes.* The building official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this section and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the building official.

Sec. 45-432. Variances and appeals.

- (a) *General.* The Zoning Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of this division. Pursuant to F.S. § 553.73(5), the Zoning Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.
- (b) *Appeals.* The Zoning Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this division. Any Person aggrieved by the decision of Zoning Board of Adjustment may appeal such decision to the circuit court, as provided by Florida Statutes.
- (c) *Limitations on authority to grant variances.* The Zoning Board of Adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection 45-432(g) of the land development code, the conditions of issuance set forth in subsection 45-432(h) of the Putnam County Land Development Code, and the comments and recommendations of the floodplain administrator and the building official. The Zoning Board of Adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of this section.
- (d) *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in subsection 45-430(c) of the Putnam County Land Development Code.
- (e) *Historic buildings.* A variance is authorized to be issued for the repair, Improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, Improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, Improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.
- (f) *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial Improvement necessary for the conduct of a functionally dependent use, as defined in this section, provided the variance meets the requirements of subsection 45-432(d) of the Putnam County Land Development Code, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(g) *Considerations for issuance of variances.* In reviewing requests for variances, the Zoning Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this section, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future Owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the Comprehensive Plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(h) *Conditions for issuance of variances.* Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this division or the required elevation standards;
- (2) Determination by the Zoning Board of Adjustment that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the Lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the Applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected Parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial Improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the Applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of Federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Sec. 45-433. Violations.

- (a) *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this section that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this division, shall be deemed a violation of this section. A building or Structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this section or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.
- (b) *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this division and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to Owners of the property involved, to the Owner's agent, or to the Person or Persons performing the work.
- (c) *Unlawful continuance.* Any Person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that Person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Sec. 45-434. Definitions.

- (a) *Scope.* Unless otherwise expressly stated, the following words and terms shall, for the purposes of this division, have the meanings shown in this section.
- (b) *Terms defined in the Florida Building Code.* Where terms are not defined in this division and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.
- (c) *Terms not defined.* Where terms are not defined in this section or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.
- (d) *Terms defined.*

Accessory Structure means a Structure on the same Parcel of property as a principal Structure and the Use of which is incidental to the Use of the principal Structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this division or a request for a variance.

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

Base flood means a flood having a one percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood."

Base flood elevation means the elevation of the base flood, including wave height, relative to the national geodetic vertical datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the flood insurance rate map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement means the portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

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

- a. Area with a floodplain subject to a one percent or greater chance of flooding in any year; or
- b. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

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

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

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

Existing building and *existing Structure* means any buildings and structures for which the "start of construction" commenced before September 16, 1981. [Also defined in FBC, B, Section 1612.2.]

Federal Emergency Management Agency (FEMA) means the Federal agency that, in addition to carrying out other functions, administers the national flood insurance program.

FEMA P-85 means a publication titled Protecting Manufactured Homes from Floods and Other Hazards: A Multi-Hazard Foundation and Installation Guide published by the Federal Emergency Management Agency, Washington, D.C.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

- a. The overflow of inland or tidal waters.
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials means any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area means the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- a. The area within a floodplain subject to a one percent or greater chance of flooding in any year.
- b. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM) means the official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood insurance study (FIS) means the official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

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

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

Floodway means the channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Also defined in FBC, B, Section 1612.2.]

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

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

Functionally dependent Use means a Use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only Docking Facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a Structure.

Historic Structure means any Structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings.

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

- a. *Letter of map amendment (LOMA)* means an amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or Structure is not located in a special flood hazard area.
- b. *Letter of map revision (LOMR)* means a revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- c. *Letter of map revision based on fill (LOMR-F)* means a determination that a Structure or Parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- d. *Conditional letter of map revision (CLOMR)* means a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP

requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

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

- a. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or
- b. Designed primarily for transportation of Persons and has a capacity of more than 12 Persons; or
- c. Available with special features enabling off-street or off-highway operation and use.

Lowest floor means the lowest floor of the lowest enclosed area of a building or Structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the Structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Manufactured Home means a Structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured Home park or subdivision means a Parcel (or contiguous Parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value of buildings and structures, excluding the land and other Improvements on the Parcel, is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

Modular Home means any residential unit constructed to standards promulgated by the Florida Building Commission, away from the installation site, and which bears a department of business and professional regulation insignia.

New construction means, for the purposes of administration of this division and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after September 16, 1981 and includes any subsequent Improvements to such structures.

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

Recreational vehicle means a vehicle, including a park trailer, which is: [See F.S. § 320.01.]

- a. Built on a single chassis;
- b. Four hundred square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light-duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

Start of construction means the date of issuance for new construction and substantial Improvements provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other Improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as Clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not Occupied as Dwelling Units or not part of the main buildings. For a substantial Improvement, the actual "start of construction" means the first Alteration of any wall, ceiling, floor or other structural part of a building, whether or not that Alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage means damage of any origin sustained by a building or Structure whereby the cost of restoring the building or Structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or Structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial Improvement means any repair, reconstruction, rehabilitation, addition, or other Improvement of a building or Structure, the cost of which equals or exceeds 50 percent of the market value of the building or Structure before the Improvement or repair is started. If the Structure has incurred "substantial damage," any repairs are considered substantial Improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

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

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

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

(Ord. No. 2021-16 , § 2.1, 7-13-2021)

Sec. 45-435. Buildings and structures.

- (a) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to subsection 45-429(c) of the Putnam County Land Development Code, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial Improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of section 45-441 of the Putnam County Land Development Code.
- (b) *Elevation requirements for site built one and two family dwellings and Modular Homes installed off-frame.* All site built one and two family dwellings and Modular Homes installed off-frame and located in flood hazard areas shall be constructed such that:

-
- (1) *Flood Zone A and AE with base flood elevation.* The lowest floor of enclosed spaces is elevated to a minimum of one foot above the base flood elevation. All construction below this required elevation must be of flood resistant materials.
 - (2) *Flood Zone A with undetermined base flood elevation.* The lowest floor of enclosed spaces is elevated to a minimum of three feet above the Highest Adjacent Grade. All construction below this required elevation must be of flood resistant materials.
 - (3) *Enclosed areas permitted below the required elevation.* The lowest floor of enclosed areas used solely for parking of vehicles, building access, or storage may be constructed below the required elevation provided these areas are constructed with flood ventilation openings that comply with the Florida Building Code, Residential. All construction below the required elevation must be of flood resistant materials.
- (c) *Accessory structures.* Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:
- (1) Are one-story and not larger than 600 square feet.
 - (2) Have flood openings in accordance with section R322.2 of the Florida Building Code, Residential.
 - (3) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
 - (4) Have flood damage-resistant materials used below the base flood elevation plus one foot.
 - (5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one foot.

(Ord. No. 2021-16 , § 2.2, 7-13-2021)

Sec. 45-436. Subdivisions.

- (a) *Minimum requirements.* Subdivision proposals, including proposals for Manufactured Home Parks and subdivisions, shall be reviewed to determine that:
- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- (b) *Subdivision plats.* Where any portion of proposed subdivisions, including Manufactured Home Parks and subdivisions, lies within a flood hazard area, the following shall be required:
- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
 - (2) Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with subsection 45-430(b)(1) of the Putnam County Land Development Code; and
 - (3) Compliance with the site Improvement and utilities requirements of section 45-437 of the Putnam County Land Development Code.

Sec. 45-437. Site improvements, utilities and limitations.

- (a) *Minimum requirements.* All proposed new development shall be reviewed to determine that:
 - (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- (b) *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for Onsite Sewage Treatment and Disposal Systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
- (c) *Water supply facilities.* All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- (d) *Limitations on sites in regulatory floodways.* No development, including, but not limited to, site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in subsection 45-430(c)(1) of the Putnam County Land Development Code demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
- (e) *Limitations on placement of fill.* Subject to the limitations of this division, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

Sec. 45-438. Manufactured homes.

- (a) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this section.
- (b) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent foundations that are:
 - (1) Consistent with the site and flood hazard limitations and design criteria and the recommended designs specified in FEMA P-85; or
 - (2) Engineered to account for the base flood conditions at the site.
- (c) *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices, which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable State and local anchoring requirements for wind resistance.

-
- (d) *Elevation.* All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above base flood elevation plus one foot.
 - (e) *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas.
 - (f) *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

(Ord. No. 2021-16 , § 2.3, 7-13-2021)

Sec. 45-439. Recreational vehicles and park trailers.

- (a) *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
 - (1) Be on the site for fewer than 180 consecutive days; or
 - (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.
- (b) *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in subsection 45-439(a) of the Putnam County Land Development Code for temporary placement shall meet the requirements of section 45-438 of the Putnam County Land Development Code for manufactured homes.

Sec. 45-440. Tanks.

- (a) *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
- (b) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of subsection 45-440(c) of the Putnam County Land Development Code shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- (c) *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be attached to, and elevated to or above, the design flood elevation on a supporting Structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
- (d) *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:
 - (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Sec. 45-441. Other development.

- (a) *General requirements for other development.* All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this section or the Florida Building Code, shall:
- (1) Be located and constructed to minimize flood damage;
 - (2) Meet the limitations of subsection 45-437(d) of the Putnam County Land Development Code if located in a regulated floodway;
 - (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 - (4) Be constructed of flood damage-resistant materials; and
 - (5) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
- (b) *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of subsection 45-437(d) of the Putnam County Land Development Code.
- (c) *Retaining walls, sidewalks and Driveways in regulated floodways.* Retaining walls and sidewalks and Driveways that involve the placement of fill in regulated floodways shall meet the limitations of subsection 45-437(d) of the Putnam County Land Development Code.
- (d) *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of subsection 45-437(d) of the Putnam County Land Development Code. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of subsection 45-430(c)(3) of the Putnam County Land Development Code.

Secs. 45-442—45-450. Reserved.***DIVISION 6. POTABLE WATER WELL FIELD PROTECTION*****Sec. 45-451. Purpose and intent.**

The purpose and intent of this section is to safeguard potable water supplies by regulating the storage, handling, use or production of Hazardous Substances around public potable water supply wells. It is also the intent and purpose of this section to control development in and adjacent to designated wellheads to protect water supplies from potential contamination by regulating or, where appropriate, prohibiting polluting uses. The availability of adequate and dependable supplies of quality potable water for domestic, agricultural, and industrial use is of primary importance to the health, safety and welfare of the citizens of Putnam County. Thus, this section sets forth standards protecting both the quantity and quality of the Groundwater supply from public wellheads as defined herein. Specific setback and protection requirements for individual, private water wells shall be in accordance with department of health or Florida Department of Environmental Protection (FDEP) regulations, as applicable.

Sec. 45-452. Establishment of well field protection zone.

- (a) A well field protection zone is hereby established, consisting of a 500-foot fixed radius around all wellheads of community water systems, as defined by the Florida Department of Environmental Protection (FDEP), having 150 service connections or more within Putnam County in order to protect such well heads from adverse effects of development.
- (b) For the purposes of this section, non-polluting land uses shall include recreational and conservation land uses and low-Density residential land uses of no more than one Dwelling Unit per five acres. Non-polluting land uses shall be exempt from the development restrictions of well field protection zone. All other uses are presumed to be polluting land uses and therefore subject to the development restrictions in section 45-453.
- (c) The County is hereby authorized to purchase property, through condemnation proceedings if necessary, within a well field protection zone and set it aside for such non-polluting land uses. Where possible, relocation of a polluting land Use may occur through a transfer of Density or a setback variance for a portion of the property outside of the well field protection zone.
- (d) The underlying zoning in a well field protection zone shall not be up zoned to a land Use designation that is more intense or dense than low-Density residential, (no more than one Dwelling Unit per acre), either through the rezoning process or a Comprehensive Plan amendment process.

Sec. 45-453. Development restrictions within the well field protection zone.

- (a) Where prohibition or relocation of a Use, or the outright purchase of the property are not possible within a well field protection zone, any proposed or existing polluting land Use shall be subject to the additional development restrictions and design standards set forth in subsection (b) below.
- (b) New development. In addition to any other applicable design and regulatory standards set forth in this Code, the following standards shall be applied to new development wholly or partially located within a well field protection zone.
 - (1) On-site sewage treatment.
 - a. Any allowed or existing development within the well field protection zone must be connected to a municipal, County or investor-owned sewage system, if such a system is located or is planned to be located within one-half mile of the protection zone and the Owner/operator can and does permit such connection.
 - b. Subject to paragraph c. below, where connection to a municipal, County or investor-owned sewage system is not possible and the Lot or Parcel is of a sufficient size, the development shall install an individual sewage system approved by the Florida Department of Health or the Florida Department of Environmental Protection (FDEP), as applicable.
 - c. Individual sewage systems (i.e. septic systems) are not permitted on lots or Parcels less than one acre in size within a well head protection zone, unless there is a sufficient portion of the Lot or Parcel located outside of the well head protection zone to allow for installation of an on-site sewage disposal system outside the zone in accordance with the other requirements of this Code regarding on-site sewage disposal.
 - (2) Residential land uses shall not be permitted in any wellhead protection zone unless they have a Density of one Dwelling Unit per five acres or lower, or they are capable of connecting to a municipal, County or investor-owned sewage treatment system.
 - (3) Storage tanks. Subject to the limitations and prohibitions set forth in paragraph (c) below, storage tanks storing hazardous waste or Hazardous Substances shall be permitted, designed and maintained

-
- in accordance with the permitting requirements and prohibitions of the FDEP and the County fire marshal.
- a. Tanks with storage capacity of less than 110 gallons shall be above ground and have appropriate secondary containment systems sufficient to contain 110 percent of the materials capable of being stored in the tanks.
 - b. In the event that any storage tank within a wellhead protection zone is found to be leaking, the Owner and/or operator shall immediately empty the remaining contents of the tank and the emptied product shall be transferred to approved product-tight holding tanks. The leak shall be reported to the FDEP and the County emergency services department.
- (4) Stormwater runoff. All development inside a well field protection zone, including parking facilities, shall construct or make use of an existing stormwater management system, which moves water runoff to retention or storage facilities outside of the well field protection zone. Stormwater retention or storage is prohibited inside the well field protection zone. The costs of any Improvements to an existing system made necessary by new uses or expansion of existing uses shall be borne by the applicant. In areas of greater sensitivity to development pressures, the Public Works Department may require more stringent design and construction standards for the stormwater management system.
- (5) Injection and drainage wells of any kind are strictly prohibited within the well field protection zone.
- (6) Solid waste Landfills and hazardous waste storage facilities (except as provided in paragraph (c)) are strictly prohibited in the well field protection zone.
- (7) Non-residential uses that are allowed shall be limited to uses allowed under CPO and C-1 zoning. All other non-residential uses shall not be permitted within the well field protection zone, and any non-residential uses otherwise lawfully located inside the protection zone prior to the effective date of this Code shall be a non-conforming Use.
- (c) Hazardous Substances in a well field protection zone.
- (1) Storage of hazardous waste or substances that are not necessary and incidental to the on-going operations and maintenance of an existing and otherwise permissible Use are prohibited.
 - (2) Hazardous Substances necessary or incidental to the on-going operations and maintenance of an otherwise permissible Use, including residential uses, must be distributed, sold and/or stored in self-contained packaging or storage vessels in accordance with the manufacturer's requirements, Federal regulations or State regulations, whichever is more stringent. Leaking or broken packages or vessels containing hazardous materials shall be removed from the Premises and stored in product-tight container outside of the well field protection zone.
 - (3) Where storage of hazardous waste or other substances is necessary and incidental to the on-going operations of a permitted Use, the Owner or operator shall store such wastes or substances on or over an Impervious Surface with sufficient containment to prevent such substances from entering the Groundwater in the event of a spill or leak. Hazardous Substances that are no longer in use or cease to be a necessary part of an allowed Use shall be removed and disposed of in a lawful manner within 30 days of discontinued use. Hazardous waste generated by an allowed Use shall be removed from the zone within 30 days of being generated.
 - (4) Hazardous waste or substances that are not necessary and incidental to the on-going operations or maintenance of an existing Use are prohibited.
 - (5) Violation of the provisions of this section or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a violation of this Code. Each day that the violation continues shall

constitute a separate offense. Nothing contained herein shall prevent the County from taking such other lawful actions as are necessary to prevent or remedy any violation.

(d) Existing activity.

- (1) Any land Use, other than a non-polluting Use, located within 500 feet of a well serving the public will not be permitted to expand or to be substantially improved.
- (2) Any new public water wellhead will be located at least 500 feet from existing polluting land uses so that it does not cause an existing facility, activity or land Use to become a nonconforming Use under this section.

(e) Exemptions. The following activities or uses are exempt from the provisions of this section:

- (1) The continuous transportation of any hazardous waste through well field protection zone is exempt from the restrictions and prohibitions of this subsection, only when no other alternative route is reasonably available. "Continuous transportation" means the non-stop movement of Hazardous Substances by a mobile vehicle. It shall not be interpreted to mean the use of pipes, a waste transfer station or any other permanent or semi-permanent facility for transport or storage of hazardous waste within the protection zone; nor shall it be interpreted to allow the parking or temporary storage of hazardous waste within the protection zone.
- (2) Agricultural and silvicultural uses, except that said uses shall comply with State and Federal law applicable to the application of pesticides and other chemicals related to agricultural and silvicultural uses. This exemption does not include the storage and treatment facilities of dairy farms or concentrated livestock feeding operations, which in all cases shall be located at least 300 feet from the public wellhead.
- (3) The use of any Hazardous Substance solely as fuel in a vehicle fuel tank or as lubricant in a vehicle. This is not meant to expressly allow for refueling or lubricating operations within zone. It is only meant to permit the parking of such vehicles, where parking is otherwise allowed under this Code.
- (4) Fire, police, emergency medical services, governmental emergency management center facilities, and public utilities.
- (5) Geotechnical boring.
- (6) Emergency equipment, including storage tanks, necessary to provide a continuous supply of emergency power, water, sewer and other services for the benefit of the public per Ch. 62-521.400(2) F.A.C.
- (7) Discharges to Groundwater from FDEP approved remedial corrective actions for contaminated sites per Ch. 62-521.400(3) F.A.C.

Secs. 45-454—45-460. Reserved.

DIVISION 7. GROUNDWATER RECHARGE AREAS

Sec. 45-461. Purpose and intent.

The availability of adequate and dependable supplies of potable quality water is of primary importance to the health, safety and welfare of the citizens of Putnam County. Therefore, standards are described and adopted in this section with the intent of protecting both the quantity and quality of the Groundwater supply. This is accomplished by prohibiting certain uses that threaten to pollute the Floridan aquifer and establishing limitations

upon Impervious Surface coverage created by development. The term "aquifer" means an underground formation, or group of formations, or part of a formation, that is permeable enough to transmit and store usable quantities of water. It is the purpose of this section to provide standards necessary to protect the recharge capabilities of areas of high aquifer recharge to the Floridan Aquifer and to minimize the risk of aquifer contamination from pollution. In Putnam County the top of the Floridan Aquifer is considered to be the top of the continuous limestone unit of the Hawthorn Formation where present or the top of the Ocala Limestone where the limestone unit of the Hawthorn Formation is absent.

Sec. 45-462. Applicability.

The requirements of this section shall apply to all areas of high aquifer recharge to the Floridan Aquifer. Areas of high aquifer recharge include areas where recharge is more than eight inches per year; as well as that portion of the County that falls within the Suwannee River Water Management District. Areas of high aquifer recharge shall be protected through prohibition of Landfills, underground storage of toxic materials and locating of Hazardous Substances within such areas, as well as by additional regulations for permissible development.

Sec. 45-463. Establishment of aquifer protection zone.

There is hereby established an aquifer protection zone consisting of all property located in areas of high aquifer recharge to the Floridan Aquifer. All such primary aquifer recharge areas known to the County are identified on Map A-9 of the Putnam County Comprehensive Plan Map Series Site specific information provided in writing from a professional in an appropriate field of expertise for determination of recharge areas may be substituted when determining whether a given development lies within an area of high recharge.

Sec. 45-464. Development restrictions within the zone of protection.

- (a) The following uses shall be strictly prohibited within areas of high recharge: auto salvage and junkyards, Landfills, underground storage of toxic materials and hazardous waste sites.
- (b) Development standards. All development within the protection zones shall first be prohibited. Development allowed inside the recharge zone shall be designed, constructed and maintained using a method of capturing stormwater run-off on site in a facility designed to retain the runoff and recharge the aquifer. A development will not be required to follow these additional standards if it has an Impervious Surface that is less than 35 percent of the total area of the development site.
- (c) Hazardous Substances in an aquifer protection zone.
 - (1) Storage of hazardous waste or substances that are not necessary and incidental to the on-going operations and maintenance of an existing and otherwise permissible Use is prohibited.
 - (2) Hazardous Substances necessary or incidental to the on-going operations and maintenance of an otherwise permissible Use, including residential uses, must be distributed, sold and/or stored in self-contained packaging or storage vessels in accordance with the manufacturer's requirements, Federal regulations or State regulations, whichever is more stringent. Leaking or broken packages or vessels containing hazardous materials shall be removed from the Premises and stored in product-tight container outside of the aquifer protection zone.
 - (3) Where storage of hazardous waste or other substances is necessary and incidental to the on-going operations of a permitted Use, the Owner or operator shall store such wastes or substances on or over an Impervious Surface with sufficient containment to prevent such substances from entering the Groundwater in the event of a spill or leak. Hazardous Substances that are no longer in use or cease to be a necessary part of an allowed Use shall be removed and disposed of in a lawful manner within 30

days of discontinued use. Hazardous waste generated by an allowed Use shall be removed from the zone within 30 days of being generated.

- (4) Hazardous waste or substances that are not necessary and incidental to the on-going operations or maintenance of an existing Use are prohibited.
 - (5) Violation of the provisions of this section or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a violation of this Code. Each day that the violation continues shall constitute a separate offense. Nothing contained herein shall prevent the County from taking such other lawful actions as are necessary to prevent or remedy any violation.
- (d) Transfer of Density from the recharge area to the upland portion of a site shall be permitted through approval of an appropriate planned unit development (PUD) application, an allowable transfer of development units (TDU) or by establishing flexibility in the Lot area requirements in the various zoning districts established in this Code in order to ensure that development occurs outside of the recharge area. The recharge area will be included in calculating the gross Density applicable to a property.
- (e) Recharge protection shall be considered when the County evaluates a variance request for a setback modification that would move development away from an area of high recharge.

Sec. 45-465. Development approval.

No permit shall be approved or certificate of occupancy issued until the director of the department of public works approves the stormwater management facility required by this section.

Sec. 45-466. Exemptions.

The following activities or uses are exempt from the provisions of this section:

- (1) The continuous transportation of any Hazardous Substance through an aquifer protection zone. This exemption shall not be interpreted to exempt the use of pipes, a waste transfer station or any other permanent or semi-permanent facility used to transport Hazardous Substances within the protection zone, nor does it exempt temporary storage of Hazardous Substances within the protection zone.
- (2) Agricultural and silvicultural uses, other than pig, Poultry, cattle and dairy feedlots or farming operations that require a waste disposal permit from the DEP, are exempt. Except that such Agriculture and silviculture uses shall comply with State and Federal law applicable to the application of pesticides and other chemicals related to Agriculture and silviculture.
- (3) The use of any Hazardous Substance solely as fuel in a vehicle fuel tank or as lubricant in a vehicle. This is meant only to allow a vehicle to park within an aquifer protection zone. It does not allow for refueling or lubricating operations within the zone, unless otherwise allowed for in this section.
- (4) Fire, police, emergency medical services, governmental emergency management center facilities, and public utilities.
- (5) Geotechnical boring.

Secs. 45-467—45-480. Reserved.

APPENDIX VI

Table 6.1 Meandered Water Bodies

Name	Location (Township, Range)
-------------	-----------------------------------

- | | |
|-------------------------|-------------------------|
| 1. Lake Adaho | 9S, 23E |
| 2. Lake Ashley | 9S, 23E |
| 3. Boyd's Lake | 9S, 24E |
| 4. Brantley Lake | 9S, 23 & 24E |
| 5. Lake Broward | 11S, 27E |
| 6. Lake Clearwater | 9S, 24E |
| 7. Cowpens Lake | 10S, 23E |
| 8. Crescent Lake | 11, 12 & 13 S, 27 & 28E |
| 9. Lake George | 13S, 26 & 27 E |
| 10. George's Lake | 8S, 24 & 25 E |
| 11. Lake Goodson | 9S, 23 E |
| 12. Goose Lake | 9S, 23E |
| 13. Lake Grandin | 9S, 24E |
| 14. Levy's Prairie Lake | 10S, 24E |
| 15. Little Lake George | 12S, 26E |
| 16. Lons Lake | 9S, 23E |
| 17. Orange Grove Lake | 9S, 24E |
| 18. Lake Rowan | 9S, 23E |
| 19. Lake Suggs | 9S, 23E |
| 20. Swan Lake | 9S, 23E |
| 21. Wall Lake | 9S, 23E |
| 22. St. John's River | |
| 23. Dunn's Creek | |

Table 6.2—Floodway Data for Putnam County¹

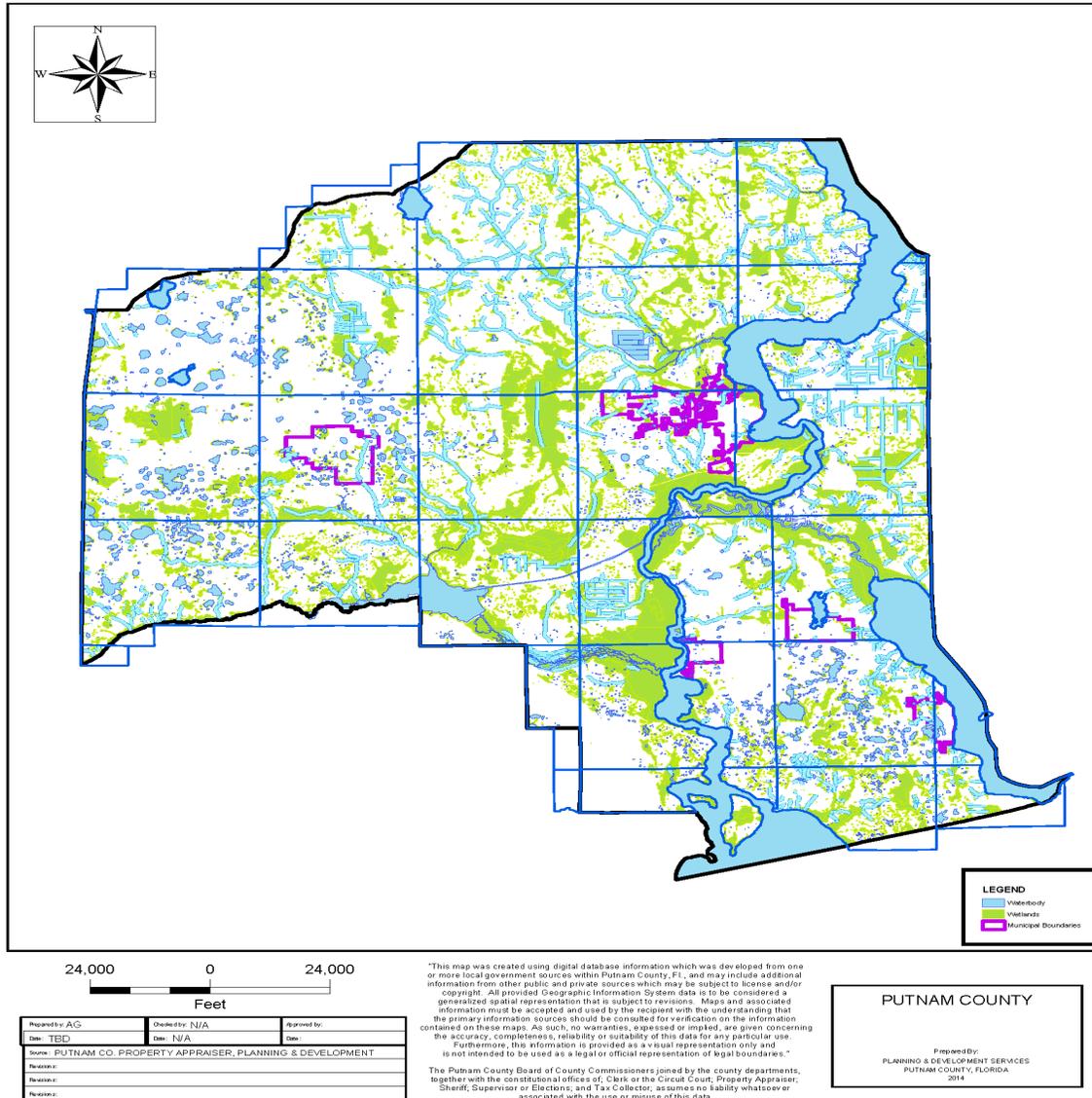
Flooding Source		Floodway			Base Flood Water Surface Elevation in Feet NVGD			
Cross Section	Distance ²	Width (Feet)	Section Area (Sq. Ft.)	Mean Velocity (Feet Per Second)	Regulatory	Without Floodway	With Floodway	Increase
Acosta Creek								
A	150	246	1,045	1.4	6.4	2.1 ³	2.8	0.7
B	730	153	934	1.6	7.3	7.3	7.7	0.4
C	1,580	263	1,690	0.9	9.2	9.2	10.1	0.9
D	2,795	144	1,256	1.2	15.0	15.0	15.1	0.1
E	4,745	287	2,115	0.7	16.4	16.4	17.4	1.0
F	5,730	104	604	2.4	19.3	19.3	20.2	0.9
G	7,320	193	1,213	1.2	27.1	27.1	28.1	1.0
H	8,560	218	1,049	1.4	29.1	29.1	29.9	0.8
I	9,930	171	884	1.2	33.6	33.6	34.6	1.0
J	11,640	91	432	2.4	39.1	39.1	40.0	0.9
K	13,465	113	489	2.1	47.8	47.8	48.7	0.9
L	15,415	93	563	1.3	56.2	56.2	56.7	0.5
M	16,325	88	415	1.7	57.9	57.9	58.8	0.9

Etoniah Creek								
A	885	868	9,138	0.6	21.6	21.6	22.5	0.9
B	3,935	798	7,243	0.7	22.2	22.2	23.2	1.0
C	7,195	715	4,818	1.1	24.3	24.3	25.2	0.9
D	11,125	588	4,206	1.3	27.5	27.5	28.2	0.7
E	13,445	674	4,983	1.1	29.8	29.8	30.8	1.0
F	18,920	873	6,151	0.9	32.9	32.9	33.8	0.9
G	23,620	882	4,985	1.0	35.7	35.7	36.7	1.0
H	26,620	630	4,078	1.3	38.3	38.3	39.2	0.9
I	30,130	477	3,753	1.4	41.5	41.5	42.1	0.6
J	33,170	508	4,408	1.2	43.5	43.5	44.3	0.8
K	35,602	611	5,207	1.0	44.6	44.6	45.5	0.9
L	38,182	559	4,126	1.2	46.4	46.4	47.4	1.0
M	41,207	439	3,115	1.3	50.5	50.5	51.1	0.6
N	43,717	309	2,925	1.4	54.0	54.0	54.9	0.9
O	46,717	318	2,701	1.5	58.3	58.3	59.2	0.9
P	49,937	238	2,214	1.8	64.4	64.4	65.4	1.0
Q	51,332	115	1,028	3.7	67.6	67.6	68.2	0.6
R	55,567	178	1,980	1.9	74.6	74.6	75.4	0.8
S	58,137	159	2,155	1.7	76.7	76.7	77.4	0.7
T	61,747	291	2,942	1.2	78.7	78.7	79.5	0.8
U	65,927	264	1,891	1.9	81.2	81.2	82.1	0.9
Falling Branch								
A	2,070	56	505	3.1	70.3	70.3	71.3	1.0
B	2,994	115	1,114	1.4	71.6	71.6	72.5	0.9
C	3,723	121	1,028	1.4	72.1	72.1	73.1	1.0
D	5,663	139	923	1.6	74.1	74.1	75.1	1.0
E	7,713	218	1,705	0.9	75.8	75.8	76.8	1.0
F	9,491	251	806	1.8	78.8	78.8	79.7	0.9
G	13,067	46	181	1.6	84.3	84.3	85.3	1.0
H	15,388	28	107	1.8	101.0	101.0	101.5	0.5
Simms Creek								
A	15,750	773	7,858	0.8	21.1	21.1	22.1	1.0
B	19,170	575	5,042	1.3	23.3	23.3	24.3	1.0
C	20,955	613	5,543	1.2	25.3	25.3	26.3	1.0
D	23,915	824	7,125	0.9	27.1	27.1	28.1	1.0
E	27,205	668	5,485	1.2	29.2	29.2	30.2	1.0
F	30,165	553	5,072	1.3	32.2	32.2	33.2	1.0
G	32,485	745	5,625	0.8	34.5	34.5	35.5	1.0
H	34,225	670	4,129	0.8	36.0	36.0	37.0	1.0
I	37,425	328	2,108	1.2	42.5	42.5	43.5	1.0
J	40,715	414	2,418	1.0	47.9	47.9	48.9	1.0
K	42,965	332	1,896	1.3	52.9	52.9	53.9	1.0
L	44,995	263	1,617	1.5	58.2	58.2	59.2	1.0

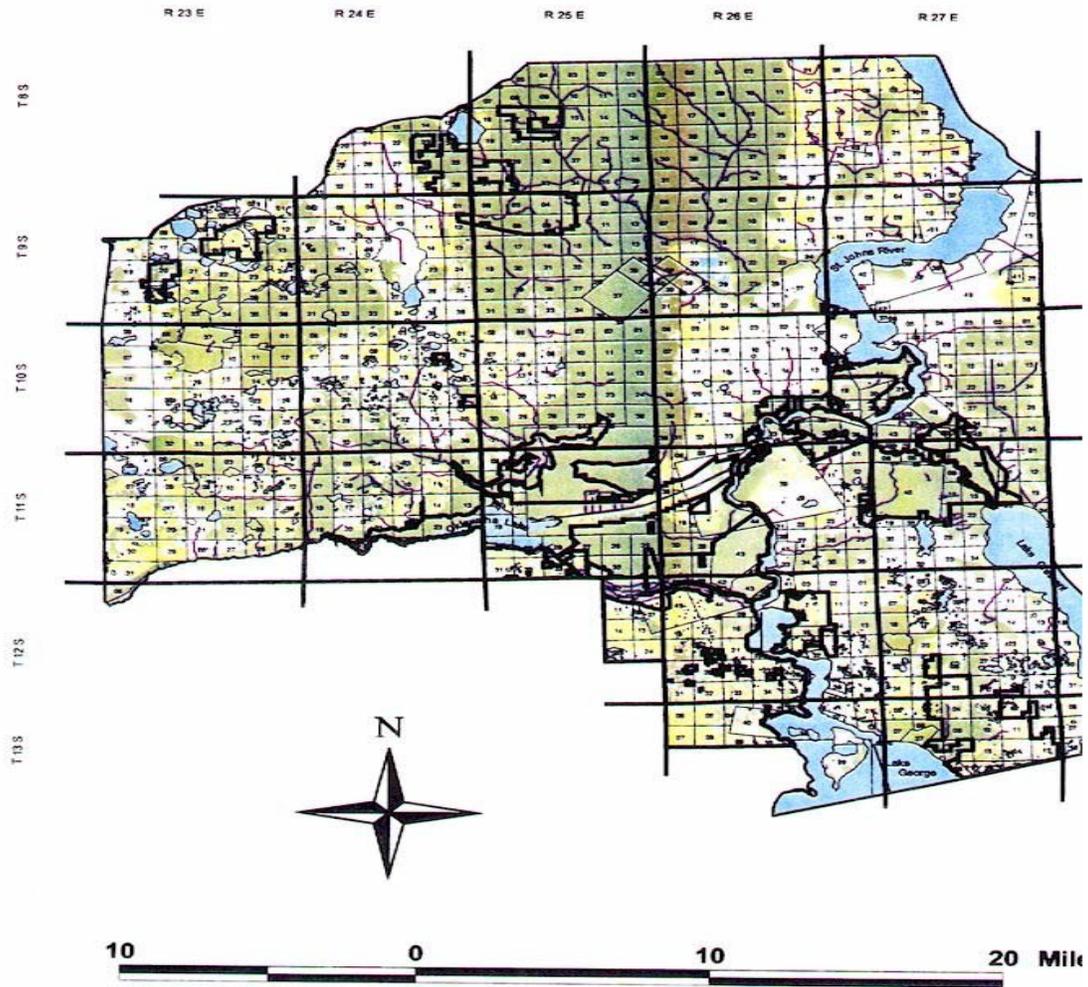
M	46,745	280	1,660	1.5	63.3	63.3	64.3	1.0
N	48,545	193	1,259	2.0	67.4	67.4	68.3	0.9
O	50,970	246	1,671	1.2	72.5	72.5	73.5	1.0
P	53,300	188	1,184	1.7	77.4	77.4	78.4	1.0
Q	55,280	241	1,575	1.3	81.5	81.5	82.5	1.0
R	58,110	230	1,427	1.4	87.2	87.2	88.2	1.0
Tributary 1-A to Simms Creek								
A	1,885	306	1,481	1.7	32.6	32.6	33.6	1.0
B	4,665	189	1,073	2.4	40.2	40.2	41.2	1.0
C	7,321	339	2,914	0.7	51.5	51.5	52.5	1.0
D	9,447	248	1,152	1.9	53.0	53.0	54.0	1.0
E	11,887	188	741	2.9	59.05	59.05	60.2	0.7
F	13,263	162	1,095	1.8	66.6	66.6	67.1	0.5
G	14,135	160	1,115	1.8	68.3	68.3	69.3	1.0
H	15,813	145	1,332	1.5	75.0	75.0	75.9	0.9
I	17,363	144	966	1.2	77.5	77.5	78.5	1.0
J	19,976	164	673	1.8	84.5	84.5	85.5	1.0
K	22,327	169	648	1.4	94.6	94.6	95.3	0.7
L	23,302	301	818	1.1	96.9	96.9	97.2	0.3
M	24,802	419	760	1.2	101.0	101.0	102.0	1.0
N	26,402	330	992	0.9	103.7	103.7	104.6	0.9
Tributary 1-A to Simms Creek								
A	1,390	121	619	1.4	78.3	78.3	79.3	1.0
B	4,665	516	1,526	0.5	89.6	89.6	90.6	1.0
C	6,190	248	770	0.9	90.7	90.7	91.7	1.0
D	8,070	148	298	1.0	99.7	99.7	100.7	1.0
Tributary 2 to Simms Creek								
A	4,878	219	1,217	1.4	49.1	49.1	50.0	0.9
B	6,588	174	891	2.0	53.8	53.8	54.8	1.0
C	10,650	174	826	1.6	67.1	67.1	67.9	0.8
D	12,675	179	747	1.7	73.1	73.1	74.1	1.0
E	15,825	152	743	1.7	84.5	84.5	85.5	1.0
F	17,929	163	823	1.1	94.1	94.1	95.1	1.0
G	20,679	214	975	1.0	97.6	97.6	98.6	1.0
H	23,029	224	858	1.1	100.8	100.8	101.7	0.9
I	25,317	350	1,254	0.6	104.5	104.5	105.5	1.0
J	26,317	438	1,529	0.5	104.8	104.8	105.8	1.0

Dunns Creek								
A	5,592	420	5,653	2.9	6.3	1.5	2.5	1.0
B	11,032	396	6,198	2.7	6.3	2.3	3.1	0.8
C	16,357	325	5,510	3.0	6.3	2.9	3.7	0.8
D	21,847	291	5,155	3.2	6.3	3.6	4.3	0.7
E	24,667	328	6,398	2.6	6.3	4.0	4.7	0.7
F	29,442	349	6,577	2.5	6.3	4.3	5.0	0.7

Map 1: Wetlands



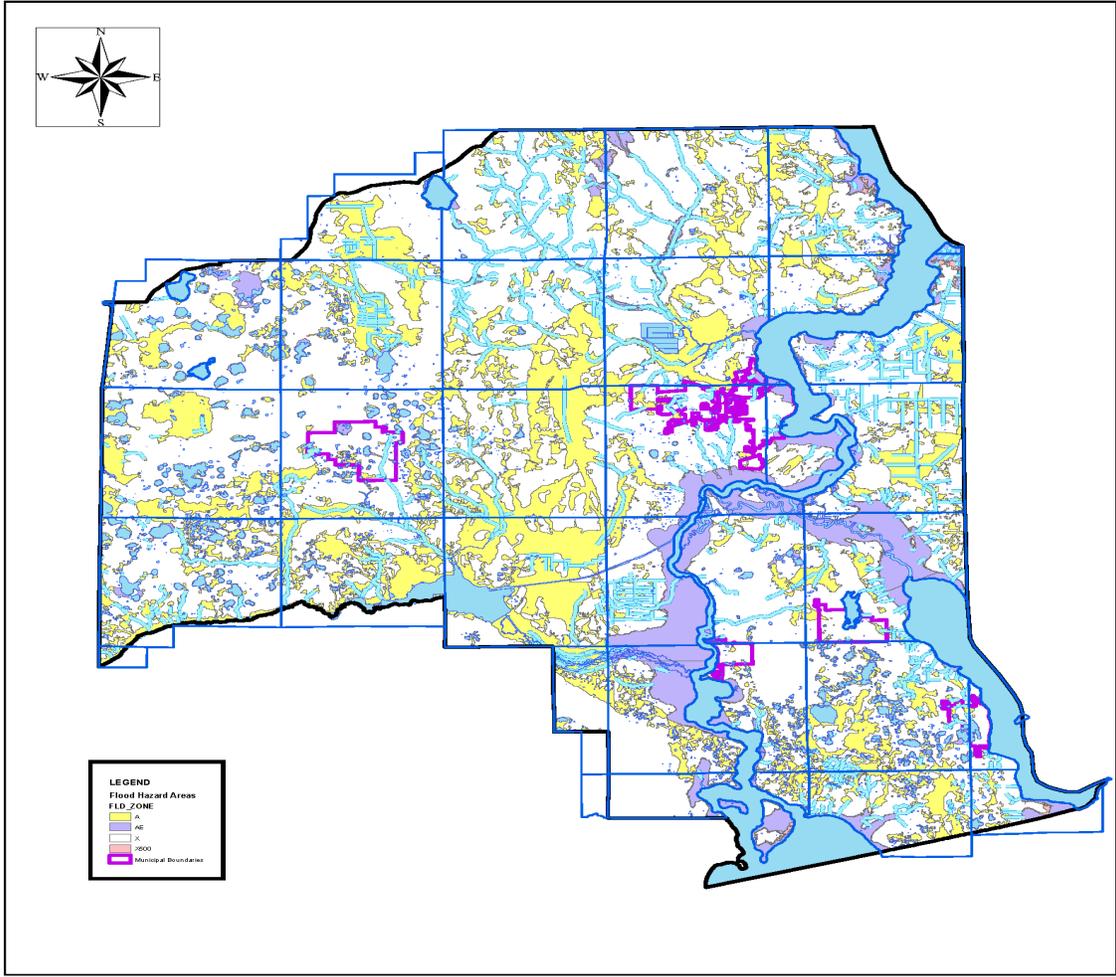
Map 2: Lands of Interest



MAP LEGEND

Lands of Interest Composite:
(Biodiversity Hot Spots, TMC Ecological Resource Conservation Area,
PNA) Potential Natural Areas, and Strategic Habitat Conservation Area)

Map 3: Floodplain



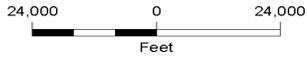
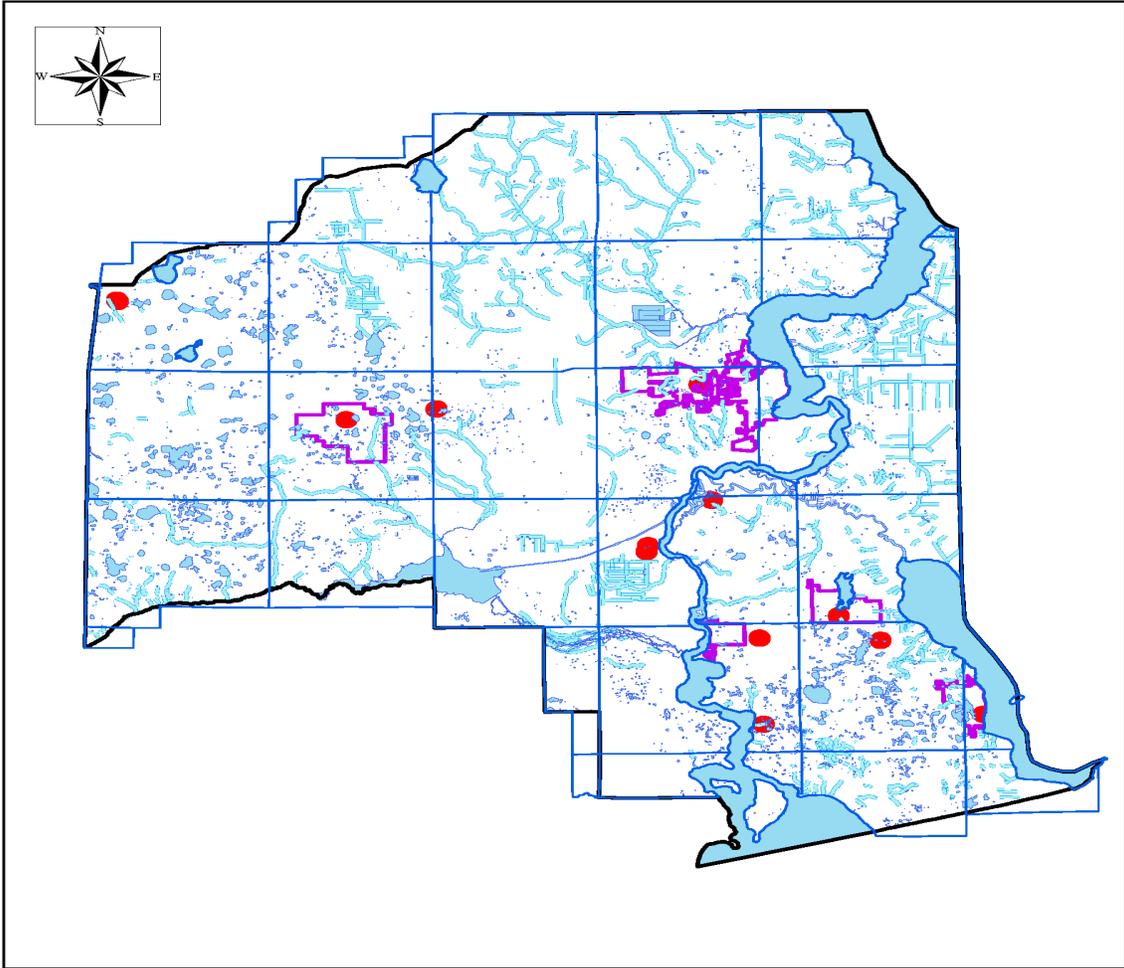
24,000 0 24,000
Feet

Prepared by: AG	Checked by: N/A	Approved by:
Date: TBD	Date: N/A	Date:
Source: PUTNAM CO. PROPERTY APPRAISER, PLANNING & DEVELOPMENT		
Revisions:		
Revisions:		
Revisions:		

This map was created using digital database information which was developed from one or more local government sources within Putnam County, FL, and may include additional information from other public and private sources which may be subject to license and/or copyright. All provided Geographic Information System data is to be considered a generalized spatial representation that is subject to revisions. Maps and associated information must be accepted and used by the recipient with the understanding that the primary information source should be consulted for verification on the information contained on these maps. As such, no warranties, expressed or implied, are given concerning the accuracy, completeness, reliability or suitability of this data for any particular use. Furthermore, this information is provided as a visual representation only and is not intended to be used as a legal or official representation of legal boundaries. -
The Putnam County Board of County Commissioners joined by the county departments, together with the constitutional offices of, Clerk or the Circuit Court, Property Appraiser, Sheriff, Supervisor or Elections, and Tax Collector, assumes no liability whatsoever associated with the use or misuse of this data.

PUTNAM COUNTY
Parcel(s):
Prepared by:
PLANNING & DEVELOPMENT SERVICES
PUTNAM COUNTY, FLORIDA
2014

Map 4: Wellheads



Prepared by: AG	Checked by: N/A	Approved by:
Date: TED	Date: N/A	Date:
Source: PUTNAM CO. PROPERTY APPRAISER, PLANNING & DEVELOPMENT		
Revised:		
Revised:		
Revised:		

"This map was created using digital database information which was developed from one or more local government sources within Putnam County, FL, and may include additional information from other public and private sources which may be subject to license and/or copyright. All provided Geographic Information System data is to be considered a generalized spatial representation that is subject to revisions. Maps and associated information must be accepted and used by the recipient with the understanding that the primary information sources should be consulted for verification on the information contained on these maps. As such, no warranties, expressed or implied, are given concerning the accuracy, completeness, reliability or suitability of this data for any particular use. Furthermore, this information is provided as a visual representation only and is not intended to be used as a legal or official representation of legal boundaries."

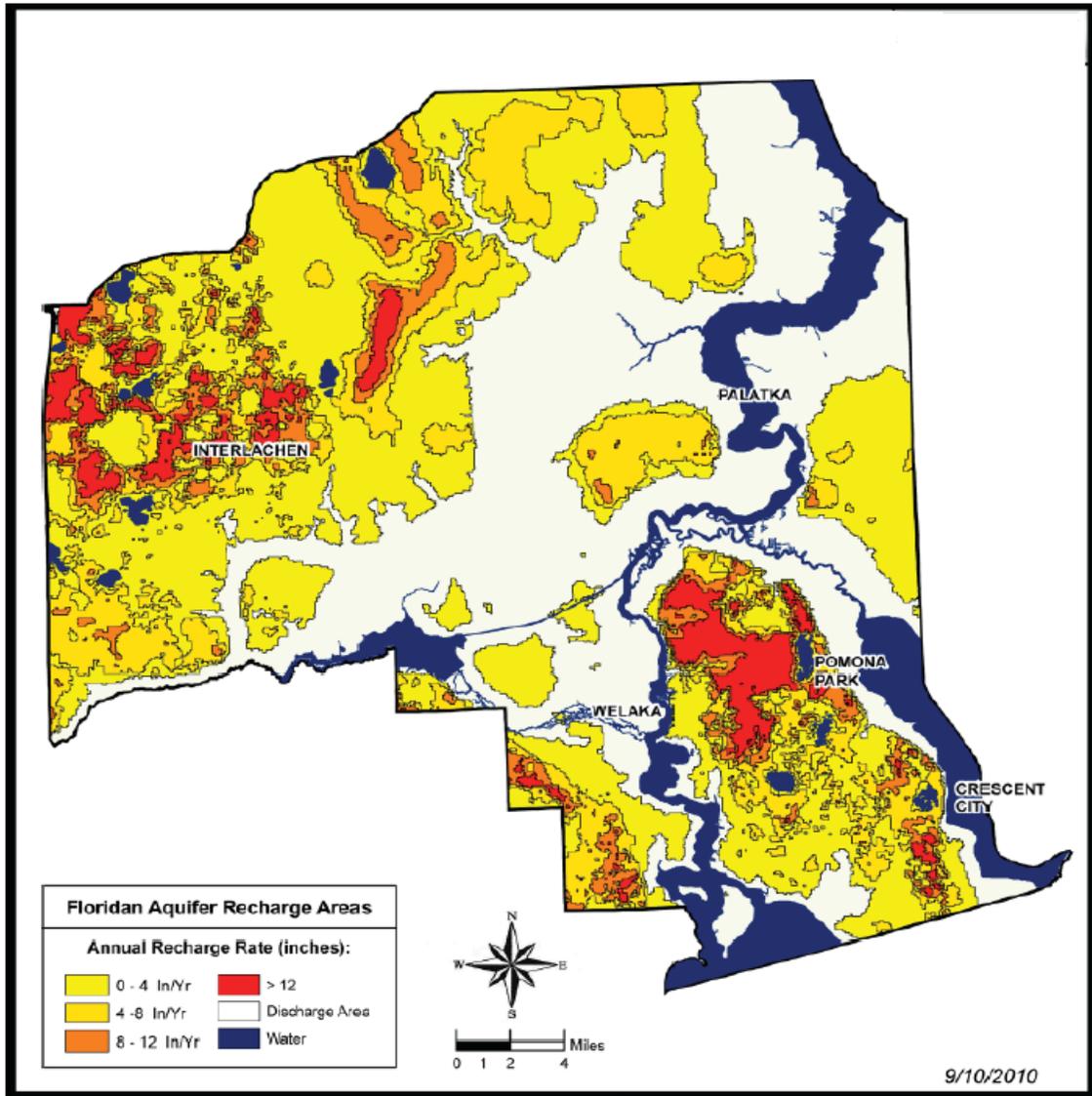
The Putnam County Board of County Commissioners joined by the county departments, together with the constitutional offices of, Clerk or the Circuit Court, Property Appraiser, Sheriff, Supervisor or Elections, and Tax Collector, assumes no liability whatsoever associated with the use or misuse of this data.

PUTNAM COUNTY

Parcel(s):

Prepared By:
PLANNING & DEVELOPMENT SERVICES
PUTNAM COUNTY, FLORIDA
2014

Map 5: Floridan Aquifer Recharge Areas



ARTICLE VII. DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

DIVISION 1. GENERAL PROVISIONS

Sec. 45-481. Purpose.

The purpose of this article is to provide development design and Improvement standards applicable to all development activity within the County.

Sec. 45-482. Responsibility for improvements.

All Improvements or design standards required by this article shall be designed, installed, maintained and paid for by the developer, unless otherwise specifically provided herein.

Sec. 45-483. Principles of development design.

- (a) The provisions of this article are intended to ensure healthy, functional, safe and attractive development.
- (b) Development design shall first take into account the protection of natural resources as prescribed in article VI of this Code.
- (c) In the case where design standards in other areas of the code conflict with article VII, the more restrictive standards shall apply. All development shall be designed to:
 - (1) Avoid unnecessary Impervious Surface cover;
 - (2) Provide adequate access to lots and sites; and
 - (3) Avoid adverse effects of shadow, glare, noise, odor, traffic, drainage, and utilities on surrounding properties.

Sec. 45-484. One residential unit per Parcel.

For any district in which single-family residential uses or Mobile Homes are allowed, only one principal Dwelling Unit shall be permitted per platted Lot or legal Parcel, unless otherwise permitted by this Code.

Sec. 45-485. Right-of-way protection.

- (a) *Development within Right-of-way.* No subdivision or non-residential development shall be permitted within proposed future County or State road Right-of-way corridors, as established in the traffic circulation plan and the goals, objectives and policies of the Putnam County Comprehensive Plan, unless approved by the Board of County Commissioners.
- (b) *Development contiguous to Right-of-way.* In any case where the development of land is contiguous to a roadway and determined by the planning and development services director and the director of public works to have a significant impact on the function and/or maintenance of that roadway, Putnam County may require Right-of-way needed to mitigate such impacts to be dedicated to Putnam County in accordance with the transportation element of the Putnam County Comprehensive Plan, Land Development Code or other

requirements specified within County approved plans. Right-of-way so dedicated may, or may not, be accepted into the County's maintenance system at the sole discretion of the Board of County Commissioners.

Secs. 45-486—45-500. Reserved.

DIVISION 2. DIMENSIONAL REQUIREMENTS

Sec. 45-501. Generally.

Table 7.02A contains the basic dimensional requirements for all development subject to the requirements of this Code. Supplemental requirements that further clarify or limit the dimensional requirements in Table 7.02A are contained in section 45-503 below, and should be consulted before making development decisions under the requirements of Table 7.02A. Note that minimum Lot area for each zoning category may be further limited upon application of subsection 45-503(e) below, as well as the Density limitations under the Future Land Use element of the Comprehensive Plan and article II of this Code.

Table 7.02A—Dimensional Requirements

Zoning District	Dimensional Requirements
RE	<p>Minimum setback requirements: Front: 40 feet Rear: 20 feet Side: 20 feet Corner Side: 30 feet</p> <p>Minimum Lot requirements: Lot Width: 150 feet Lot Area: 43,560 square feet (1 acre) Maximum impervious surface area: 50% Maximum building height: 35 feet</p>
R-1	<p>Minimum setback requirements: Front: 25 feet Rear: 20 feet Side: 10 feet Corner side: 20 feet</p> <p>Minimum Lot requirements: Lot Width: 100 feet Lot Area: 15,000 square feet Maximum impervious surface area: 50% Maximum building height: 35 feet</p>
R-1A	<p>Minimum setback requirements: Front: 25 feet Rear: 20 feet Side: 10 feet Corner side: 20 feet</p> <p>Minimum Lot requirements: Lot Width: 75 feet Lot Area: 7,500 square feet</p>

	<p>Maximum impervious surface area: 50%</p> <p>Maximum building height: 35 feet</p>
R-1HA	<p>Minimum setback requirements:</p> <p>Front: 25 feet</p> <p>Rear: 20 feet</p> <p>Side: 10 feet</p> <p>Corner side: 20 feet</p> <p>Minimum Lot requirements:</p> <p>Lot Width: 100 feet</p> <p>Lot Area: 21,780 square feet (½ acre)</p> <p>Maximum impervious surface area: 50%</p> <p>Maximum building height: 35 feet</p>
R-2	<p>Minimum setback requirements:</p> <p>Front: 25 feet</p> <p>Rear: 10 feet</p> <p>Side: 10 feet</p> <p>Corner side: 20 feet</p> <p>Minimum Lot requirements:</p> <p>Lot Width: 75 feet</p> <p>Lot Area: 7,500 square feet</p> <p>Maximum impervious surface area: 70%</p> <p>Maximum building height: 35 feet</p>
R-2HA	<p>Minimum setback requirements:</p> <p>Front: 25 feet</p> <p>Rear: 10 feet</p> <p>Side: 10 feet</p> <p>Corner side: 20 feet</p> <p>Minimum Lot requirements:</p> <p>Width: 100 feet</p> <p>Area: 21,780 square feet</p> <p>Maximum impervious surface area: 50%</p> <p>Maximum building height: 35 feet</p>
R-3	<p>Minimum setback requirements:</p> <p>Front: 25 feet</p> <p>Rear: 10 feet</p> <p>Side: 10 feet</p> <p>Corner side: 20 feet</p> <p>Minimum Lot requirements:</p> <p>Lot Width: 75 feet</p> <p>Lot Area: 7,500 square feet</p> <p>Gross Density shall not exceed six Dwelling Units per acre.</p> <p>Maximum impervious surface area: 70%</p> <p>Maximum building height: 35 feet</p>
R-4	<p>Minimum setback requirements:</p> <p>Front: 35 feet (add 1' for every 2' of building height over 45')</p> <p>Rear: 10 feet (add 1' for every 2' of building height over 45')</p> <p>Side: 10 feet (add 1' for every 2' of building height over 45')</p> <p>Corner side: 20 feet (add 5' for every 5' of building height over 45')</p> <p>Minimum Lot requirements:</p> <p>Lot Width: 75 feet</p>

	<p>Lot Area: 7,500 square feet</p> <p>Maximum impervious surface area: Depends on future land Use category as outlined in Table 7.02B below</p> <p>Maximum building height: 45 feet. Structure may extend as high as 105 feet, subject to increased setbacks.</p>
<p>RMH*</p> <p><i>*See article II and article III for RMH zoning and special Mobile Home park development requirements.</i></p>	<p>Minimum setback requirements:</p> <p>Property line setbacks:</p> <p>Front: 25 feet</p> <p>Rear: 10 feet</p> <p>Side: 10 feet</p> <p>Corner side: 25 feet</p> <p>Internal separation between structures/units: 20 feet, except that one accessory building 150 square feet or less in size may be placed no closer than three feet the unit being served and six feet from any other units or accessory buildings.</p> <p>Minimum Lot requirements:</p> <p>Mobile Home park width:</p> <ol style="list-style-type: none"> 1. 100 feet at ingress and egress points. 2. 200 feet at the portion of the site used for Mobile Home lots. <p>Lot area for Mobile Home park: 5 acres</p> <p>Maximum gross Density: 8 Dwelling Units per acre.</p> <p>Maximum impervious surface area: Depends upon Future Land Use category as outlined in Table 7.02B below.</p> <p>Maximum building height: 35 feet</p>
CPO	<p>Minimum setback requirements:</p> <p>Front: 25 feet</p> <p>Rear: 15 feet</p> <p>Side: 10 feet</p> <p>Corner side: 20 feet</p> <p>Minimum Lot requirements: The minimum Lot size needed by the various uses in the CPO district will be determined by the space requirements dictated by the proposed Use, the required setbacks and parking, and any other applicable provisions of this article.</p> <p>Maximum impervious surface area: Depends upon Future Land Use category as outlined in Table 7.02B below.</p> <p>Maximum building height: 35 feet</p>
C-1	<p>Minimum setback requirements:</p> <p>Front: 35 feet</p> <p>Rear: 15 feet</p> <p>Side: 10 feet; provided that no side setback is required if the developer is constructing two or more buildings on contiguous lots; however, a ten-foot access way from the front of the buildings to their rear setbacks must be provided.</p> <p>Corner side: 20 feet</p> <p>Minimum Lot requirements: The minimum Lot size needed by the various uses in the C-1 district will be determined by the space requirements dictated by the proposed Use, the required setbacks and parking, and any other applicable provisions of this article.</p> <p>Maximum impervious surface area: Depends upon Future Land Use category as outlined in Table 7.02B below.</p> <p>Maximum building height: 35 feet</p>
C-2	<p>Minimum setback requirements:</p> <p>Front: 35 feet</p>

	<p>Rear: 15 feet Side: 10 feet Corner side: 20 feet</p> <p>Minimum Lot requirements: The minimum Lot size needed by the various uses in the C-2 district will be determined by the space requirements dictated by the proposed Use, the required setbacks and the number of parking spaces required by this article.</p> <p>Maximum impervious surface area: Depends on Future Land Use category as outlined in Table 7.02B below</p> <p>Maximum building height: 35 feet</p>
C-3	<p>Minimum setback requirements: Front: 35 feet (add 1' for every 2' of building height over 45') Rear: 10 feet (add 1' for every 2' of building height over 45') Side: 10 feet; provided that no side setback is required if the developer is constructing two or more buildings on contiguous lots; however, a ten-foot access way from the front of the buildings to their rear setbacks must be provided. (add 1' for every 2' of building height over 45') Corner side: 20 feet</p> <p>Minimum Lot requirements: The minimum Lot size needed by the various uses in the C-3 district will be determined by the space requirements dictated by the proposed Use, the required setbacks and parking, and any other applicable provisions of this article.</p> <p>Maximum impervious surface area: Depends on Future Land Use category as outlined in Table 7.02B below</p> <p>Maximum building height: 45 feet. Structure may extend as high as 105 feet, subject to increased setbacks.</p>
C-4	<p>Minimum setback requirements: Front: 35 feet (add 1' for every 2' of building height over 45') Rear: 10 feet (add 1' for every 2' of building height over 45') Side: 10 feet; provided that no side setback is required if the developer is constructing two or more buildings on contiguous lots; however, a ten-foot access way from the front of the buildings to their rear setbacks must be provided. (add 1' for every 2' of building height over 45') Corner side: 20 feet</p> <p>Minimum Lot requirements: The minimum Lot size needed by the various uses in the C-4 district will be determined by the space requirements dictated by the proposed Use, the required setbacks and parking, and any other applicable provisions of this article.</p> <p>Maximum impervious surface area: Depends on Future Land Use category as outlined in Table 7.02B below</p> <p>Maximum building height: 45 feet. Structure may extend as high as 105 feet, subject to increased setbacks.</p>
IL	<p>Minimum setback requirements: Front: 35 feet (add 1' for every 2' of building height over 45') Rear: 15 feet (add 1' for every 2' of building height over 45') Side: 15 feet (add 1' for every 2' of building height over 45') Corner side: 25 feet (add 1' for every 2' of building height over 45')</p> <p>Minimum Lot requirements: The minimum Lot size needed by the various uses in the IL district will be determined by the space requirements dictated by the proposed Use, the required setbacks and parking, and any other applicable provisions of this article.</p> <p>Maximum impervious surface area: Depends on Future Land Use category as outlined in Table 7.02B below</p>

	Maximum building height: 45 feet. Structure may extend as high as 105 feet, subject to increased setbacks.
IH	<p>Minimum setback requirements: Front: 50 feet (add 1' for every 2' of building height over 45') Rear: 25 feet (add 1' for every 2' of building height over 45') Side: 20 feet (add 1' for every 2' of building height over 45') Corner side: 30 feet (add 1' for every 2' of building height over 45')</p> <p>Minimum Lot requirements: The minimum Lot size needed by the various uses in the IH district will be determined by the space requirements dictated by the proposed Use, the required setbacks and parking, and any other applicable provisions of this article.</p> <p>Maximum impervious surface area: Depends on Future Land Use category as outlined in Table 7.02B below</p> <p>Maximum building height: 45 feet. Structure may extend as high as 105 feet, subject to increased setbacks.</p>
Mining	<p>Minimum Lot requirements: Area: 5 acres Distance from water body: As determined in the master mining plan approved by the Board of County Commissioners.</p>
AE	<p>Minimum setback requirements: Front: 40 feet Rear: 20 feet Side: 20 feet Corner side: 30 feet</p> <p>Minimum Lot requirements: Single-family dwellings or churches: Lot Width: 150 feet Lot Area: 43,560 square feet (1 acre)</p> <p>Other: For other uses not specifically listed here, the Lot area will be determined by the space requirements dictated by the proposed Use, the required setbacks, and any other applicable provisions of this article.</p> <p>Maximum impervious surface area: 50% Maximum building height: 35 feet</p>
A	<p>Minimum setback requirements: Front: 25 feet Rear: 10 feet Side: 10 feet Corner side: 20 feet</p> <p>Minimum Lot requirements: Single-family dwellings and Mobile Homes on individual lots: Lot Width: 150 feet; maximum reduction by variance to 100 feet Lot Area: 43,560 square feet (1 acre)</p> <p>Other: For other uses not specifically listed here, the Lot area will be determined by the space requirements dictated by the proposed Use, the required setbacks, and any other applicable provisions of this article.</p> <p>Maximum impervious surface area: 50% Maximum building height: 35 feet</p>
P1 and P2	The Lot area and setbacks shall be determined by the space requirements dictated by the proposed Use and any other applicable provisions of this article as determined by the planning and development services director.

PUD	Minimum Lot area requirements: No minimum All other dimensional requirements depend upon the terms of the PUD rezoning ordinance, a Development Agreement, if any and the limitations of land development code and the Comprehensive Plan
-----	---

Sec. 45-502. Floor Area and Lot coverage.

- (a) *Limitations.* Subject to the more specific Impervious Surface requirements of the applicable zoning district in section 45-501 above, development shall be governed by the maximum Floor Area Ratios and Impervious Surface coverage limitations contained in Table 7.02B below. Because the limitations in Table 7.02B derive from the Comprehensive Plan, any requested variance to the limitations for a zoning district shall not exceed the limitations of Table 7.02B.
- (b) *Table 7.02B Notes.*
 - (1) NA = not applicable
 - (2) The Impervious Surface percentages represent the upper limit and may be further limited by drainage requirements, the zoning district's requirements, the soil conditions of the property, recharge potential of the soils or other environmental factors, such as those governed by article VI.

Table 7.02B—Floor Area Ratio and Impervious Surface Coverage				
Future Land Use Categories	Floor Area Ratio Non-Residential	Impervious Surface Coverage Non-Residential	Floor Area Ratio Residential	Impervious Surface Coverage Residential
Urban Service (US)	1:1	85%	0.7:1	70%
Urban Reserve (UR)	0.85:1	80%	0.5:1	70%
Rural Center (RC)	0.7:1	75%	0.5:1	50%
Rural Residential (RR)	0.5:1	70%	0.4:1	50%
Commercial (CR)	1:1	85%	NA	NA
Industrial (IN)	1:1	85%	NA	NA
Mining (MI)	NA	NA	NA	NA
Public Facilities (PF)	0.5:1	70%	NA	NA
Agricultural I	See Zoning District	85%	See Zoning District	50%
Conservation (CN)	NA	10%	NA	10%

Sec. 45-503. Supplemental provisions.

- (a) *Lot area.* Lot area or Lot size is the minimum square footage required for an individual Lot or Parcel in the applicable zoning district. The Lot area shall not include roadways, rights-of-way lands or property located waterward of the mean or ordinary high water line (i.e. submerged lands). For purposes of zoning districts or uses that require a Lot area of one acre (43,560 square feet), a Lot or Parcel that is 0.95 acres in size or better shall be sufficient to meet the required Lot area.
- (b) *Lot width.*

-
- (1) *Lot width.* Lot width is measured as the horizontal distance between side Lot lines along the depth of the Lot or Parcel commencing at the boundary of the required front Yard setback. For example, where the required front Yard setback is 25 feet, the Lot width will be measured starting 25 feet from the front property line.
 - (2) *Waterfront Lot width.* The Lot width needed to meet the 100-foot water frontage requirement of article VI, division 3 of this Code shall be measured as the horizontal distance between the side Lot lines within an area that begins at the ordinary high water line and extends to the front Lot line or a distance of 500 feet, whichever comes first.
- (c) *Setbacks.*
- (1) Defined. Standard setbacks are measured by the horizontal distance between the boundaries of the Lot or Parcel and the front, rear or side lines of the outside edge of the of the Structure footprint (i.e. the exterior wall), which shall include screened enclosures.
 - (2) Double Frontage. In the case of a double Frontage Lot the applicable front setback requirement shall apply to both Frontages, unless such Lot has a permanent solid face perimeter buffer wall precluding access along one Frontage. As used herein, double Frontage means a single Lot or Parcel that is contiguous to two parallel roadways.
 - (3) Waterfront setbacks. New development on the waterfront shall meet the setback pursuant to the requirements of subsection 45-403(4) of this Code. Except that, lots or Parcels of vested subdivisions created prior to December 19, 1991 that are adjacent to a water body shall maintain a waterfront setback that is, at a minimum, the equivalent of the front Yard setback for the applicable zoning district.
 - (4) Accessory structures. Accessory structures may be allowed inside the setbacks in accordance with articles II and III of this Code.
 - (5) Corner lots. On corner lots, the front Yard shall apply along the shortest road Frontage. The side corner Yard shall have a minimum setback ten feet greater than interior side Yard requirement. No structures, berms, trees or landscaping may be erected or placed in violation of any visibility triangle in section 45-619. "Corner Lot " as used herein means a single Lot or Parcel that is contiguous with two or more perpendicular or intersecting roadways.
 - (6) Permitted projections into required Yards.
 - a. Certain architectural features, such as eaves, bay windows and projecting fireplaces, which may occupy a portion of a building footprint, may project up to three feet into required front, rear and side setbacks. No such intrusion is permitted into front or rear setbacks of less than ten feet in width or side setbacks of less than five feet in width.
 - b. Mechanical equipment, such as air conditioning units, pumps, heating equipment, solar panels, and similar installations, and screening and housing for such equipment, may project into the required side setbacks or rear setbacks, but shall not be located closer than five feet to any Lot or Parcel line, and may not project into the required front setbacks.
 - c. Handicap access ramps built for access by Persons with a disability to a legally permitted residential Structure shall not be subject to required setbacks from property lines (Yards) in any zoning district. This exemption shall not apply to any required setback from waterfront or wetlands. Any such handicap access ramp shall not extend off a property, or into any public or private Right-of-way or easement of record. This exemption shall not apply to any accessory Structure or any Structure permitted as a non-residential Structure. This section shall not exempt such handicapped access ramps from any other permitting requirements of the Putnam County Land Development Code or the Florida Building Code.

-
- (7) Patios and pools.
- a. Uncovered patios, pools, and similar structures may intrude up to but no more than 13 feet into the required rear setback, but they may not intrude into the required side or front setbacks. In no case shall the permitted intrusion of the patio, pool or similar Structure reduce the rear setback to less than ten feet.
 - b. Covered patios, covered pools, and similar structures may not intrude into the required setbacks, except as provided under paragraph (6) above.
- (8) Legally nonconforming flag lots. Where a legally Nonconforming Lot of record is a flag Lot , the front setback shall be measured from a line where the access "flag pole" intersects the body or "flag" portion of the Lot rather than from the Frontage on the adjoining road. For purposes of this section, "flag Lot " is defined as a flag shaped Parcel of land such that the larger "flag" portion of the Parcel is connected to the road from which legal access is taken by a narrow strip of land or "pole" that is part of the legal description of the Parcel rather than being an appurtenant easement, prescriptive easement or public road. If the "pole" potion of the Lot is of sufficient width to allow the placement of structures in accordance with required setbacks, the Parcel shall not be considered a flag Lot .
- (9) Platted subdivisions with lots of one acre or less in size that are 75 percent or more built out may request an administrative deviation to conform with an alternate front Yard or waterfront setback equal to the prevailing setback, as determined by the planning and development services director, of the existing legally-built structures from the front property line or waterfront.
- (10) Parcels whose legal access is via a legally-existing easement for ingress/egress shall measure the front setback from the edge of the easement regardless of the actual location of the property line.
- (d) *Measuring Height.* Structure or building Height shall be measured as the vertical distance from the average ground elevation adjoining the front wall of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof surface of a flat roof, to the deck line of a mansard roof, or to the average height between the eaves and ridge of a gable, hip or gambrel roof. Where the Structure is within a designated flood zone as shown on the adopted FIRM, Height shall be measured from the determined base flood elevation (BFE). Steeples, clock towers, smoke stacks or similar architectural features may be excluded in determining the Height of a Structure when the steeple or smoke stack meets the following additional criteria:
- (1) The architectural feature is typical for the Use occupying the Structure (i.e. a church steeple, smoke stack on a manufacturing plant, or clock tower on a public building or public grounds); and
 - (2) The Use is allowed in the applicable zoning district; and
 - (3) The architectural feature does not extend to height greater than twice the height limitation for the main Structure in the applicable zoning district; and
 - (4) The architectural feature is setback a distance equal to the height of the architectural feature from all property lines; and
 - (5) The architectural feature meets the requirements for article IV, division 3 of this Code (Airport overlays).
- (e) *Additional utility-based requirements.* In addition to the Lot area requirements specified in Table 7.02A above, the following minimum Lot area and Lot width requirements shall apply to all new residential subdivisions, as well as residential and non-residential lots created after the effective date of this article, regardless of the applicable zoning district:
- (1) *Private well and private septic tank.*
Lot area: 21,780 square feet (one-half acre)

Lot width: 100 feet

- (2) *Central water and private septic tank.*

Lot area: 10,890 square feet (one-quarter acre)

Lot width: 75 feet

- (3) *Central water and central wastewater.*

Lot area: As allowed by zoning district or PUD

Lot width: As allowed by zoning district or PUD

Where there is a conflict with Table 7.02A or any other dimensional requirements of this Code, the stricter standard shall apply.

- (f) *Variations and nonconformities.* Unless a dimensional requirement is mandated by the goals, objectives and policies of the Comprehensive Plan, a property Owner may apply for a variance to any of these dimensional requirements. Variances shall be reviewed and decided under article IX, division 4 of this Code. Nonconforming lots or structures may also be reviewed under the nonconformity provisions of article IX, division 3 of this Code.

Secs. 45-504—45-510. Reserved.

DIVISION 3. LANDSCAPING, BUFFERS AND SCREENING

Sec. 45-511. General provisions.

- (a) *Intent.* The purpose of the landscape regulations is to protect the general welfare of Putnam County citizens and visitors by establishing minimum standards for the protection of trees and native plant communities, to promote water conservation, to enhance the County's appearance, and to provide for the proper installation and maintenance of landscapes. The landscape standards are intended to eventually result in a developed environment that is in harmony with the surrounding natural environment.
- (b) *Applicability.* The general standards set forth in this section shall apply to all planting or buffering when required by County regulations. Whenever plant materials are required for vehicle use area landscaping, perimeter buffers or any purpose required by this article, they shall be installed and maintained in accordance with the standards and requirements of this section. The buffering requirements in this section are in addition to the buffering requirements set forth in article VI of this Code (resource protection standards). Where the buffering requirements of article VI and this section conflict, the stricter buffering standard shall apply.
- (c) *Definitions.* As used in this article, the following terms shall have the meanings indicated:
- (1) *Approved plant species* means the landscaping requirements of this section shall be achieved by using any of the plant species shown in Table 7.4 found appendix VII.
 - (2) *Caliper* means the trunk diameter of a tree. Caliper is measured six inches above the soil line for installed trees up to and including four inches in diameter and 12 inches above the soil line for installed trees greater than four inches in diameter. For existing trees, caliper is measured four and one-half feet above the soil line and is also referred to as diameter at breast height (DBH).
 - (3) *Canopy tree* means a species of tree that normally grows to a mature height of 40 feet or more.

-
- (4) *Prohibited plant species* means certain plant species are so obnoxious, invasive and detrimental to the environment so that they are considered contrary to the intent of this section and expressly prohibited. The list of prohibited plant species is provided in Table 7.5, found [in] appendix VII. The list found in Table 7.5 is in addition to any plant species prohibited by State of Federal law.
 - (5) *Street tree* means a tree located in a planting strip between the sidewalk and the street. Street trees shall be canopy trees except where conflicts with overhead or underground utilities exist, in which case two understory trees shall be substituted for a canopy tree.
 - (6) *Understory tree* means a species of tree that normally grows to a mature height of 15 to 35 feet.
 - (7) *Undeveloped* means a general lack of structures or impervious areas with any Improvements not exceeding five percent of the total Parcel area.
 - (8) *Undisturbed area* means that area surrounding a tree within a circle described by a radius of one foot for each inch of the tree's diameter at breast height.
 - (9) *Vehicle use area* means an area for the display or parking of any and all types of vehicles and equipment, whether self-propelled or not, and all designated access or service drives upon which vehicles traverse the property. A vehicle use area does not include parking spaces or Driveways associated with and immediately adjacent to detached or attached single-family residential dwellings.

Sec. 45-512. Landscaping vehicle use areas.

- (a) Intent. Vehicle use area landscaping required by this section is intended to promote the public health, safety and general welfare by providing minimum requirements for installation and maintenance of landscaped areas in connection with business, institutional and industrial areas, and to preserve the value of land and buildings on surrounding properties and neighborhoods.
- (b) Applicability. The requirements of this section shall apply to all new vehicular use areas, and existing vehicular use areas altered or improved subject to article IX, division 3 of this Code. Landscaping shall be provided in accordance with this section prior to issuance of a certificate of occupancy or final inspection. The director or designee may waive the requirements of this section, as a whole or in part, upon determination that the existing vegetation, proposed vegetation, or a combination of the two, substantially meets the intent of this section.
- (c) Exemptions. The following shall be exempt from the provisions of this section:
 - (1) Public educational facilities.
 - (2) Development for which a valid concurrency reservation certificate has been issued or which is subject to a Development Agreement prior to the effective date of this article.
 - (3) Lands used in conjunction with a bona fide farm operation within the meaning of F.S. § 823.14(6), and classified as agricultural land pursuant to F.S. § 193.461.
 - (4) Lands used as botanical gardens or State-approved or government nurseries or groves.
 - (5) Single-family residential lots of record prior to the effective date of this article.
 - (6) Single-family residential lots that are not part of a subdivision created after the effective date of article XII of this land development code.
 - (7) Cemeteries created prior to the effective date of this article.
- (d) Perimeter landscaped area required.

-
- (1) Except as exempted by (2) below, all vehicular use areas shall be separated by a perimeter landscaped area, a minimum of nine feet in width, from any public Right-of-way and from any boundary of the property on which the vehicular use area is located.
 - (2) This landscape area is not required:
 - a. When the paved ground surface area is completely screened from adjacent properties or public rights-of-way by intervening buildings or structures;
 - b. When an agreement to operate abutting properties as essentially one contiguous parking facility is in force. The agreement shall be executed by the Owners of the abutting properties, and shall bind their successors, heirs and assigns. Prior to the issuance of any Building Permit for any site having such a contiguous parking facility, the agreement shall be recorded in the public records of the County;
 - c. When the paved area is at least 150 feet from the nearest property line; or
 - d. When the required landscape strip would be in conflict with utility installations, and such conflicts cannot be resolved, such areas may be reduced to five feet and planted with shrubs and such understory trees as may be acceptable to the utility.
 - (3) The landscape area shall commence within five feet of the paved surface area. Where the perimeter landscape area and a required buffer strip overlap, the more stringent requirements shall be applied. Perimeter buffering shall be required for all storage, accessory service and customer parking areas at any auto sales facility.
 - (4) The director or designee may alter these perimeter landscape requirements if it is determined that:
 - a. Screening is better achieved by relocation of the landscape strip;
 - b. There is an unresolvable conflict between other element(s) of the development plan and the location, width or height of the perimeter landscape area, and that the public interest is therefore best served by relocation of the landscape area, lowering the height of required material or the substitution of a solid fence or wall in conjunction with a reduction in width; or
 - c. That the screening would only serve to emphasize a long Driveway that would otherwise be unobtrusive.
 - (5) The perimeter landscape area shall contain:
 - a. Shrubs, arranged to provide a visual screen of 75 percent opacity and achieve a height of at least three feet within three years; and
 - b. At least one shade tree planted for each 50 linear feet, or part thereof, of the boundary of the vehicular use area. The distance between such trees shall not exceed 55 feet.
 - c. The director or designee may determine that natural vegetation is sufficient to screen adjacent properties and rights-of-way. In such instance the existing vegetation, including understory plants and bushes, is protected from removal except that diseased plant material and invasive nonnative species may be replaced in accordance with this section. Pruning may be done to improve the health of plants, but not to such extent that buffering is lost. Where encroachments are made for utility connections, replacement plants appropriate to the ecosystem shall be required.
- (e) Landscaping in interior areas. Landscaping areas shall be provided for interior vehicular use areas so as to provide visual and climatic relief from broad expanses of pavement and to define logical areas for pedestrian and vehicular circulation. In connection therewith, the following standards shall apply:

-
- (1) Off-street parking areas of five or more parking spaces or in excess of 1,000 square feet shall contain at least ten square feet of interior landscaping for each parking space or at least ten percent of the gross area of the interior vehicular use area shall be landscaped, whichever is greater. Other vehicular use areas in excess of 1,000 square feet shall have 25 square feet of landscaped area for each 500 square feet or fraction thereof of paved area.
 - (2) Each separate interior landscaped area shall contain a minimum of 300 square feet and shall be at least five feet wide. A minimum of one tree shall be planted for every 120 square feet of interior landscaping with the remaining area adequately planted with shrubs, ground cover or other approved landscaping materials.
 - (3) All interior landscaping shall be protected from vehicle encroachment by curbing or wheel stops.
 - (4) A Driveway into a parking area shall be bordered by a landscaped buffer a minimum of eight feet in width and three feet in height. See Figure 7.2 in appendix VII.
 - (5) Interior landscaped areas shall be dispersed so as to define aisles and limit unbroken rows of parking to a maximum of 100 linear feet. Interior landscaped areas shall not be less than 300 square feet in area.
 - (6) In other vehicular use areas where the strict application of this section will seriously limit the function of the area such as off-street loading areas, the required landscaping may be located near the perimeter of the paved area. Such required interior landscaping which is relocated shall be in addition to the perimeter landscaping requirements.
 - (7) Seventy percent of the required trees shall be canopy trees. This provision does not exclude the use of existing trees.
 - (8) Minimum planting areas for trees.
 - a. Understory trees. The minimum planting area for understory trees shall be a two and one-half-foot radius from the trunk perimeter. Retained trees used to meet the requirements of this section must be located within an undisturbed area.
 - b. Canopy trees. The minimum planting area for canopy trees shall be a five-foot radius from the trunk perimeter. Retained trees used to meet the requirements of this section must be located within an undisturbed area.
 - (9) Interior landscaping layout or design shall be reviewed and approved by the director or designee.
- (f) The use of existing native vegetation in buffer zones is preferred. If a developer proposes to landscape a buffer zone with existing native vegetation, a buffer with fewer plants than required by this section may be approved by the director or designee if:
- (1) Such is necessary to prevent harm to the existing native vegetation; and
 - (2) The buffering and/or aesthetic purposes of the buffer zone are substantially fulfilled despite the lesser amount of vegetation.

Sec. 45-513. Buffers and screening.

- (a) *Generally.* A buffer zone is a landscaped strip along Parcel boundaries that serves as a buffer between incompatible uses and zoning districts in order to minimize noise, the glare of lights and to visually screen buildings or act as an attractive boundary of the Parcel or Use, or as both a buffer and attractive boundary. The width and degree of vegetation required depends on the nature of the adjoining thoroughfares and uses.
- (b) *Requirements.* The required screening and buffer distance between proposed land uses and the zoning or Lot line is set forth in the tables below. If the land next to the proposed development is vacant, the buffer

required shall be determined by the existing zoning on the adjacent vacant Parcel. If the adjacent Parcel is vacant but is zoned for a more intensive zoning district, no buffer area shall be required of the less intensive Use. The relative degree of intensity shall be determined as follows:

Table 7.03A—Intensity for Buffers and Screening*	
Group	Land Use Classification
1	Residential—Single-family, including Mobile Homes (R-1, R-1A, R-1HA, RE, R-2, R-2HA, AE and AG)
2	Multi-family less than or equal to six Dwelling Units per acre (R-3 and R-4)
3	Multi-family greater than six Dwelling Units per acre (R-3 and R-4) Mobile Home Park (RMH) Cultural/Institutional
4	Neighborhood Business, Professional Office (CPO) and General Commercial (C-1, C-2)
5	High Intensity Commercial (C-3 and C-4) and Light Industrial (IL)
6	Heavy Industrial (IH) Mining and Extractive (A, Mining) Solid Waste and Correctional facilities Intensive Agriculture
7	Outdoor/Passive

*Example zoning districts are provided in parenthetical for informational purposes only.

Table 7.03B—Buffer and Screening Matrix*							
Proposed Use Intensity Group	Abutting Use Intensity						
	1	2	3	4	5	6	7
1	None	5/A	20/B	10/A	20/B	30/C	10/A
2	5/A	None	5/A	10/A	20/B	30/C	10/A
3	20/B	5/A	None	10/A	20/B	30/C	25/B
4	10/A	10/A	10/A	None	10/A	20/B	15/B
5	20/B	20/B	20/B	10/A	None	15/B	25/B
6	30/C	30/C	30/C	30/B	20/B	None	30/B
7	10/A	10/A	25/B	15/B	25/B	30/B	None

*Buffer and screening expressed as "buffer width in feet/applicable screening standard." For example, "5/B" requires a five-foot wide buffer and screening standard B. The screening standards are described in paragraph (c) below.

(c) *Screening standards.*

- (1) Screening shall be installed within the buffers required above. Screening shall meet specified height requirements set forth in this subsection, except in front and corner Yard areas. In meeting the screening standards, it is recommended that staggered hedgerow plantings be installed on three-foot centers to achieve the opacity indicated.
- (2) Screening standard "A" shall consist of the following:
 - a. Evergreen plants, at the time of planting, shall be six feet in height and provide an overall screening opacity of 75 percent; or

-
- b. A masonry wall six feet in height, located within the required buffer; architecturally finished on all sides, and if a block wall, shall be painted on all sides; or
 - c. A solid wooden fence six feet in height (finished side out); or
 - d. A berm not steeper than two to one (2:1) in combination with (a), (b) or (c) above, to achieve a minimum height of six feet and 75 percent opacity at the time of installation; and
 - e. Lawn, low growing evergreen plants, evergreen ground cover, or rock mulch covering the balance of the buffer.
- (3) Screening standard "B" shall consist of the following:
- a. The requirements of screening standard "A;" and
 - b. A row of evergreen canopy trees which are not less than eight feet high at the time of planting, a minimum of one and one-half-inch caliper, and are spaced not more than 20 feet apart. The trees are to be planted within ten feet of the property line.
- (4) Screening standard "C" shall consist of the following:
- a. A row of evergreen canopy trees which are not less than eight feet high at the time of planting, a minimum of one and one-half-inch caliper, and are spaced not more than 20 feet apart. The trees are to be planted within ten feet of the property line; and
 - b. A masonry wall, architecturally finished on all sides, located within the required buffer; such wall shall be a minimum height of six feet and, if a block wall, shall be painted on all sides; and
 - c. Lawn, low growing evergreen plants, evergreen ground cover, or rock mulch covering the balance of the buffer.
- (5) Variance. The requirements of the screening standards A, B and C may be modified by a variance from the Zoning Board of Adjustment under article IX, division 4 of this Code; or they may be modified by an administrative deviation under the procedures outlined under section 45-836, if, in addition to the conditions outlined in section 45-836, the following conditions are determined to exist:
- a. There is existing natural vegetation of sufficient height and density to screen the use, as determined by the director or designee; or
 - b. There are conditions in place on the property at issue prior to the effective date of this Code that prevent compliance with the buffering and screening requirements; for example, utility easements that prevent the planting of any vegetation or placement of an artificial screen in order to protect equipment or access. The property owner shall make every effort to achieve substantial compliance with the buffering and screening requirements.
- (6) Open storage.
- a. Open storage that constitutes the principal Use of a site shall be buffered in accordance with screening standard "C."
 - b. Open storage areas which are accessory to a principal Use shall be screened from view of any street and from residentially zoned land as follows:
 - 1. Where an open storage area is in view from a street, the method of screening shall consist of solid masonry walls or solid wooden fences at least six feet in height, or evergreen shrubs which at the time of installation shall be six feet in height and 75 percent opaque and shall grow to form a continuous hedge, with access from the street only through solid gates which shall be closed except when in use. Said screening shall extend interior to the site a minimum of 100 feet from the street property line or the entire depth of the open

storage area, whichever is less, unless an existing permanent Structure shields the storage area from public view.

2. Where an open storage area is in view from a residentially zoned district within 200 feet, the method of screening shall consist of solid wooden fences or painted solid masonry walls at least six feet in height, or evergreen shrubs which at the time of installation shall be six feet in height and 75 percent opaque and shall grow to form a continuous hedge. Said screening shall be installed along all boundaries of the storage area including internal boundaries, that are in view from the residential districts.
- (7) Solid waste storage. All new buildings and uses, except for single family and two-family dwellings, shall provide facilities for the central storage of solid waste within the Lot . Where such facilities are provided outside of a building, they shall be screened from public rights-of-way and adjacent property by an enclosure constructed of materials compatible with the materials on the front building wall of the main building. Trash receptacles shall be provided for all non-residential uses and shall be conveniently located near building exits for patron use. All drive-in restaurant facilities shall have a minimum of one trash receptacle that is accessible by patrons passing through the facility without the patron having to exit the vehicle.
 - (8) Mechanical equipment. All non-residential and non-agricultural uses shall screen all mechanical equipment, including, but not limited to, ground mounted air conditioners and transformers and rooftop equipment such as air conditioners or pumps, from view from public places and neighboring properties through the use of features such as berms, fences, false facades, landscaping or by placement in the rear or side Yard of an existing or proposed non-residential Structure. Ground level mechanical equipment serving non-residential, non-agricultural or more than one residential Use shall be screened through the use of features such as berms, fences, false facades, landscaping or by placement in the rear of an existing or proposed non-residential Structure. Screening shall allow for access to such equipment for repairs or replacement. Rooftop equipment shall be screened through the use of a Parapet wall or false facade that is an integral part of the Structure.
- (d) *Mixed-Use developments.* Buffering and screening around the exterior of a mixed-use development shall be based on the predominant Use in the development. If the design of a mixed-use development protects adjacent uses without the full buffer or screen required by this subsection, a lesser buffer may be approved by the Development Review Committee, if the decision to allow the lesser buffer is supported by written findings.
 - (e) *Responsibility for buffers and screens.*
 - (1) The desired width of a buffer zone between two Parcels is the sum of the required buffer zones of the Parcels. Where a new Use is proposed next to an existing Use that has less than the required buffer zone for that Use, an inadequate buffer zone will be tolerated, except as provided in (2) below, until the nonconforming Parcel is redeveloped and brought into conformity with the buffer zone requirements of this subsection. The developer of the new adjoining Use is encouraged, however, to take into account the inadequacy of the adjoining buffer zone in designing the site layout of the new development.
 - (2) Where a residential Use is proposed next to an existing non-residential Use, or a non-residential Use is proposed next to an existing residential Use, and the existing Use does not have a conforming buffer zone abutting the property proposed for development, the proposed Use shall provide 80 percent of the combined required buffer zones of the two uses. Where the existing Use has a buffer zone, but such zone does not meet the requirements of this subsection, the proposed Use may provide less than 80 percent of the combined required buffer zones if the provision of such lesser amount will create a buffer zone meeting 100 percent of the combined required buffer zone of the two uses. The

Development Review Committee shall determine which areas may be counted as a buffer zone of the existing Use based on the buffering qualities of the areas.

Sec. 45-514. Tree protection.

(a) *Variances.*

- (1) The Department shall be authorized to approve the following administrative deviations from certain development standards in order to protect trees with a caliper that is six inches or greater as follows:
 - a. Setbacks for principal and accessory buildings and structures within residential zoning districts: front or rear setbacks may be reduced up to 25 percent. Side setbacks may be reduced up to 50 percent.
 - b. Setbacks for principal and accessory buildings and structures within nonresidential land uses where adjacent to residential land uses: setback may be reduced a maximum of 15 feet provided that the reduced setback area shall contain a ten-foot landscaped area with a six-foot high opaque visual barrier (either fence or vegetation) and tree planting 30 feet on center.
 - c. Parking space quantity standards: reduction of up to ten percent or one space whichever is more.
 - d. Parking space size standards: up to one and one-half feet from the required depth.
- (2) No variance granted to the width of required vehicle use area landscaping or the width of required perimeter buffers specified by this article shall constitute a variance to the quantity of plantings required by this section, unless specifically authorized by the Zoning Board of Adjustment.

(b) *Subdivision and street design modifications.*

- (1) The director of public works shall be authorized to approve modifications to the location and spacing requirements set forth in the design standards pertaining to utilities, sidewalks, roads or drainage structures in order to protect trees and native plant communities. Intersection and radius requirements, detention/retention pond capacities and offset requirements may also be modified in order to protect trees and native plant communities.
- (2) Wherever a joint Use Driveway is required or installed at the option of the applicant, the Department shall be authorized to make adjustments in the location and design of landscaped areas required on the affected building site(s), but not in the number of plantings required.

Sec. 45-515. Minimum landscaping installation standards.

(a) *Generally.*

- (1) Any landscaping installation required under this Code shall be subject to the minimum installation standards set forth in this subsection, unless more specific standards are otherwise stated.
- (2) The property Owner shall be responsible for installing landscaping, according to accepted commercial planting procedures, using plant materials of species that are native or adapted to the County.
- (3) Upon receipt of a written request from the Developer, the director may adjust the application of standards contained in this section, in part or in whole, to allow credit for healthy plant material on a building site prior or subsequent to its development, if such an adjustment is consistent with the intent of this section. Existing plant material native to Northeast Florida should, in particular, be retained.
- (4) Landscaped areas, exclusive of those located on single-family residential lots, shall be protected from vehicular encroachment with effective wheel stops or Curbs.

-
- (5) Wherever new medium or large trees are installed, they shall be provided with anchoring only when necessary to maintain the tree in a vertical upright position.
- (b) *Tree health.* Trees used to satisfy the requirements of this section shall be in good health. A determination as to the health of trees need not be made in advance of their use.
- (c) *Quality.* Plant materials used in conformance with provisions of this article shall equal or exceed the standards for Florida No. 1 as established by the Florida Department of Agriculture (FDOA) Grades and Standards. Turf grass sod shall be clean and reasonably free of weeds and noxious pests or disease. Turf grass seed used shall meet requirements of the FDOA quality control program. The preservation and use of native vegetation is highly encouraged. Plant materials selected shall be the best suited to withstand the soil and physical conditions of the site. Plant materials that are freeze and drought tolerant are preferred.
- (d) *Irrigation.* Unless the requirement is waived under paragraph 3. below, when landscaping or vegetative screening is required as provided in this article, an irrigation plan shall be submitted and approved by the director prior to permitting. The water use zones shall be shown on the irrigation plan. Turf grass areas shall be irrigated on separate irrigation zones from tree, shrub and groundcover beds. Reclaimed or non-potable water shall be used for irrigation if a source is determined to be available by the Putnam County Public Works. Moisture sensor and/or rain gauge equipment shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient rainfall. The use of low volume, emitter, or target irrigation is preferred for trees, shrubs and groundcovers. No significant irrigation overthrow shall be allowed onto Impervious Surfaces. The use of low volume, emitter or target irrigation is preferred for trees, shrubs and ground covers. Irrigation systems shall be operated to conform to St. John's River Water Management District or Suwannee River Water Management District mandatory water use restrictions.
- (e) *Berms.* When a berm is used to form a visual screen in lieu of, or in conjunction with, a hedge or wall, such berm shall not exceed a slope of three to one unless otherwise approved by the County Public Works Director, and shall be completely covered with shrubs, turf grass or other living ground cover.
- (f) *Ground covers.* Ground covers shall be planted in a manner so as to present a finished appearance with reasonably complete coverage under normal growing conditions within 12 months after planting.
- (g) *Hedges.* Shrubs used to form hedges shall be of a non-deciduous species, shall be a minimum of 24 inches in height above grade at the time of planting and shall be spaced not more than 36 inches apart and maintained so as to form a continuous visual screen 30 inches in height above grade, under normal growing conditions, within one year after planting.
- (h) *Turf grass.* Turf grass shall be of a species normally grown as permanent lawns in the County. Turf grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in Swales or other areas subject to erosion.
- (i) *Trees.*
- (1) Wherever the requirements of this section specify the use of canopy trees or understory trees, refer to Table 7.4 to determine the approved tree species within each of these categories.
 - (2) The terms "small," "medium" and "large" refer to the size of a tree at the time it is installed or retained, regardless of its species, and are quantified according to the table above.
 - (3) The minimum planting area for all installed trees shall be as follows:
 - a. Installed canopy trees: five-foot radius from trunk perimeter.
 - b. Installed understory trees: two and one-half-foot radius from trunk perimeter.
- (j) *Permanent architectural planters.* The use of permanent architectural planters may be permitted in fulfillment of the landscape requirements when approved by the director.

-
- (k) *Tree and shrub installation.* Grow bags and containers including synthetic burlap shall be completely removed from the root ball prior to planting. All twine or wire shall be cut off from around the trunk at the top of the root ball. Trees and shrubs shall be mulched to a minimum depth of two inches with organic mulch at least to the perimeter of the root ball.

Sec. 45-516. Xeriscape.

- (a) *Generally.* Xeriscape is a set of landscape design and maintenance principles that promote good horticultural practice and the economic and efficient use of water. The term xeriscape is the registered trademark of the national xeriscape council and means water conserving, drought tolerant landscaping or simply the use of appropriate plant materials that do not require special attention and which require little supplemental water to grow properly. Use of xeriscape principles shall be required for all non-residential, multifamily, planned unit developments (common areas and rights-of-way only), planned commercial developments and planned industrial developments. One and two family residential building sites are exempt from xeriscape design requirements, although they are encouraged to comply. The xeriscape principles shall be implemented through the following standards.
- (b) *Design.* Installed trees and plant materials shall be grouped together with plants of the same water use needs into zones. The water use zones shall correlate to the water use zone designations of plants listed in Table 7.4, and as described below. Plant species may be grouped with other plants of the same water use zone or with plants of a higher water use zone. Plant species of a higher water use zone shall not be placed in a lower water use zone. The water use zones shall be shown on the landscape plan. All newly installed plants require regular, moderately applied watering for the first year to become established. Installed trees and vegetation shall be spaced and located to accommodate their mature size on the site. The water use zones are as follows:
- (1) *High water use zone.* A high water use zone consists of plants that are associated with moist soils and require supplemental water in addition to natural rainfall to survive. This zone includes most turf grass areas.
 - (2) *Moderate water use zone.* Plants that survive on natural rainfall with supplemental water during seasonal dry periods. This zone includes St. Augustine, Bahia and other turf grass areas.
 - (3) *Low water use zone.* A low water use zone consists of plants that survive on natural rainfall without supplemental water.
- (c) *Plant selection.* Plant material shall be selected that is best suited to withstand the physical growing and soil conditions which are found in the microclimate of each particular location on a site. Plant species that are freeze and drought tolerant are preferred. Plants required to be installed by this section shall be selected from Table 7.4.
- (d) *Turf grass.* Turf grass areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreational uses, or require soil erosion control such as on slopes or in Swales, or where turf grass is used as a design unifier, or other similar practical use. The landscape plan shall label the use of turf areas.
- (e) *Mulch.* A layer of organic mulch to a minimum depth of two inches shall be specified on the landscape plans in plant beds and around individual trees in turf grass areas. Mulch shall not be required in annual beds.
- (f) *Irrigation.* The irrigation system shall be designed as required under subsection 45-515(d) and shall correlate to the organization of plants into zones as described in subsection (1) above.

Sec. 45-517. Maintenance of existing or installed landscapes.

- (a) *Pruning and trimming.* Trees installed or retained as required under this section shall not be topped or severely pruned so as to appear stunted. Trees shall be pruned as needed to maintain health and form in such a way that retains or improves the natural form of the particular species; provided, topiary may be practiced upon suitable species if professionally and consistently maintained. The branches of a tree extending over any public sidewalk shall be trimmed to at least the height of eight feet above the sidewalk. The branches of a tree extending over the travel portion of any public street or Alley used for vehicular traffic shall be trimmed to the height of at least 15 feet above the street or Alley. All landscaping installed or retained to meet the requirements of this section shall be maintained in a healthy and growing condition.
- (b) *Non-residential development.* With respect to a non-residential development, the obligation to faithfully and continually provide the irrigation and maintenance necessary and proper to ensure continued vitality of landscaping and protected trees installed or retained within any such Right-of-way located in and adjacent thereto, and for the replacement of any such tree that dies or becomes non-viable, shall remain that of the Owner thereof and any voluntary or involuntary transferee of the Owner. Prior to or simultaneously with the submission of any application for a Right-of-way permit authorizing access to an existing public roadway from a non-residential development, the Owner thereof must submit to the County a fully executed and recordable instrument setting forth a covenant by such Owner in favor of the County that such Owner will perform the obligation. Such covenant shall run with the land upon which the development is located, and shall be binding upon the Owner and the Owner's heirs, successors and assigns with respect to such lands in perpetuity.
- (c) *Replacement.* Installed or retained landscaping which dies after development has completed shall be replaced by the responsible party to meet the requirements of this article within 30 days.

Sec. 45-518. Enforcement.

Any failure to maintain landscaping in accordance with the requirements of this article shall be deemed to be a violation of this Code and subject to enforcement action under article XII of this Code. The property Owner shall be responsible in all enforcement matters pertaining to this section. As part of any enforcement action regarding a violation of the requirements of this article, the County shall be authorized to require, in addition to any fines or other enforcement measures, the replacement of any removed or damaged tree(s) with new tree(s) of at least four inches caliper each and having a total tree caliper equivalent to that of the removed or damaged tree(s) as space allows. Placing of the replacement trees shall be at the landscape reviewer's direction.

Secs. 45-519—45-530. Reserved.***DIVISION 4. FENCES*****Sec. 45-531. Generally.**

- (a) *Applicability.* This section applies to all fences and fence walls unless specifically exempted in this section, or unless specifically regulated elsewhere in this Code.
- (b) *Definition.* The term "fence" as used in this section shall include walls used for fencing, screening, or decorative purposes.

Sec. 45-532. Construction standards.

- (a) *Compliance with Building Permit procedures.* Except for fences used for bona fide agricultural uses, all fences that are over 36 inches in height must comply with established Building Permit procedures, if any.
- (b) *Uniformity.* All fences on each property must be of uniform materials, design and color. Any additions to existing fences that do not exceed the length of the existing fence or wall shall maintain a uniformity of materials, design and color with that of the existing fence or wall. The planning and development services director may approve the use of alternative materials and/or color upon determination that they are compatible with the existing fence or wall.
- (c) *Appearance.* All fences must be constructed and maintained in a manner that will not detract from the neighborhood or community. Fences must not contain missing materials or components of which it was built and must remain substantially vertical so that it serves the function or aesthetic purpose for which it was built and has not been compromised to the point that the fence would present a danger of flight or destruction during severe weather. Fences shall not be used for advertising or other non-advertising messages, except as provided in article VIII (Sign Regulations) of this Code.
- (d) *Materials.* Fences must be constructed of conventional and traditional building materials including, but not limited to, concrete block, brick, wood, decorative aluminum, iron or steel, chain link or composite products manufactured specifically for fences and walls. Non-traditional materials, including, but not limited to, tires, mufflers, hubcaps, auto or Mobile Homes body parts etc., are prohibited.
- (e) *Presentation.* Fences must be constructed to present the finished side of the fence to the adjoining Lot or any abutting Right-of-way. Where, there is an existing fence, wall or continuous landscape hedge, or other circumstance on the abutting Parcel making construction and maintenance difficult or impossible, this provision may be administratively waived by the director upon written request.
- (f) *Sharp or electrified.* Except as provided below, no barbed wire, spire tips, sharp objects or electrically charged fences may be erected within 100 feet of any residential zoning district under separate ownership:
 - (1) Bona fide agricultural uses may use barbed wire or electrically charged fences to control livestock when located in districts permitting the raising, keeping or breeding of livestock.
 - (2) The use of barbed wire for temporary security fences around construction materials or equipment in conjunction with an active construction project may be permitted when approved by the director.
 - (3) The use of chain-link fence with three strands of barbed wire on top of the fence with six-inch spacing between the strands of barbed wire may be required or approved by the director around structures, site Improvements or equipment that may present a potential hazard or attractive nuisance to residents or passersby not otherwise protected.
 - (4) The prohibition of electrical fences should not be read to prohibit underground, wireless outdoor sonic (aka "invisible") fences used to keep domestic animals on the property.
- (g) *Location.* Except as may be specifically permitted or required by other sections of this Code, no fence may be erected, placed or maintained:
 - (1) Within any street Right-of-way or street easement.
 - (2) Within any natural water body where submerged lands are owned or controlled by the State of Florida unless otherwise approved by the Florida Department of Environmental Protection.
 - (3) Within a regulatory floodway as shown on the adopted flood insurance rate maps (FIRM).
 - (4) Within a drainage easement.

Sec. 45-533. Height.

- (a) *Generally.* Except as may be specifically permitted or required by other sections of this Code, the height limitations set forth in this subsection shall apply.
- (b) *Measurement.* Fence height will be measured from the existing elevation of the finished adjacent grade of the property being fenced. Any fence height required for buffering and screening approved by the Development Review Committee shall be installed without needing a variance to exceed maximum fence height.
- (c) *Residential districts.*
 - (1) A fence located between a street Right-of-way or easement and the front Yard setback line may not exceed three feet in height, except that fences may be a maximum height of four feet so long as the fence is of open screening and does not interfere with vehicle visibility requirements at traffic access points. For purposes of this paragraph only, open screening may include vertical picket-type fencing provided that the minimum space between vertical members must be a minimum of one and one-half times the width and thickness of the vertical members or bars. For example, if the vertical members are two and one-quarter inches wide and three-quarter inch thick (total three inches), then the minimum space between them must be four and one-half inches ($1.5 \times 3.0 = 4.5$). In no case may the space between vertical members or bars be less than four inches.
 - (2) A fence located between a side or rear Lot line and the required setback line is limited to a maximum height of six feet.
 - (3) A fence located within 25 feet of a body of water must be open mesh screening above a height of three and one-half feet.
 - (4) A property Owner may request an administrative deviation to extend the fence height up to an additional two feet.
- (d) *Commercial and industrial areas.* A commercial or industrial fence may be a maximum height of eight feet around the perimeter of the project upon a finding by the director that the fence does not interfere with vehicle visibility requirements at traffic access points.
- (e) *Along limited access or controlled access streets.* A fence may be placed or maintained along any property line abutting a limited access or controlled access street provided it complies with the same regulations as are set forth for Residential Project Fences in section 45-534.
- (f) *Agricultural fences.* An open screen or wire fence for bonafide agricultural uses may be a maximum height of eight feet along any property line in an agricultural district provided that the fence does not interfere with vehicle visibility requirements at traffic access points.

Sec. 45-534. Residential project fences.

- (a) *Design requirements.* A Residential Project Fence:
 - (1) May be a maximum height of eight feet around the perimeter of the project upon a finding by the development services director that the fence does not interfere with vehicle visibility requirements at traffic access points.
 - (2) May include architectural features such as columns, cupolas, fountains, Parapets, etc., at a height not to exceed twice the fence or wall height provided they are compatible with the project and abutting properties.

-
- (3) Must be landscaped and irrigated on the exterior side (between the fence and the abutting property or street Right-of-way) with a minimum of five trees per 100 lineal feet and shrub hedges.
 - a. Hedges must be planted and maintained so as to form a 36-inch high continuous visual screen within one year after time of planting.
 - b. Trees adjacent to a Right-of-way must be appropriately sized in mature form so that conflicts with overhead utilities, lighting and signs are avoided. The clustering of trees and use of palms adjacent to the Right-of-way will add design flexibility and reduce conflicts.
 - (4) Must be constructed to ensure that historic water flow patterns are accommodated and all stormwater from the site is directed to on-site detention/retention areas in accordance with stormwater requirements.

Secs. 45-535—45-540. Reserved.

DIVISION 5. OPEN SPACE

Sec. 45-541. Generally.

- (a) *Purpose.* The purpose of this section is to provide methods for setting aside Open Space in order to earn Density bonuses under the Future Land Use element of the Comprehensive Plan and articles II, IV and VI of the Code, and to promote the protection of natural resources and agriculture lands and establish Outdoor Recreational areas and Green Space within the County.

Sec. 45-542. Creation of Open Space.

- (a) *Generally.* Any Developer or landowner may designate land to be set aside and perpetually utilized for Open Space through one of the methods set forth below. Establishing greenbelt status or the presence of an active farming operation alone is not sufficient to meet the requirements of this Code or the Comprehensive Plan for establishing Open Space and recreational opportunities.
- (b) *Acceptable methods.*
 - (1) Establish a covenant with the Board of County Commissioners that the lands set aside shall not be used by the Developer or Homeowners Association for any purpose other than Open Space purposes and that the covenant shall run with the land and be perpetual.
 - (2) Establish a conservation easement in accordance with F.S. § 570.71 or § 704.06.
 - (3) Transfer of fee simple or lesser property rights to the board of trustees of the internal Improvement trust fund or a similar Federal, State, local or private conservation group in accord with the Florida Communities Trust program, the Florida Forever Act, the Florida Preservation 2000 Act, or similar land conservation programs.
- (c) *Covenants.*
 - (1) A covenant for the purpose of restricting land Use to park, Outdoor Recreational or Green Space purposes shall be established by a plat dedication as provided in F.S. ch. 177, and shall conform to the requirements of that chapter. The dedication including the covenant shall clearly indicate which lands shall be subject to the covenant, the purposes for which the lands may be used, and that the covenant establishes a perpetual encumbrance upon the title to any lands subject to it.

-
- (2) No covenant shall be made a part of any plat dedication until the Developer has provided for the establishment or future establishment of a subdivision Homeowners Association and has provided that the Homeowners Association will have responsibility for the collection and expenditure of funds among its membership for the maintenance of the lands subject to the covenant, and provided that the assessment procedure in subsection (h) shall not be utilized except upon a recorded conveyance of the lands subject to covenant from the Developer to the Homeowners Association.
 - (3) After the platting of lands subject to a covenant pursuant to this section, the Developer and Successor Homeowners Association shall not use the land in any manner not consistent with the restrictions voluntarily imposed and shall not change the Use of the land from Park, Outdoor Recreational, viable Agriculture or Green Space purposes without first obtaining a written instrument from the Board of County Commissioners, which instrument releases said Developer or Successor Homeowners Association from the terms of the covenant and which instrument must be promptly recorded in the same manner as any other instrument affecting the title to real property. Upon obtaining approval of the Board of County Commissioners for release, the release shall be made to the Developer or Successor Homeowners Association upon payment of the Deferred Tax Liability. Any payment of said Deferred Tax Liability shall be payable to the County tax collector within 90 days of the date of approval by the Board of County Commissioners of the release. The collector shall distribute the payment to each governmental unit in the proportion that its millage bears to the total millage levied on the Parcel for the years such covenant was in effect.
- (d) *Prohibited uses.* The following land uses are specifically prohibited for lands set aside as Open Space under this section.
- (1) All commercial activities.
 - (2) The imposition of any fees or charges of any type for admission. This does not prohibit the use of donations to maintain or improve the lands protected by the covenant.
 - (3) Intensive Agriculture activities and Agriculture related uses that may require a special use permit or a commercial or industrial zoning. Examples of these types of uses may include commercial feedlots, concentrated dairy farms, rendering plants, livestock auction facilities and saw mills.
 - (4) The placement of any Mobile Homes, modular buildings or the erection of any buildings, except for a clubhouse or recreational buildings, in which case said the land coverage for such clubhouse or recreational buildings shall not exceed ten percent of the total land area set aside for Open Spaces and shall be assessed under the provisions of F.S. § 193.011.
 - (5) The use of the land in any manner which impairs the natural beauty of the land or which is determined by the Board of County Commissioners to be inconsistent with the purposes of this subsection.

Secs. 45-543—45-550. Reserved.

DIVISION 6. UTILITIES

Sec. 45-551. Requirements for all developments.

- (a) *Generally.* The following basic utilities are required for all developments subject to the criteria listed herein.
- (b) *Electricity.* Every principal use and every Lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such Use and every Lot within such subdivision.

-
- (c) *Telephone.* Every principal use and every Lot within a subdivision shall have available to it a telephone service cable adequate to accommodate the reasonable needs of such use and every Lot within such subdivision.
 - (d) *Water and sewer.* Every principal use and every Lot within a subdivision shall have central potable water and wastewater hookup whenever required by Putnam County or the Florida Department of Health. When connecting utilities, design and development of water and wastewater infrastructure and services shall comply with the approved County water and wastewater technical manuals. Water and/or sewer services shall be deemed to be available if:
 - (1) Such services would be available to the use or the subdivision subject to an annexation agreement with a municipality providing such water or sewer;
 - (2) Actual annexation into the municipality providing such water or sewer, when the site is eligible for annexation into the city; or
 - (3) Potable water lines lie within 250 feet of the boundaries of the subject property; or
 - (4) Sewerage lines are deemed "available" by the Florida Department of Health.
 - (e) *Illumination.* All streets, Driveways, sidewalks, bikeways, parking lots and other common areas and facilities in developments shall provide illumination meeting the standards of this Code.
 - (f) *Fire hydrants.* All new developments served by a central water system shall include a system of fire hydrants consistent with the applicable plumbing and fire safety codes. Where a central water supply is not available for fire hydrant protection, and the proposed residential or non-residential development is considered a Class III development under section 45-982 of this Code, such development shall be required to install one or more adequately charged fire hydrants to meet the needs and demands for fire protection as determined by the Development Review Committee. Such system shall comply with the most current NFPA standards for water supply for suburban and rural fire fighting, which may include installation of a fire hydrant connected to a well.

Sec. 45-552. Design standards.

- (a) *Florida Building Code.* All utilities required by this Code shall be installed in a manner that meets or exceeds the minimum standards contained in the Florida Building Code.
- (b) *Placement of utilities underground.* Where utilities are placed underground, the following standards shall apply:
 - (1) All electric, telephone, cable television, and other communication lines (exclusive of transformers or enclosures containing electrical equipment including, but not limited to, switches, meters, or capacitors which may be pad mounted), and gas distribution lines shall be placed underground within easements or dedicated public rights-of-way, installed in accordance with the specifications of the Florida Building Code and the most current FDOT utilities accommodation manual.
 - (2) Lots abutting existing easements or public rights-of-way where overhead electric, telephone, or cable television distribution supply lines and service connections have previously been installed may be supplied with such services from the utilities' overhead facilities provided the service connection to the site or Lot are placed underground.
 - (3) Screening of any mechanical utility apparatus (i.e. electrical transformers) placed above ground shall be required in accordance with subsection 45-513(c)(7) above.

Sec. 45-553. Utility easements.

When a Developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the Developer, the Developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities. Such easements shall expressly state whether the encumbered property Owner or any other property Owner is allowed to use any part of the easement for ingress and egress to properties abutting the easement or to develop any uses, other than the permitted utilities, within the easement. Such uses shall comply with the Right-of-way, access and roadway standards of this Code. Any limitation on the use of the utility easement shall not prohibit crossing of the easement for purposes of ingress and egress to abutting property from a public road or lawfully established private road. It shall be presumed that uses not expressly provided for in the easement are not permitted within the easement.

Secs. 45-554—45-560. Reserved.

DIVISION 7. PARKING AND LOADING

Sec. 45-561. Generally.

- (a) *Applicability.* The requirements for off-street parking or loading facilities apply to any multi-family residential, commercial or industrial uses, or any other off-street parking or loading facilities that serve multiple vehicles or users. They do not apply to on-site parking and loading areas that serve a single-family residence or a two-family residence.
- (b) *Definition.* The term "off-street parking or loading facilities" includes parking spaces, Loading Spaces, loading docks, and internal aisles or access drives that extend from the Driveway apron to a parking lot or loading facility.

Sec. 45-562. Required number of parking spaces.

- (a) *General requirements.* A minimum of 180 square feet for each off-street parking space shall be used in determining the required area to meet the requirements of this subsection, exclusive of access thereto. Off-street parking spaces shall be provided and maintained for all uses and structures occurring on a site as indicated in Table 7.07A below. Wherever Table 7.07A refers to a "per employee" parking standard, it shall be based on a single, peak work shift.

Table 7.07A—Number of Required Off-Street Parking Spaces Based on Use

Land Use and/or Building Type	Number of Spaces Required
Multifamily Dwellings with three or more Dwelling Units	One and one-half space per Dwelling Unit.
Mobile Home park, per Lot	Two spaces per manufactured or Mobile Home
Institutional uses such as rest homes, group homes, nursing homes and assisted living facilities (ALF) not determined to qualify as a community residential home with six or less residents per F.S. ch. 419	One space for every four beds, plus one space for each employee (including visiting doctors).

Hospital	Three spaces per bed. Bassinets shall not count as beds.
Fraternity, sorority houses, dormitories and boarding houses	One parking space for each two beds
Hotels and motels	One space for each sleeping room; plus the spaces required for accessory uses such as restaurants and meeting rooms.
Churches and funeral homes	One space for every four seats in the sanctuary or chapel based upon the Occupancy rating of the facility;
Art gallery, library or museum	One space for each 300 square feet of Gross Floor Area
Elementary and junior high schools	Two per classroom, office, gymnasium, auditorium and kitchen
Senior high schools	Five per classroom, office, gymnasium, auditorium and kitchen
Day nurseries and kindergartens	Two per employee plus adequate provision for loading and unloading of children
Colleges, junior colleges, universities; dance, art and music studios; and vocational, trade and business schools	One space for every 300 square feet of Gross Floor Area, plus additional spaces required for places used for public assembly such as auditoriums, stadiums and theaters, which are considered separately.
Private clubs and lodges	One space every 300 square feet of Gross Floor Area.
Convenience Store (no gas sales)	1 space per 250 square feet plus 1 space per employee.
Convenience Store (gas sales and fast food)	1 space per fueling station plus 1 space per 250 square feet of general retail plus 1 space per 100 square feet of fast food service.
Restaurant	1 space for each 3 seats.
Night club, bar or tavern	One space per every 75 square feet of Gross Floor Area.
Bowling alleys	Four spaces for each bowling lane, plus any additional spaces required for accessory uses such as restaurants or game rooms.
Places for public assembly such as auditoriums, stadiums, arenas, ball fields and theaters	One space for every four seats.
Community center, meeting rooms or indoor recreational facility	One space for every three seats or one space for every 200 square feet of Gross Floor Area, whichever is greater.
Public, private and commercial parks, campgrounds and Outdoor Recreational areas other than ball fields	One space per campsite, plus one space per picnic table located outside the campsite area.
Medical and dental office or Clinic	One space per doctor, plus one space for every two employees and 1.5 spaces per consultation or examination room.
Research laboratory	One space per 500 square feet of Gross Floor Area, plus one space for every two occupants or employee, plus one per company vehicle
Professional, personal service establishment and business office (other than medical or dental)	One space for every 300 square feet.
Radio or television broadcasting office or studio	One space for every 500 square feet of Gross Floor Area, plus one space for every two employees.
Outdoor sales or displays	One space for every 1,000 square feet of Lot or ground area outside buildings used for any type of sales or display in addition to parking required for uses within structures.
Marinas	One and one-half spaces per wet boat slip, plus one space per six dry boat slips and one space per employee of the marina operation. Where the marina is a mixed use operation (i.e. includes a restaurant, hotel or

	convenience store) sufficient parking to accommodate each additional Use shall be added.
Boat Ramps	Ten spaces (measuring ten feet by 40 feet) per ramp to accommodate vehicles with trailers plus four spaces per ramp;
Bus, railroad or other transportation terminals	One space for every 500 square feet of Gross Floor Area, plus one space for every two employees.
Wholesale, warehouse or storage use (not including mini-warehouses or mini-storage facilities)	One space for every two employees on peak shifts, plus one space per vehicle based at the facility
Commercial shopping centers, general retail sales and services	One space for every 250 square feet of Gross Floor Area devoted to sales and display plus one space per 500 square feet of Gross Floor Area devoted to storage.
Mini-warehouses	One space for every two employees.
All uses in Industrial districts not otherwise listed	One space for each employee on peak shifts, plus one space per company vehicle based at the facility, plus one space for every 5,000 square feet of Gross Floor Area.

- (b) *Houses of worship and schools.* Up to 70 percent of the required parking spaces for houses of worship, schools and other similar uses, as determined by the Department, may be surfaced with grass. Such spaces shall be stabilized, well drained and maintained with a durable grass cover. All other Driveways, access aisles and handicap spaces must be paved. All spaces must be delineated by marking, if paved, and wheel stops or curbs.
- (c) *Handicap spaces.* Handicap parking spaces shall be provided and maintained in all districts according to the requirements of the Florida Building Code as indicated in Table 7.07B below:

Table 7.07B—Handicap Space Requirements

Handicap Space Requirements		
Handicap parking spaces shall meet the requirements of the Florida Building Code and be clearly marked and posted.	The number of required handicapped spaces is decided based on the number of required standard parking spaces as follows:	
	Total spaces:	Handicap spaces required*:
	1—25	1
	26—50	2
	51—75	3
	76—100	4
	101—150	5
	151—200	6
	201—300	7
	301—400	8
	401—500	9
	501—1,000	2% of total spaces
	1,000+	20 plus 1 per 100 spaces over 1,000
*The number of required spaces may vary as allowed by specific circumstance in the Florida Building Code.		

- (d) *Determination for Uses not listed.* For a Use not listed in the Table 7.07A, the Department shall make a determination of the minimum required off-street parking spaces based on a similar listed Use. In reaching the determination, the Department shall be guided by the requirements for similar uses, the number and

kind of vehicles likely to be attracted to the proposed Use and studies of the parking requirements of such uses in other jurisdictions.

- (e) *Fractional spaces.* When units or measurements determining the number of required off-street parking or Loading Spaces result in a fractional space, such fraction shall be rounded up to the nearest whole number (i.e. one and one-half spaces shall be rounded to two spaces).
- (f) *Mixed use development.* In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately and off-street parking space for one Use shall not be considered as providing the required off-street parking for any other Use.
- (g) *Gross Floor Area.* Where Floor Area is indicated as a basis for determining the required amount of off-street parking or loading, "gross Floor Area" means the Floor Area inside the exterior walls.
- (h) *Determining the number of seats.* In stadiums, sport arenas, churches and other places of public assembly in which occupants utilize benches, pews or other similar seating arrangements, each 18 lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements based on seating. In the absence of a definite number of seats, the number shall be the greater of the actual number of seats installed, one seat per each 15 square feet of area used by the public or the number called for by the Florida Building Code.
- (i) *Minimum requirement.* Notwithstanding any other requirement of this Code, each separate individual store, office or other business shall provide a minimum of at least two off-street parking spaces.
- (j) *Joint use off-street parking.* Nothing in this section shall be construed to prevent the joint use of off-street parking or Off-Street Loading Space for two or more structures or uses, provided the total of such spaces, when used together, will not be less than the sum of the requirements of the various individual uses computed separately in accordance with the requirements of this section. Joint use of parking and loading shall be subject to a binding agreement including, a reciprocal easement acceptable to the Putnam County Attorney, filed with the Department and recorded with the clerk of the circuit court for Putnam County, Florida.
- (k) *Location of off-street parking.* All required off-street parking shall be located on the same Parcel as the principal Use(s) it serves, except as provided in this paragraph. A Parcel may utilize parking spaces of an abutting Parcel provided that the abutting Parcel has excess parking spaces as compared to the applicable standards set forth in this section and the Parcel being developed provides a minimum of fifty (50) percent of the required off-street parking spaces. . Such co-parking areas are subject to the following requirements:
 - (1) The Use being served by the off-site parking is a permitted principal Use within the zoning district for the Parcel or Lot where the parking is to be located.
 - (2) A safe, direct, attractive, lighted and convenient pedestrian route shall exist or be provided between the off-site parking and the Use being served. The off-site parking shall be located within 1,000 feet of the Use being served.
 - (3) The continued availability of off-site parking spaces, necessary to meet the requirements of this section, shall be ensured by an appropriate reciprocal easement executed by all parties having a legal interest in the Parcel(s) covered, satisfactory to the County attorney and recorded with the clerk of the circuit court.
 - (4) For purposes of determining applicable minimum and maximum land Use intensities (i.e. Impervious Surface coverage and Floor Area Ratios), the land area devoted to off-site parking shall be added to the land area of the Parcel containing the Use being served by such parking and shall be subtracted from the area of the Parcel containing the off-site parking.

- (5) The provision of off-site, off-street parking shall not occur in residentially zoned property or property used for residential development, unless expressly allowed by right or special use permit in applicable zoning category.
 - (6) Off-site, off-street parking shall not be separated from the Use it serves by an arterial or major collector roadway, or other similar physical barriers to convenient access between the parking and the Use.
 - (7) Area required for off-street parking shall not be used to satisfy off-street loading facility requirements and off-street loading facilities shall not be used to satisfy off-street parking requirements.
- (l) *Alternative Parking Calculation.* An Applicant may submit an alternative parking calculation to the Director of Planning and Development Services to decrease the minimum number of required off-street parking spaces. A parking demand analysis that includes data such as, but not limited to, one or more parking space counts for similar land uses on comparable sites or of other professionally acceptable data sources such as the latest edition of the Institute of Transportation Engineers Parking Generation Manual.
- (m) *Drive-through facilities.* Any commercial establishment providing drive through service windows or stalls shall provide stacking lanes in addition to the required number of parking spaces. Any overflow resulting from such stacking lanes shall be contained within the subject property and shall not occupy required parking areas, access aisles or any road Right-of-way. Stacking lane capacity for drive through facilities shall be:
- (1) Banks and financial establishments: 80 feet per lane;
 - (2) Restaurants: 120 feet per lane;
 - (3) Other retail establishments: 60 feet per lane.
- (n) *Bicycle parking.* In the urban reserve and urban service future land use categories, bicycle parking shall be provided at a minimum ratio of 2% of the minimum required off-street vehicular parking, except as otherwise provided in Table 7.07C below.

Table 7.07C—Bicycle Parking Requirements		
Type of Use		Required Bicycle Spaces
Entertainment and Recreation	Arcades, games, skating, ball fields, racquet sport facilities and swimming pools	1 space per ten auto spaces.

Sec. 45-563. Reduction in parking requirements.

- (a) *Shared parking.* The Director of Planning and Development Services may grant a variance to the total number of required parking spaces for a mixed use development where two or more uses are jointly providing off-street parking and when their respective hours of need for the maximum parking do not normally overlap. The total parking requirements for a mixed use development is 85 percent of the sum of the amount required for each separate principal Use, provided 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 section.

- (b) *For low percentage of leasable space.* The parking requirements in Table 7.07A assumes the average percentage of gross leasable building to be 85 percent of the total gross building area. If a Use has a much lower percentage of leasable space because of cafeterias, athletic facilities, covered patios, multiple stairways and elevator shafts, atriums, conversion of historic residential structures to Commercial Use, or for other reasons, then an administrative deviation may be granted to reduce the parking requirements by up to 20 percent of the required spaces if the following conditions are met. Any application for such a reduction in spaces that exceeds 20 percent shall be made to the Zoning Board of Adjustment in accordance with the hearing procedures in article IX for variances.
- (1) The Developer submits a detailed floor plan describing how all of the Floor Area in the building will be used.
 - (2) The Developer agrees in writing that the usage of the square footage identified as not leasable shall remain as identified; unless and until additional parking is provided to conform fully with this section.
- (c) *To protect historic properties.* The preservation of any property that has been placed on a local, State or national register of historic places, or that is located in a designated Historic District and contributes to the historic character of the district, may be granted an administrative deviation from the required number of parking spaces. The Applicant must demonstrate that the variance is necessary to preserve the historic character and allow a viable use of a historic Structure or site.
- (d) *To protect trees or environmentally sensitive areas.* The required number of off-street parking spaces or area of off-street loading facilities may be reduced by the granting of an administrative deviation where deemed necessary by the Administrative Deviation Committee to protect existing trees or environmentally sensitive areas.

Sec. 45-564. Off-street loading.

- (a) *Standards.* Off-street Loading Spaces shall be provided and maintained in accordance with the following standards:
- (1) Each retail store, storage warehouse, wholesale establishment, industrial plant, factory, freight terminal, merchant, restaurant, mortuary, laundry, dry cleaning establishment or similar use shall be required to provide off-street loading facilities in accordance with the requirements contained in Table 7.07D as follows:

Table 7.07D—Required Off-Street Loading Spaces

Gross Square Feet	Floor Area	Number of Spaces
Over 5,000 but not over 24,900	25,000	1
25,000 but not over 59,999	60,000	2
60,000 but not over 119,999	120,000	3
120,000 but not over 199,999	200,000	4
200,000 but not over	290,000	5
More than 200,000	> 290,000	1 space for each additional 90,000 square feet or major fraction thereof

- (2) For each auditorium, convention hall, exhibition hall, museum, hotel, motel or office building, sports arena, stadium, Hospital, sanitarium, welfare institution or similar use which has an aggregate Floor Area of over 10,000 but not over 40,000 square feet, one Off-Street Loading Space plus one space for each additional 60,000 square feet or major fraction thereof.

-
- (3) When units or measurements determining the number of required Off-Street Loading Spaces result in a fractional space, such fraction shall be rounded up to the nearest whole number (i.e. one and one-half spaces shall be rounded to two spaces).
 - (4) For a Use not specifically listed in this subsection, the Department shall make a determination of the minimum required Off-Street Loading Spaces based on a similar identified Use.
- (b) *Location.*
- (1) Off-street loading for Persons or goods delivered by a standard delivery van or car of sufficient size to fit in a 12 feet by 40 feet space shall be located within the off-street parking facility at the most proximate location to a point of entry to use.
 - (2) Off-street loading for goods (i.e. loading docks) delivered by a vehicle larger than the 12 feet by 40 feet space shall be located in the rear or side Yard in manner that avoids interference with or encroachment into off-street parking spaces and access aisles. They shall be sufficiently screened and buffered in accord with article VII, division 3 of this chapter.

Sec. 45-565. 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 Department 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. No reduction in the number of spaces may be made unless a variance is approved administratively or by the Zoning Board of Adjustment.
- (b) *Increased demand for parking or loading.* Unless a variance is otherwise approved administratively or by the Zoning Board of Adjustment, the number of Off-Street parking or Loading Spaces must be increased to meet the requirements of this Code if the Department finds that an increase in Floor Area, seating capacity, or other factor controlling the number of parking or Loading Spaces required by this Code causes the site not to conform with this Code.

Sec. 45-566. Design standards for off-street parking and Loading Spaces.

- (a) *Generally.* All off-street parking and loading facilities:
 - (1) Shall be identified on development plans as to purpose and location.
 - (2) Shall be surfaced with asphalt, concrete pavement, brick, paver block, turf block, or an acceptable Improvement allowing greater permeability. It is the intent of this section that the Developer provides a durable surface, properly drained, maintained, and landscaped in accordance with article VII, division 3 of this chapter. An "acceptable Improvement" shall be reviewed and approved in writing by the Putnam County Public Works Department. In addition to indicating the type of surface approved in making the acceptable determination, the Public Works Director or his designee shall make the following specific findings:
 - a. The proposed surface provides a safe surface, suitable for the quantity and quality of traffic expected to use it;
 - b. Provides a surface that will accept delineation of parking spaces, aisles, access ways and maneuvering areas;
 - c. Provides a surface that will be dust free and properly drained; and
 - d. Will not contribute to erosion or sedimentation, either on-site or off-site.

-
- (3) Shall be designed so that sanitation, emergency and other public services vehicles can safely access and maneuver;
 - (4) Shall be maintained in functioning condition with marking clearly visible;
 - (5) Shall not have speed bumps installed within 100 feet of the point of access from the parking area to the adjacent street.
- (b) *Lighting.* If off-street parking or loading facilities are lighted, lighting shall be designed and installed so as to be shielded and aimed downward to prevent glare or excessive light on adjacent property and public roadways, in accord with lighting requirements of article VII, division 9 of this chapter. Whenever wheel stops are installed, lighting shall be installed to make the wheel stops visible during evening business hours.
 - (c) *Encroachment.* Where off-street parking or loading areas are located on the perimeter of a Lot , barriers shall be provided and maintained to ensure that no portion of a parked vehicle shall encroach over and onto any adjacent private property in separate ownership, unless such parking is part of a joint use off-street parking facility approved under this section, or over and onto any public street or sidewalks. Such barriers shall further ensure that no parked motor vehicle door, when open, will encroach over and onto any adjacent private property in separate ownership or over and onto any public street or sidewalks. Barriers may consist of solid fences, walls, hedges, wheel stops, shrubs, ditches (when necessary to the drainage plan of a Lot only) or other forms of barrier satisfactory to the enforcement officer. Parking layout must be designed such that all maneuvering into and away from parking spaces occurs within the limits of the subject property.
 - (d) *Internal connection of off-street parking.* The County may require use of internal access aisles to connect otherwise separate off-street parking facilities, after a determination by the director of public works that such a connection is appropriate in order to meet the concurrency part of a traffic mitigation plan under article V, division 1 of this Code or to provide a needed safety improvement under article V, division 2 of this Code.
 - (e) *Access.* Each off-street parking or Loading Space shall be directly accessible from a street or Alley without crossing or entering any required Off-Street parking or Loading Space. Each Loading Space shall be accessible from the interior of the building it serves and shall be arranged for convenient and safe ingress by motor truck and/or trailer combination.
 - (f) *Dimensions.*
 - (1) Minimum dimensions of Off-Street parking and Loading Spaces shall be as follows:
 - a. Off-street parking spaces: nine feet in width and 20 feet in length, except for parallel parking spaces, which shall be 24 feet in length.
 - b. Handicap parking spaces: 12 feet in width and 20 feet in length, plus a five-foot wide access aisle as required by the Florida Building Code (see Table 7.07B). The access aisle may be shared between two handicapped spaces.
 - c. Off-street Loading Spaces: 12 feet in width and 40 feet in length with a minimum of 15 feet height clearance.
 - (2) Minimum width of interior drives shall be related to the angle of parking stalls and use of one-way or two-way traffic as follows:

Parking Angle (in degrees)	Width of Aisle (One-Way)	Traffic Direction (Two-Way)
0 (parallel)	12 feet	One-Way
0	24 feet	Two-Way
30	12 feet	One-Way
45	13 feet	One-Way

60	18 feet	One-Way
90	24 feet	Two-Way

Note: A 24-foot minimum aisle width is required in all two-way traffic circulation situations.

Secs. 45-567—45-580. Reserved.

DIVISION 8. STORMWATER

Sec. 45-581. Generally.

- (a) *Applicability.* The terms and provisions of this section shall apply to all real property lying within the unincorporated areas of Putnam County, Florida.
- (b) *Intent and purpose.* It is the intent and purpose of this section to implement the goals, objectives, and policies of the Comprehensive Plan of Putnam County by providing standards for the design, construction, and operation of stormwater management systems in conformance with the best overall management practices for the control of runoff volume and treatment of stormwater runoff for the protection of surface water and Groundwater quality, and for the control and prevention of erosion, sedimentation, and flooding. It is further the intent of this division to provide flexibility in meeting the design standards in an effort to encourage the construction of stormwater management systems that are an amenity to the development.
- (c) *Definitions.* For the purposes of this division, certain terms or words used herein shall be interpreted to have the following meanings unless another meaning is plainly indicated. The word "shall" is mandatory; the word "may" is permissive.
 - (1) *Construction* means any activity, including land Clearing, earth moving, or the erection of structures, that will result in the creation of a stormwater management system.
 - (2) *Control elevation* means lowest elevation at which water can be released through the discharge structure.
 - (3) *Detention* means the collection and temporary storage of stormwater with subsequent gradual release of the stormwater.
 - (4) *Engineer* means a professional engineer registered in Florida, or other Person exempted pursuant to provisions of F.S. ch. 471, who is competent in the fields of hydrology and stormwater system design.
 - (5) *Karst areas* means areas where sinkhole formation is common and that have landscapes that are formed by the dissolution of limestone.
 - (6) *Regional stormwater management facility* means a facility designed and constructed to manage stormwater from multiple Parcels within a specified drainage area.
 - (7) *Retention* means the provision for storage of a given volume of stormwater runoff. Only evaporation, evapotranspiration, and/or infiltration shall be used to calculate recovery.
 - (8) *Reuse* means the deliberate application of stormwater runoff for irrigation, agricultural or industrial water needs.
 - (9) *Seasonal high-water table* means the elevation to which the Groundwater can be expected to rise during a normal wet season.

-
- (10) *Sedimentation* means the deposition of detached soil particles which have been eroded and transported by flowing water or wind.
 - (11) *Stormwater management system* means a system which is designed and constructed or implemented to control stormwater discharges, incorporating methods to collect, treat, convey, store, absorb, channel, inhibit, divert or reuse water to prevent or reduce flooding, over drainage, environmental degradation, and water pollution or otherwise affect the quality and quantity of the discharge.

Sec. 45-582. Permit required.

- (a) *Generally.* No Person shall initiate any construction activity, or construct a stormwater management system, without complying with the provisions of this section.
- (b) *Specifically.* The following activities shall, unless exempt pursuant to paragraph (c) below, require a construction permit from the County Public Works Director prior to the initiation of any project:
 - (1) Alteration, restriction, or removal of existing natural or man-made drainage collection, storage and conveyance systems. Any activity which alters or disrupts the natural flow patterns of stormwater runoff, or would result in an increase in off-site stormwater discharge volume and/or rate. These activities include, but are not limited to: land Clearing, draining, compacting, filling, excavating, diverting or otherwise altering the natural flow patterns of stormwater runoff. This is not meant to include Clearing of vegetation for timbering, fire control or general maintenance, provided provisions are made to allow a sufficient Density of vegetation to remain in place or re-establish itself in order to prevent erosion or a significant disruption to the natural flow of surface water.
 - (2) Building, installing, enlarging, replacing or substantially adding an Impervious Surface, or water management system.
 - (3) Converting agricultural lands to nonagricultural uses.
 - (4) Subdivision of land where road Improvements are required.
 - (5) Alteration of land and/or the construction of a Structure or other Impervious Surfaces or a change in the size of one or more structures.
 - (6) Borrow areas or man-made ponds greater than one-eighth acre in size.
- (c) *Exemptions.* The following activities shall be exempt from the requirements of this section:
 - (1) The Clearing of land that is to be used solely for Agriculture, silviculture, floriculture, or horticulture, provided the property Owner provides for the construction, maintenance, and operation of self-contained agricultural drainage systems to prevent off-site diversion of any runoff. This exemption will not apply where Clearing and drainage may directly or indirectly impact County or State rights-of-way or areas defined as conservation areas pursuant to the Putnam County Comprehensive Plan.
 - (2) The construction, Alteration, or maintenance of a single-family or two family residence and accessory structures, provided this activity does not change the natural grade of the land in an area of special flood hazard. This exemption shall not apply where such activity will result in the addition of Impervious Surfaces or changes in the natural grade of the soils in an area of special flood hazard, as defined in article VI, division 5 of this Code.
- (d) *Waivers.* In cases where preliminary investigation shows that a proposed building addition will not have detrimental results, or the impact will be insignificant, and/or where increased runoff discharges to an existing basin with sufficient capacity, a waiver may be obtained. If the Alteration results in less than a one percent increase in the overall imperviousness of the site, a waiver may be granted. It is the property Owner's or his agent's responsibility to show that a waiver is warranted. The appropriateness of a waiver will

be determined by the County Public Works Director. This waiver will not negate the need for obtaining permits required by other agencies. A waiver will not be granted in cases where it is determined that the existing site is violating current water quality or quantity criteria.

Sec. 45-583. Standards.

- (a) *Compliance required.* All stormwater management systems in the unincorporated portions of Putnam County shall be designed and maintained in accordance with the provisions of this section.
- (b) *General requirements.*
 - (1) No site Alteration shall cause siltation of downstream surface waters or reduce the natural retention or filtering capabilities of downstream surface waters.
 - (2) No stormwater management system shall cause water to become a health hazard as determined by the County Public Works Director, the department of environmental protection and/or the health department.
 - (3) All storage volumes in detention or retention systems shall be calculated above the mean seasonal high-water table or normal pool elevations.
 - (4) Permeability soil testing procedures shall be conducted as required in the department of transportation's drainage manual, and the results must be submitted to the County Public Works Director for review and consideration. The design engineer must take into account confining layers, soil profile, and apparent water table depths when choosing a design permeability rate. The maximum allowable rate in the perforated and confined zones shall be six feet per day. The maximum allowable rate in the unconfined zones shall be 20 feet per day. A safety factor of two shall be applied.
 - (5) Stormwater management systems shall not significantly alter contributing areas or watershed boundaries of any watershed or basin not wholly contained within the project area, except as approved by the County Public Works Director.
 - (6) Runoff from off-site areas which drain to or across a site proposed for development must be accommodated.
 - (7) Treatment volumes must be recovered within 72 hours following the storm event. The remaining storage volumes must be recovered within 14 days following the storm event, except in the case of wet detention facilities.
 - (8) Filtration systems shall be designed with a safety factor of two.
 - (9) Minor components, such as roadside Swales, shall be designed for the ten-year/24-hour storm event. All major components, such as collector ditches and storm sewers, shall be designed for the 25-year/24-hour storm event.
 - (10) In no case shall the discharge rates of a stormwater management system exceed the capacity of the outfall conveyance facility.
 - (11) The design shall be such that water containing a minimal amount of debris is allowed to leave the system, and manual removal of the debris shall be the responsibility of the entity responsible for maintenance of the system.
 - (12) The reuse of stormwater runoff in irrigation systems is encouraged.
- (c) *Basin design requirements.*
 - (1) The following basin design conditions will require fencing:

-
- a. Basins with a depth greater than four feet, as measured from the basin bottom to the control elevation, with slopes steeper than 4:1.
 - b. Basins without a controlled outfall, if the design high-water elevation for the design storm is greater than four feet and the side slopes are steeper than 4:1.
 - c. Wet detention basins with a normal pool depth six feet or greater.
- (2) The following basin design conditions do not require fencing:
- a. Basins with a depth less than or equal to four feet, as measured from the basin bottom to the control elevation.
 - b. Basins designed to be "dry" with side slopes no steeper than 6:1, regardless of basin depth.
 - c. Wet detention basins with a maximum pool depth less than six feet and side slopes no steeper than 6:1 to a depth of two feet below the control elevation. From this elevation to the basin bottom a maximum side slope of 2:1 is permissible.
- (3) All fences must be a minimum height of four feet and have a 14-foot-wide gate that is appropriately placed to allow easy access for maintenance equipment. Basins that have a depth greater than six feet must have a six-foot fence.
- (4) Basins that require a fence and are to be dedicated to the County for maintenance will require a minimum 12-foot maintenance strip between the fence and the basin. All other basins will require a minimum maintenance strip of five feet. Maintenance strips shall have a maximum slope of 8:1.
- (5) Side slopes steeper than 3:1 must have the sod stapled or pegged. Basin side slopes flatter than 3:1 may be seeded and mulched or sodded.
- (d) *Supplemental standards.* In addition to the above standards, the following documents are incorporated herein as part of this Code by reference, for supplemental standards and methodologies for use in designing a stormwater management system to meet the intent of this chapter:
- (1) Drainage Manual, State of Florida Department of Transportation.
 - (2) Chapter 40B-4, Rules of the Suwannee River Water Management District.
 - (3) Chapter 17-25, Florida Administrative Code, Rules of the State of Florida Department of Environmental Protection.
 - (4) Chapter 17-40, Florida Administrative Code, Rules of the State of Florida Department of Environmental Protection.
 - (5) Chapter 40C-42, Rules of the St. Johns River Water Management District.
 - (6) Florida Development Manual: A Guide to Sound Land and Water Management.
- (e) *Methods.* Innovative approaches to stormwater management shall be encouraged and the concurrent control of erosion, sedimentation, flooding and water quality shall be mandatory. The County Public Works Director has authority to approve alternate methods of meeting the objectives of these technical guidelines and regulations on a demonstration by the Applicant that results equivalent to the following design standards can be achieved by the proposed alternate method.
- (1) For projects that discharge to a stream or open lake, the stormwater management system must be designed such that the proposed peak rate of discharge does not exceed the predevelopment peak rate of discharge for storm events up to and including the 25-year storm. The detention storage shall be sufficient to contain up to the 25-year 24-hour storm event. However, a 100-year 24-hour storm must be routed through the system to establish the 100-year flood elevation.

-
- (2) For projects that discharge to a closed lake, the stormwater management system must be designed such that the increased volume of runoff for the 100-year 24-hour storm event is retained and that only the predevelopment volume of runoff is discharged at rates not to exceed the predevelopment rates for storm events up to and including the 100-year storm.
 - (3) For projects that have no positive outfall (i.e. water is detained rather than retained), the stormwater management system shall be designed to retain the total volume of stormwater runoff from the contributing watershed for the 25-year 24-hour storm event.
 - (4) All stormwater management systems located within the karst areas of the County should be designed to provide treatment of the stormwater runoff prior to discharging to the aquifer and to preclude the formation of solution pipe sinkholes in the system. In addition, the following minimum design features are required:
 - a. A minimum of three feet of unconsolidated soil material between the surface of the limestone bedrock and the bottom and sides of the stormwater basin.
 - b. Stormwater basin depth should be as shallow as possible with a horizontal bottom.
 - c. Maximum stormwater basin depth of ten feet.
 - d. Fully vegetated basin side slopes and bottoms.
 - e. More stringent requirements may apply for some industrial and commercial sites. These can include:
 - 1. More than three feet of soil material between limestone bedrock surface and the bottom and sides of the stormwater basin.
 - 2. Basin liners—clay or geotextile.
 - 3. Sediment sumps at stormwater inlets.
 - 4. Off-line treatment.
 - 5. Paint/solvent and water separators.
 - (f) *Alternatives to on-site control.* A regional stormwater management facility may be provided, in lieu of on-site storage, particularly in areas where individual properties cannot meet the established criteria on-site because of soil limitations or other constraints that may exist.
 - (g) *Maintenance.* All stormwater management systems require periodic maintenance. The entity designated in the application will be responsible for implementing the maintenance plan. If a system is not functioning as designed, the Owner or permittee will be responsible for taking corrective measures to ensure the applicable criteria of this chapter are met.

Sec. 45-584. Water quality criteria.

- (a) *Class III or higher receiving waters.* All stormwater management systems with a discharge to a Class III or higher receiving water must be designed to meet the following applicable minimum treatment criteria:
 - (1) *Retention under-drain and exfiltration.*
 - a. Off-line treatment: 0.5 inches of runoff or 1.25 inches times impervious area, whichever is greater.
 - b. On-line treatment: 0.5 inch additional treatment volume over that required in off-line.
 - (2) *Filtration.*

-
- a. Off-line treatment: 1.0 inches of runoff or 2.5 inches times impervious area, whichever is greater.
 - b. On-line treatment: 0.5 inch additional treatment volume over that required in off-line.
- (3) *Wet detention.* On-line treatment: 1.0 inch of runoff or 2.5 inches times impervious area, whichever is greater.
- (4) *Swale.* On-line treatment: 80 percent of the runoff from the three-year, one-hour storm.
- (5) *Wetland treatment.* On-line treatment: 1.0 inches of runoff or 2.5 inches times percent impervious area, whichever is greater.
- (b) *Class I, Class II and OFW receiving waters.* All stormwater management systems with a discharge to Class I, Class II, and Outstanding Florida Waters (OFW) as receiving waters must be designed to meet the following minimum treatment criteria:
- (1) *Detention with under-drain, exfiltration, and/or filtration.*
 - a. Off-line: 50 percent additional treatment volume over Class III off-line treatment criteria.
 - b. On-line: Runoff from the three-year, one-hour storm or 50 percent additional treatment volume over Class III on-line, whichever is greater.
 - (2) *Wet detention.*
 - a. Off-line: Pretreatment pursuant to Class III retention, exfiltration, or under-drain criteria in addition to Class III wet detention criteria.
 - b. On-line: 50 percent more treatment volume over Class III criteria.
 - (3) *Swale.* On-line: Runoff from the three-year, one-hour storm.
 - (4) *Wetland treatment.* On-line: 50 percent additional volume over Class III treatment criteria.
- (c) *Discharge to active sinkholes.* If a stormwater management system is proposed to discharge into an active sinkhole, the system must be reviewed and approved in writing by the department of environmental protection and/or the water management district and shall be designed, at a minimum, to provide treatment for the first two inches of rainfall from the design storm.
- (d) *Impervious Surfaces.* All detention systems that receive stormwater from areas with greater than 50 percent directly connected Impervious Surface shall include a baffle, skimmer, grease trap or other mechanism on the discharge Structure.

Sec. 45-585. Erosion and sedimentation control.

- (a) *Generally.* The development and implementation of an erosion and sedimentation control system is essential to minimizing the adverse impacts of soil erosion and sediment transport.
- (b) *Design principles.* The system shall be designed according to the following principles:
 - (1) The development plan must be compatible with the existing topography, soils, waterways, and natural vegetation of the site.
 - (2) The smallest possible area should be exposed for the shortest possible time during construction.
 - (3) On-site control measures shall be applied to reduce erosion. Stockpiling and storage of materials should not be located in a manner to impede flow or cause materials to be eroded by stormwater runoff.
 - (4) The erosion and sedimentation control plan shall identify permanent stormwater conveyance structures, final stabilized conditions of the site, provisions for removing temporary control measures,

stabilization of the site when temporary measures are removed, and maintenance requirements for any permanent measures. All sedimentation control structures to be used during construction shall be installed prior to any construction activity and shall be maintained in an effective condition until such time as the completion of the permanent system or other erosion control measures can assure adequate erosion and sediment control.

- (5) All stormwater management facilities shall be stabilized with either grass or sand-based sod. The following minimum requirements shall be met:
- a. All dry basin bottoms must be seeded. The seeding mix must provide both long-term vegetation and rapid growth seasonal vegetation. A topsoil mixture may be required in excessively drained sandy soils.
 - b. Erosion protection at the outlet of all drainage structures must be provided. For outlet velocities less than three feet per second, pegged or stapled sod must be provided. For velocities in excess of three feet per second, an energy dissipation device must be installed, such as riprap, baffles, or stilling basins.
 - c. A 12-inch strip of sod shall be placed around the full perimeter of all head walls, end walls, and mitered end installations.
 - d. During construction, provisions must be made to minimize disturbance to and compaction of soils in the basin bottom.

Sec. 45-586. Special requirements for systems within residential subdivisions.

- (a) *Maintenance.* A Homeowners' Association must be established to provide routine maintenance and associated landscape management responsibilities for the stormwater management system within the residential subdivision. However, the Developer or the Homeowners' Association may opt to have the County implement a stormwater management benefit assessment in accordance with the provisions of F.S. § 403.0893. When the streets within the subdivision are to be dedicated to the County, Putnam County will be responsible for maintaining the structures associated with the system.
- (b) *Location.* Retention/detention basins shall not be located within platted building lots, unless the Lot is one acre or greater in size, the soils are well drained and have no confining layers, and the basin is designed with slopes 4:1 or flatter.
- (c) *Access.* Reasonable maintenance access easements to all stormwater management facilities must be provided. This access-way must also be outside the limits of platted building lots and have a minimum width of 12 feet, except in cases where the side slopes are no steeper than 8:1.

Sec. 45-587. Submittals.

- (a) *Preliminary development plan.* Class III developments shall include the following information, plans and supporting data with the applicant's preliminary development plan submitted to the Development Review Committee under section 45-995 of this Code:
 - (1) An aerial photograph delineating the project area and the watershed boundaries in which the project is located.
 - (2) A map of the project that shows the following information:
 - a. Project boundary.

-
- b. Existing topography of the project at one-foot contour intervals and existing spot elevations with the existing drainage patterns clearly established. Additional off-site topographical information may be needed to adequately identify drainage patterns.
 - c. The drainage boundary of the area of any lands outside the project limits contributing runoff to the project.
 - d. Existing 100-year floodplains and/or floodways.
 - e. A plan of the proposed land use and land cover, including acreage and percentage of Impervious Surfaces.
 - f. Description of vegetative cover, locations of any wetlands, surface waters or other known conservation areas.
 - g. Proposed construction phases.
 - h. Rights-of-way, common areas, and/or easement locations.
 - i. Location of existing and proposed stormwater retention and/or detention facilities, including size, design capacity, 100-year flood elevation, side slopes, depth of pond, and retained and/or detained runoff volumes.
 - j. Detailed grading plan with sufficient spot elevations to determine the direction of flow.
 - k. Erosion and sedimentation control plan.
- (3) Professional certified drainage and pipe calculations, including a description of the proposed stormwater management plan, identification of the classification of the receiving basin and the name of any water body or stream to which the project discharges.
 - (4) Soils report that includes borings, water table encountered, estimation of seasonal high-water table, and estimated permeability rates. Soil borings must be performed to a depth of at least ten feet below the proposed basin bottom and at a frequency of two borings per one-quarter of an acre of basin bottom area. For systems that contain multiple basins, there shall be a minimum of one boring per basin.
 - (5) A statement designating the entity that will be responsible for the operation and maintenance of the stormwater management system. A copy of the restrictive covenants for the establishment of a Homeowners' Association must be submitted, if applicable. The restrictive covenants shall contain a statement indicating that, upon the Homeowners' Association's written request, Putnam County will inspect the stormwater management system prior to the Developer transferring responsibility for the maintenance of the system to the association.
 - (6) A certification and statement by a Florida licensed engineer in accordance with F.S. ch. 471.
 - (7) A proposed maintenance plan for the stormwater management system. This plan, along with the estimated annual maintenance costs, shall be incorporated into the restrictive covenants when applicable.
 - (8) Off-site easements for stormwater management facilities will be required when either of the following conditions exist:
 - a. The discharge is into any man-made facility for which Putnam County does not have either drainage easements or rights-of-way.
 - b. The discharge is into a natural system such that the rate or character (i.e., sheet flow versus concentrated flow) of the flow at the property line has been changed. The easement will be required to a point at which natural conditions are duplicated.

-
- (b) *Other permits.* Prior to the issuance of a construction permit, a copy of all other applicable State, water management district, or city permits must be submitted to the County Public Works Director.

Sec. 45-588. Enforcement.

- (a) *Inspections.* The Public Works Department will provide inspection services during the construction activities of all approved stormwater management systems. The inspections office will work with the development review office to ensure that the criteria set forth in the review and approval process are adhered to during the construction phase.
- (b) *Procedures.* This section shall be enforced in accordance with procedures outlined in article XII of this Code.

Secs. 45-589—45-600. Reserved.

DIVISION 9. LIGHTING

Sec. 45-601. Generally.

- (a) *Height.* The maximum height of light fixtures, except as otherwise regulated by this section, shall not exceed 30 feet.
- (b) *Light pollution.* All building lighting for security or aesthetics shall be fully cut-off type, not allowing any upward distribution of light.
- (c) *Variance.* The lighting requirements in this section may be modified by administrative deviation provided that the Applicant establishes that such an increase meets the following standards:
- (1) Any increase in intensity is reasonably required for security purposes for the use or for conducting the permitted outdoor use;
 - (2) Any increase in intensity will not result in a nuisance to adjoining properties and does not interfere with the lawful use and enjoyment of adjoining properties; and
 - (3) Necessary screening will be erected or exists and maintained to reduce the impact of any increase in intensity on adjoining properties.
 - (4) The Parcel on which the lighting is to be located is not within the military restriction overlay zone (MROZ).

Sec. 45-602. Glare on adjoining properties.

- (a) *Generally.* All lighting shall be designed, hooded or shielded to direct light so that the illumination source does not create a glare or a nuisance to any adjoining property or unreasonably interfere with the lawful use and enjoyment of any adjoining property.
- (b) *Specific standards.*
- (1) The lighting of any communication tower due to possible hazards to air navigation shall be exempt from this section provided that all lighting conforms to the requirements of the Federal Aviation Administration (FAA).
 - (2) Roadway lighting is exempt from these light trespass requirements.

-
- (3) Directional luminaries such as floodlights, spotlights, sign lights and area lights shall be so installed and aimed that they effectively illuminate only the task intended and that the light they produce does not shine directly onto neighboring properties or roadways.
 - (4) Building facade lighting, sports lighting and other applications using floodlights shall have glare shielding (external or internal shields) to minimize light trespass and light pollution.
 - (5) Outdoor recreational lighting. Lighting installations for Outdoor Recreational Uses (including pole heights) shall be designed and installed in conformance with the Florida Building Code.

Secs. 45-603—45-610. Reserved.

DIVISION 10. ROADWAYS AND SIDEWALKS

Sec. 45-611. Generally.

- (a) *New roadways.* All new roadways shall be paved in accordance with approved design and construction plans prepared to or exceeding the design standards established in this section.
- (b) *Previously platted roadways.* Previously platted roadways that have not been constructed are subject to the requirements of this section, unless bonds have been received and accepted on construction of such roadways.
- (c) *FDOT standards.* The design and specifications for major and minor collectors shall comply, at a minimum, with the Florida Department of Transportation (FDOT) "Roadway and Traffic Design Standards" (Standards), "Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways" (Green Book), and the "Manual of Uniform Traffic Control Devices" (MUTCD), unless specifically revised by this Code. Material specifications and construction procedures shall comply to the FDOT "Standard Specifications for Road and Bridge Construction" (Specifications). Any roads, including local roads, developed to the FDOT design standards and specifications referenced in this paragraph shall be considered to be in compliance with this section.
- (d) *Roadway classifications.*
 - (1) Arterial roads are roadways providing service that is relatively continuous and of relatively high traffic volumes, long trip lengths and higher operating speeds. Examples in Putnam County include SR 19, SR 20, SR 26, SR 100, SR 207 and US 17.
 - (2) Collector roads are roadways providing service for relatively moderate traffic volumes, moderate trip lengths and moderate operating speeds. Collector roads collect and distribute traffic between local roads and arterial roads. They are further categorized into major collectors and minor collectors. Examples in Putnam County include CR 21, CR 20A, CR 209, CR 216, CR 219, CR 308, CR 309, CR 310 and CR 315.
 - (3) Local roads are roadways providing service for low traffic volumes, short average trip lengths or minimal through traffic. A local road may be privately or publicly owned. For purposes of this Code, any privately owned road shall be presumed to be a local road. Any newly constructed local road shall be required to meet, at a minimum, the design requirements of this section. The Public Works Department may establish supplemental minimum design standards for local roads that are in place prior to the date of adoption of this article, which may be used when such existing local roads are considered in need of repair or Improvements for any reason.

Sec. 45-612. Right-of-way use, protection and acquisition.

- (a) *Use of Right-of-way.* Any use of County-owned Right-of-way to transport Mobile Homes, Modular Homes, houses, or any over-sized load shall require a permit from the Public Works Department prior to transport. For purposes of this section, "over-sized" shall be defined as exceeding a width of 8.5 feet, a height of 13.5 feet, a length of 80.0 feet or a gross weight as specified in section 42-4 of the Putnam County Code of Ordinances.
- (b) *Development within corridors.* No subdivisions or non-residential development shall be permitted within proposed future County or State road Right-of-way corridors, if any, as established in the traffic circulation plan and the goals, objectives and policies of the Putnam County Comprehensive Plan, unless approved by the Board of County Commissioners.
- (c) *Development contiguous to existing collector roadways.* Prior to the development of subdivisions or non-residential development contiguous to an existing County collector roadway, the Right-of-way shall be reserved or dedicated to Putnam County in accordance with the transportation element of the Putnam County Comprehensive Plan or other requirements specified within County approved plans, unless otherwise approved by the Board of County Commissioners.

Sec. 45-613. Right-of-way requirements.

- (a) *Minimum widths.* Minimum Right-of-way widths shall be as listed in Table 7.10A. These minimum widths may be increased to allow sufficient width for drainage facilities, utilities, sidewalks, bicycle paths, or other appurtenances within the Right-of-way.

Table 7.10A: Minimum Right-of-Way Widths				
Roadway Classification	Curb/Gutter		Swale Section	
	2-Lane	4-Lane	2-Lane	4-Lane
Local Roads	66 feet*	N/A	66 feet**	N/A
Minor Collectors	80 feet	110 feet	80 feet	130 feet
Major Collectors	80 feet	130 feet	100 feet	150 feet

* Right-of-way widths for local road Curb and Gutter sections may be reduced to 50 feet upon demonstration that an electric utility easement five feet in width or greater is provided outside of the Right-of-way on each side.

**Curb and Gutter may be required by the Director of Public Works if the proposed roadway cannot meet the minimum Right-of-way widths established by Table 7.10A above.

- (b) *Special circumstances.*
 - (1) If pavement within a roadway is divided, or if the centerline of the roadway deviates from the centerline of the Right-of-way, such as to allow for preservation of trees within the Right-of-way, the width for the remaining portion of the Right-of-way outside of the travel lanes shall comply with the roadway typical section for the designated roadway classification. Design of the roadway must be adequate to assure that the tree root system will not adversely affect the integrity of the roadway in the future or impact the proper location of the utility placement. Utility installation must be in accordance with the manual of uniform utility installation of public Rights-of-way.
 - (2) Intersections. All intersecting roadways shall require additional Right-of-way at the corners. The corner clip shall connect the two points which are 20 feet from the intersecting Right-of-way lines or a 25-foot radius return.

- (3) Reduction of the minimum Right-of-way widths listed in Table 7.10A may be permitted if documentation demonstrates sufficient width to safely accommodate all planned or required drainage facilities, utilities, sidewalks, bicycle paths, or other appurtenances within the Right-of-way or separate easements.
- (4) Requirements of this Code shall not prohibit the County from undertaking, or permitting, expansion of existing travel lanes within Right-of-way not meeting the minimum widths in Table 7.10A, if environmental, legal, or physical constraints prevent expansion of such Right-of-way to the minimum widths, so long as public safety is not jeopardized.

Sec. 45-614. General road design requirements.

(a) *Minimum lane width.*

- (1) Minimum travel lane widths shall be as follows:

Table 7.10B: Minimum Travel Lane Widths			
Roadway Classification	Minimum Lane Widths		Shoulder Width
	Vehicle	Bicycle	
Local Roads	11 feet per lane	0 feet	3 feet (paving optional)
Minor Collectors	12 feet per lane	0 feet	3 feet (paving optional)
Major Collectors	12 feet per lane	5 feet	3 feet (2 feet paved)

- (2) If pavement within a roadway is divided, such as to allow for preservation of trees, the minimum pavement width shall be 20 feet. The minimum pavement width of 20 feet shall be measured from the edge of pavement. Right-of-way widths for the divided section shall be in accordance with Table 7.10A.

(b) *Cul-de-sacs.*

- (1) All roadways without a paved outlet shall be terminated with a cul-de-sac.
- (2) The minimum Right-of-way width for a cul-de-sac bulb with Curb and Gutter sections shall be a 50-foot radius. For a Swale section, the minimum Right-of-way width shall be a 55-foot radius. These widths may be increased to allow sufficient width for drainage facilities, utilities, sidewalks, bicycle paths, or other appurtenances within the Right-of-way.
- (3) The minimum pavement radii for cul-de-sacs shall be 40 feet with the pavement design for the cul-de-sac bulb consistent with the roadway.
- (4) Other variation or shapes of cul-de-sacs may be allowed if the design conforms to American Association of State Highway and Transportation Officials (AASHTO) criteria contained in "A Policy on Geometric Design of Highways and Streets."

(c) *Roadway alignment.* Roadways shall be designed with the following minimum radii for the centerline of curves:

Table 7.10C: Centerline Radius Requirements	
Roadway Classification	Minimum Centerline Radius
Local Roads	100 feet
Minor Collectors	325 feet*
Major Collectors	500 feet*

* Minimum centerline radius may be increased based upon design speed of roadway.

(d) *Shoulder treatment and guardrails.*

- (1) All disturbed construction areas within County rights-of-way and easements shall be treated with seed and mulch, at a minimum, to protect the Right-of-way against erosion, siltation and rivulets caused by surface run-off.
- (2) All roadway work shall require a minimum of 36 inches of sod adjacent to the edge of pavement. Grasses shall be Argentine Bahia or an approved alternative. Winter rye and/or millet may be mixed for protection until germination. Grasses shall be fully established and free of disease and damaging insects prior to County approval of the project. All soil preparation, grassing, mulching, sod and watering shall meet FDOT specifications for material and method of construction.
- (3) Major collectors must have a minimum of 24 inches of paved shoulder.
- (4) Guardrails and shoulders shall be designed and placed in accordance with FDOT standards and specifications.

(e) *Signing and pavement marking.*

- (1) All roadway signs and pavement markings shall comply with the manual on uniform traffic control devices (MUTCD) and FDOT standards and specifications. Signing and pavement marking plans shall be submitted on all development plans and shall require approval from the Public Works Director. All traffic control signs and pavement markings for new developments shall be furnished and installed at no cost to the County.
- (2) Local roads shall meet FDOT standards and specifications for all pavement markings, including turn lanes, stop bars, crosswalks, and other areas as designated by the Public Works Director. New asphalt shall be allowed a 30-day curing period before placement of thermoplastic materials. Temporary pavement markings shall be applied where necessary to control traffic on roadways during the curing period.
- (3) All major and minor collectors shall be delineated with roadway pavement markings according to FDOT standards and specifications. The approach leg of a local road with a major or minor collector shall be delineated with a stop bar and a double yellow centerline for a minimum length of 100 feet from the stop bar.
- (4) All major and minor collectors shall be delineated with reflective pavement markers (RPM) according to FDOT standards and specifications. Variances may be granted for roads where highway lighting exists, or when, in the judgment of the Public Works Director, the need for reflective pavement markers does not exist.
- (5) When access is to a major collector, the stop sign shall be 36 inches wide. The back side of each sign is required to have the date of installation stenciled on it (month/year), in one-inch figures using a long lasting flat black paint or decal.
- (6) Street name signs, whether on public or private roadways, shall have white lettering on green background. All street name signs shall conform to County specifications for size, shape, lettering style, and other requirements.
- (7) All signs shall be manufactured with high-intensity sheeting material unless otherwise specified by the director or by this Code.

(f) *Traffic signals.* Traffic signals may be required if justified based upon traffic signal warrants contained in the MUTCD and the signal location is approved by the Public Works Director. All expenses, including signal

warrant study, design, materials, and installation shall be the responsibility of the Applicant at no cost to the County. Traffic signals shall be designed to comply with the MUTCD and FDOT standards and specifications, and the signal equipment shall meet County specifications. The traffic signal shall become the property of Putnam County upon acceptance by the County of the signal installation following a 90-day burn-in time period to ensure that all equipment is functioning properly.

Sec. 45-615. Pavement standards.

(a) *Stabilized subgrade.*

- (1) All roadway and Driveway subgrades shall have a minimum width to meet minimum roadway design requirements of section 45-614 above. Minimum depth and bearing values shall be as follows:

Roadway Classification	Stabilized Depth	Lime Rock Bearing Ratio (L.B.R.)
Local Roads	8 inches	40
Minor Collectors	12 inches	40
Major Collectors	12 inches	40

- (2) Where the existing soils to be used in the roadway subgrade have the required bearing value, no additional stabilizing material will be required. The stabilizing material, if required, shall be high-bearing value soil, sand clay, lime rock, shell or other materials that meet the standards established in the FDOT specifications.
- (3) The construction of the stabilized roadbed shall meet the criteria as set forth in the FDOT specifications. Minimum density shall be 98 percent (modified proctor method).
- (4) Tests for the subgrade bearing capacity shall be located no more than 500 feet apart or every soil change, and tests for compaction shall be located no more than 300 feet apart. Tests shall be staggered to the left, right, and on the centerline of the roadway with no less than two tests conducted per roadway section. When conditions warrant, in the judgment of the Public Works Director, additional tests may be required to assure compliance with FDOT specifications. The contractor/project engineer will be advised in writing that additional tests will be required and the extent of such additional tests. Special attention shall be given to the need for any compaction retests in subgrade areas disturbed by underground utilities or other construction, especially under Curb areas.
- (5) All test data shall be forwarded to the Public Works Director for review prior to constructing the base course.

(b) *Base course.*

- (1) Base course materials shall be lime rock or material with an equivalent structural value. The minimum thickness and density for lime rock shall be as follows:

Roadway Classification	Stabilized Depth	Lime Rock Bearing Ratio (L.B.R.)
Local Roads	6 inches*	100
Minor Collectors	8 inches*	100
Major Collectors	10 inches*	100

*Note: The Director of Public Works may approve a lesser base course depth if provided for using FDOT standards and specifications.

- (2) The base course width shall be a minimum of 12 inches greater than the finished surface course. Lime rock shall conform to FDOT specifications for base course material and construction methods. Under special conditions where base material may be subjected to greater than normal moisture, soil cement or asphaltic base may be used after approval by the Public Works Director. In such instances, the Applicant shall submit the justification and geotechnical data to be used to determine mix and depth of the base material, the contractor's experience record, and quality control procedures. The engineer of record shall state whether a fabric or other method will be used in the system to minimize surface cracking.
 - (3) All bases shall be primed in accordance with the FDOT specifications. A tack coat will not be required on primed bases except on areas which have become excessively dirty and cannot be cleaned, or in areas where the prime has cured and lost all bonding effect. Tack coat material and construction methods shall conform to FDOT specifications.
 - (4) The construction of the base shall meet the criteria as set forth in the FDOT specifications. Minimum density shall be 98 percent modified proctor method.
 - (5) Testing for the base thickness and compaction shall be located no more than 300 feet apart and staggered to the left, right, and on the centerline of the roadway with no less than two tests conducted per roadway section. When conditions warrant, in the judgment of the Public Works Director, additional testing may be required to assure compliance with FDOT specifications, the contractor/project engineer will be advised in writing that additional tests will be required and the extent of such additional tests.
 - (6) All test data shall be forwarded to the Public Works Director for review prior to applying the surface course.
- (c) *Asphaltic concrete surface course.* Surface courses for flexible pavements shall meet the following minimum thickness requirements:

Roadway Classification	Structural Course		Friction Course	
	Minimum Thickness	Type	Minimum Thickness	Type
Local Roads	1-¾ inches	S-I*	NA	NA
Minor Collectors	1-½ inches	S-I*	NA	NA
Major Collectors	1-¾ inches	S-I	¾ inches	S-III

* S-III or other suitable substitute with an equivalent structural value shall be permitted.

- (1) Asphaltic concrete types or equivalent structural courses shall conform to the FDOT standards and specifications for design, materials, and method of construction. A mix design shall be submitted to the Public Works Director prior to commencing the paving.
 - (2) Asphalt cores for thickness shall be located no more than 200 feet apart and staggered to the left, right, and on the centerline of the roadway with no less than two cores taken per roadway section.
 - (3) All test data shall be forwarded to the Public Works Director prior to final approval of the roadway.
- (d) *Portland cement concrete pavement.*
- (1) Stabilized subgrade requirements for Portland cement concrete pavements shall be the same as those for flexible pavements.
 - (2) Minimum pavement thickness requirements shall be as follows:

Table 7.10G—Portland Cement Concrete Pavement Thickness	
Roadway Classification	Minimum Thickness
Local Roads	6 inches
Minor Collectors	8 inches
Major Collectors	10 inches

- (3) Portland cement concrete pavement, including joints, shall conform to FDOT specifications for materials and method of construction. A mix design shall be submitted to the Public Works Director prior to commencing operations.

Sec. 45-616. Roadway drainage.

(a) *Open channels.*

- (1) The design of open channels shall be in accordance with FDOT design standards, using standards for the 25-year/24-hour storm event as the minimum.
- (2) Provision for on-site and off-site retention of stormwater shall be in accordance with St. John's River Water Management District.
- (3) The design of open channels shall consider the need for channel linings. Standard treatment for roadside Swales shall be seeded and mulched and/or hydro-mulched where flow velocities are less than velocities permitted for bare soil conditions. Sodding shall be used when the design flow velocity exceeds values permitted for bare soil conditions, but do not exceed four feet per second or where side slopes exceed a steepness of three feet horizontal to one foot vertical (3:1). Sodding shall be staggered, to avoid continuous seams in the direction of flow. For flow velocities greater than four feet per second, flexible or rigid linings shall be used. Flexible linings may include use of geotextile grids, rock rip-rap, and interlocking concrete grids. Rigid linings shall include concrete pavement. Table 7.10H below sets forth guidelines for lining types based on various design factors that include open channel gradient, side slopes, and velocity ranges. Subject to applicability to site conditions, manufacturer's recommendations and approval from the Public Works Director, alternative channel linings may be acceptable.

Table 7.10H—Guidelines for Lining Types			
Gradient (%)	Side Slopes	Velocity Range (fps)	Protective Lining
0.75% and Less	Flatter than 3:1	Less than 2.0	Grass with Mulch
0.75% to 2.00%	3:1 to 2:1	2.0 to 4.0	Sod
Greater than 2.00%	Steeper than 2:1	Greater than 4.0	Flexible/Rigid Lining

Note: Channel velocities greater than six feet per second shall require energy dissipation.

- (4) For open channels where positive flow conditions are required, a minimum physical slope of 0.1 foot per 100 feet (0.1 percent) or the slope to provide for conveyance of the design flow, whichever is greater, shall be used.
- (5) The design of all open channels and roadside Swales shall consider ease of maintenance and accessibility. Side slopes for roadside Swales shall be in general conformance with the roadway typical sections. Side slopes for other facilities requiring regular maintenance shall not be greater than three feet horizontal to one foot vertical (3:1).

(b) *Cross-drains.*

- (1) Cross-drains shall be sized and designed to handle run-off for a 50-year/24-hour storm event.
 - (2) All cross-drain pipes shall be constructed of reinforced concrete, unless otherwise approved by the Public Works Director.
 - (3) The minimum allowable pipe diameter for cross drains shall be 15 inches or the equivalent section for arch or elliptical pipe.
 - (4) The minimum length of pipe to be used, including the end treatment, shall be the length necessary to provide for the required roadway shoulder width and adequate clear zone requirements.
 - (5) All construction drawings submitted for review shall include a schedule showing the size, type, and invert elevation of the side-drain needed to provide access to each subdivided Lot .
 - (6) Unless otherwise approved, minimum pipe cover shall be 12 inches measured from the outside top of pipe to the top of the roadway base at any point in the roadway cross-section.
 - (7) Culverts under intersecting side roads shall be considered as cross drains and shall be designed using cross drain criteria.
 - (8) Cross-drains shall be installed with County approved end treatments. End treatments shall include mitered ends and "U" type mitered end walls. Headwalls may be allowed where placement meets clear zone requirements.
- (c) *Side-drains (Driveway culverts).*
- (1) Side-drains shall be designed to handle run-off for a 50-year/24-hour storm event.
 - (2) The minimum allowable pipe diameter for side drains shall be 15 inches or the equivalent section for arch or elliptical pipe.
 - (3) All construction drawings submitted for review shall include a schedule showing the size, type, and invert elevation of the side-drain needed to provide access to each subdivided Lot .
 - (4) Side-drains shall be installed with County approved end treatments. End treatments shall be mitered ends and "U" type mitered end walls.
 - (5) Side drains shall be set at an elevation that conforms to the ditch grade.
 - (6) Standard pipe length including shoulder for side-drains with ditches less than five feet in depth shall be based on the following:

Table 7.10I—Driveway Culvert Pipe Length Requirements		
Driveway Type	Maximum Pipe Length*	Minimum Pipe Length*
<i>Residential Driveways</i>	Driveway width plus four feet each side	Driveway width plus 2 feet each side
<i>Non-Residential Driveways</i>	Driveway width plus 8 feet each side	Driveway width plus 4 feet each side

* Pipe length does not include the length of end treatment or slope length. For ditches greater than five feet in depth, the pipe length shall be reviewed for approval by the Public Works Director on a case-by-case basis pursuant to FDOT standards.

- (d) *Curb, Gutter and inlets.*
- (1) The FDOT standards and American Association of State Highway and Transportation Officials (AASHTO) Standard Specifications shall be used as a guideline for selection of drainage Structure types and hydraulic capacities.

- (2) Selection of Curb, Gutter, and inlet type, location, and spacing shall consider roadway geometry; width of spread (flow); inlet geometry and intake capacity; maximum pipe length without maintenance access; potential for flooding of off-site property; and pedestrian and bicycle safety. Maximum spacing for Curb inlets shall be based on the width of spread. Width of spread shall not exceed one-half of the travel lane adjacent to the Gutter for a rainfall intensity of four inches per hour. In general, maximum spacing for inlets shall be 500 feet. Longer spacing may be allowed upon demonstration that the width of spread meets requirements set forth above.
 - (3) Inlets shall be placed at all low points in the Gutter grade, and as appropriate at intersections, median breaks, and on side streets where drainage could adversely affect the safety of vehicular or pedestrian movements within the roadway intersection.
 - (4) Curb inlets shall not be located within drop Curb locations.
 - (5) The minimum allowable Gutter grade shall be 0.3 percent.
- (e) *Pipe material and specifications.*
- (1) The FDOT standard specifications for road and bridge construction shall be used as a guideline for specifications on pipe material, placement, bedding, and backfill requirements.
 - (2) Pipe material shall be selected based on durability, structural capacity, and hydraulic capacity. The design service life of the facility shall be based on the following:

Table 7.10J—Minimum Service Life Requirements for Pipe Material	
Facility Type	Service Life
Stormwater Systems	50 or 100 years*
Cross-Drains	50 years*
Side-Drains	25 years

*Note: Where more than one service life is given, the lower value shall be used for locations on local and minor collector roadways, and the higher value shall be used for locations on major collectors and in urban areas.

- (3) In estimating the projected durability of a material, consideration shall be given to actual performance of the material in nearby similar environmental conditions, its theoretical corrosion rate, the potential for abrasion, and other appropriate site factors. To avoid unnecessary site-specific testing, generalized soil maps such as the soil conservation service soil survey for Putnam County area may be used to delete unsuitable materials from consideration. In the event testing is necessary, tests shall be based on FDOT approved test procedures. The potential for future land use changes which may change soil and water corrosion indicators shall also be considered to the extent practical. Backfill material shall not be more corrosive than that which is required to provide the design service life.
- (4) All gravity flow pipe installations shall have a soil tight joint performance unless site-specific factors warrant watertight joint performance.
- (5) The approved pipe materials are listed in Table 7.10K. Prior to any aluminum pipe installation, test reports on the soil pH shall be submitted with a certification that the material furnished will provide sufficient resistance to corrosion to maintain the design service life.

Table 7.10K—Approved Pipe Material
Corrugated Steel Pipe or Arch
Bituminous Coated Corrugated Steel
Reinforced Concrete
Reinforced Concrete Elliptical Pipe

Aluminum Pipe Corrugated High Density Polyethylene Pipe
--

- (f) *Other drainage structures.*
- (1) The FDOT roadway and traffic design standards shall be used as a guideline for selection and construction of all drainage structures, including, but not limited to: manholes, inlets, pipe end treatment, and box culverts.
 - (2) Bridges shall be designed and constructed in accordance with the FDOT standards and specifications, FDOT structures design guidelines, and American Association of State Highway and Transportation Officials (AASHTO) Standard Specifications for Highway Bridges.
 - (3) Bulkheads and/or retaining walls shall be designed by a professional engineer holding an active license in the State of Florida.

Sec. 45-617. Existing roadway/access facilities.

- (a) *Generally.*
- (1) Any new subdivision or non-residential development that will cause a change to the functional classification of an existing roadway used for access to the proposed development (e.g. development that causes a local road to become a minor collector) shall be required to improve the impacted section of existing roadway to meet the requirements of the new functional classification.
 - (2) Notwithstanding the above, in no case shall a new subdivision be approved unless the roadway used to access the subdivision is a public roadway, nor shall any subdivision or non-residential development be approved by the County if the existing portion of the roadway used to access the subdivision or non-residential development is less than 20 feet in width, unless Improvements are made to the existing Right-of-way to allow for the necessary Right-of-way infrastructure.
 - (3) As used herein, "existing roadways facilities" means roads or related facilities in place prior to the effective date of this article.
- (b) *Non-paved roads.*
- (1) Existing private or public roadways that are non-paved, which are to be used for access to one of the proposed development types described in paragraphs a. through c. below, shall be improved by the Developer to meet the roadway design requirements of this section from the development's point of access to the intersection of the next higher classification roadway:
 - a. New subdivision.
 - b. New multi-family residential and non-residential development.
 - c. New development that will result in more than one residential unit per Lot of record (e.g. the road servicing the proposed development serves multiple residential units on one Lot of record).
 - d. The Board of County Commissioners may waive the requirements of this paragraph, if there is competent substantial evidence in the form of traffic studies that are conducted in accordance with generally accepted methodologies, which demonstrate that the proposed development will not exceed the functional capacity of the existing facilities.
 - (2) In all cases, any new development that will result in more than ten residential Dwelling Units accessed by a private paved or private non-paved roadway, including private access easements, must be approved in writing by the Public Works Director prior to issuance of any construction permits; unless

the private roadway is maintained pursuant to a maintenance agreement approved by the Board of County Commissioners for the continual maintenance of the private roadway.

- a. If the County Public Works Director determines that the proposed development will exceed the functional capacity of the roadway and that Improvements are required, the required Improvements shall be stated in writing. The department shall not issue permits for the proposed development until such Improvements are in place.
- b. All Owners of record abutting the private roadway in question shall be provided a copy of the findings in paragraph a. above. Determinations of the County Public Works Director under this subparagraph shall be considered final and subject to appeal pursuant to article XII, division 13 of this Code.

Sec. 45-618. Sidewalks.

(a) *When required.*

- (1) Sidewalks shall be required on all roads that are classified as County major or minor collectors. Sidewalks shall be constructed on each side of the roadway to be developed unless otherwise provided through an approved pedestrian circulation plan. On all new County major or minor collectors, sidewalks shall be required on both sides.
- (2) The Public Works Director may grant an administrative waiver for the construction of sidewalks within its Right-of-way. However, the Developer may be required to provide funds for the cost of sidewalk to the County. The unit price for sidewalk shall be established by the Public Works Director.

(b) *Design.*

- (1) Sidewalks shall be designed and constructed in accordance with FDOT standards except as modified herein. The finished grade of sidewalk shall be constructed to conform to the master drainage plan, if applicable, to prevent ponding.
- (2) The minimum sidewalk width shall be five feet in width on major and minor collectors, with six feet provided in areas of high pedestrian travel such as near schools, parking facilities, shopping centers, and transportation facilities. Sidewalks provided on local roads shall be a minimum of four feet in width and shall be placed three feet inside the Right-of-way line. Handicap ramps, meeting Florida Accessibility Code specifications, are required on all Curb and Gutter sections. If an obstruction is unavoidable, the sidewalk shall be widened to compensate for the obstruction.
- (3) Sidewalks should be placed as far as possible from the roadway travel lane as practical. If Right-of-way constraints require the sidewalk to abut Curb and Gutter, the minimum sidewalk width shall be six feet. Utility strips should be considered in determining the location of the sidewalk to better serve the needs of the pedestrian traffic as well as the utility companies and to increase roadway safety. Location of roadway signs and signal poles should also be a consideration in establishing sidewalk location.
- (4) Where bicycle paths are called for in the roadway design, whether mandatory or voluntary, the County may require or allow multipurpose walks that are a minimum of seven feet wide in order to allow for use by bicycles. Use of multipurpose sidewalks shall satisfy the bicycle path design requirements of section 45-614.

Sec. 45-619. Intersection sight distance requirements.

- (a) *Generally.* Upon creation of any intersection of public or private roads, streets or Driveways, or development of Parcels abutting such intersections, unobstructed visibility within the designated visibility triangle shall be maintained. Visibility triangles shall be required as follows:

-
- (1) *Driveways.* Where a Driveway intersects a roadway, the visibility triangle shall be measured ten feet each way (i.e. along the Right-of-way and along the Driveway) from the point of intersection at the pavement or other road surface.
 - (2) *Roadways.* Where roadways intersect, the visibility triangle shall be measured 25 feet each way from the point of intersection.
- (b) *Standards.* To ensure adequate visibility at defined intersections, the Owner(s) of private real property shall not, within a required visibility triangle:
- (1) Plant or permit the growth of shrubbery or any other vegetation above the height of 30 inches from the surrounding general ground level; or
 - (2) Allow tree branches to extend below the height of ten feet from the surrounding general ground level; or
 - (3) Allow any berm, fence, wall, or any other Structure to be erected, placed or exist, which will obstruct a driver's view of approaching traffic on a through road or street.
- (c) *Existing obstructions.* If a visual obstruction described in paragraphs (b)(1)—(3) above is in existence before the effective date of this subsection or it was both (a) formally permitted by the County and (b) substantial investment was made on its completion or erection, which investment would be lost by compliance with this subsection, it shall be considered a non-conforming use. Such a non-conforming use may continue to exist but shall not be altered, expanded, replaced, renewed, or enhanced after the effective date of this Code unless in conformance with this Code.

Secs. 45-620—45-630. Reserved.

DIVISION 11. ACCESS MANAGEMENT

Sec. 45-631. Generally.

- (a) *Intent.*
- (1) Putnam County has the authority to establish, control, and limit points of ingress and egress from County and private roadways to ensure the safety and efficiency of its roadway system and the safety of the general public. These standards are intended to implement Florida law. Consequently, this Code shall be consistent with the Florida Department of Transportation (FDOT) "Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways" (Green Book), FDOT "Roadway and Traffic Design Standards" (Standards), and the United States Department of Transportation "Manual on Uniform Traffic Control Devices" (MUTCD) unless specifically revised by this Code or the S & D Manual. References will be made to the FDOT "Standard Specifications for Road and Bridge Construction" (Specifications).
 - (2) No facilities for ingress or egress to County or private roadways shall be constructed unless they comply with the standards set forth in this subsection.
 - (3) This subsection adopts access standards for regulation and control of vehicular ingress to, and egress from the County roadway system. The implementation of these standards is intended to protect public safety and general welfare, provide for the mobility of people and goods, and preserve the functional integrity of the County roadway system. The standards shall be the basis for connection permitting and the planning and development of County and Developer construction projects.

Sec. 45-632. Road Frontage requirements.

- (a) Generally. No Lot or Parcel of land created after the effective date of this section shall be used for the construction, location or erection of any Building or Structure (including a Mobile Home), where such Lot does not abut upon a public Right-of-way or a private roadway that meets minimum road and drainage standards established by this article and has an approved maintenance guarantee under section 45-1044 of this Code.
- (b) The minimum road Frontage shall be 50 feet or the required Lot width of the zoning district, whichever is less, except that when the Frontage is on a cul-de-sac or a curve, the minimum Frontage shall be 25 feet.
- (c) Subject to the limitations of section 45-617 of this article, lots created prior to the effective date of this article that do not meet the Frontage requirements of this article, must obtain an administrative deviation to allow for the construction, location or erection of a residential building or Structure (including a Mobile Home), provided the Lot or Parcel has at least 35 feet of road Frontage and conforms with all other applicable provisions of this Code. If Lot Frontage is less than 35 feet or if the Lot was created after the effective date of this article, any reduction in Lot width shall require a variance from the Zoning Board of Adjustment.
- (d) Non-residential uses. Non-residential uses must provide ingress and egress to public roads through a non-residential zoning district. Nonresidential uses or districts shall not be accessed by motorized vehicles from or through property that is designated residential under both the future land use and zoning.

Sec. 45-633. Connection permit required.

- (a) *Generally.* A permit shall be required prior to repairing, constructing or modifying, as defined below, any connection to the County Road system. A connection permit shall be required for the following:
 - (1) All connections onto a County Road, regardless of whether the development served by the connection is new or existing;
 - (2) All modifications to existing Driveways that will result in a change in the Driveway's dimensions, location, profile, or the movement of vehicular or pedestrian traffic or in the manner in which stormwater is routed at the connection;
 - (3) All modifications to the Driveway required by the County Public Works Director due to changes on-site that affect the safe and efficient operation of traffic at the connection;
 - (4) All new public or private roads and modifications to public or private roads;
 - (5) All sidewalk or bikeway placement in, or connections to, the County Road system;
 - (6) All public or private utility placement or work within a Right-of-way.
- (b) *Exemption from permit requirement.* Connections to and work in the state roadway system do not require a connection permit from the County, but may be reviewed during the development review process to ensure an appropriate permit is obtained from the Florida Department of Transportation and to ensure consistency with the requirements of this chapter, in regards to location, spacing and number of connections to the property and the impact the development may have on traffic.
- (c) *Permit application.* An application for a connection permit to a Right-of-way shall be filed with the Department and reviewed by the Public Works Department.
- (d) *Required information.* The plans submitted for review shall depict, at a minimum, the proposed Improvements for Driveway connections and Driveway approaches. The plans shall provide the Driveway size, width, return radii, angle to the roadway, approach taper length, existing and proposed pavement

marking, existing and proposed drainage pipes or other drains (including pipe size and type of material), and existing and proposed grades (including pavement design). Applications for any other type of work within the County right-of way must schedule a pre-application conference with the County Public Works Director or designee prior to submitting an application.

- (e) *Unauthorized or non-compliant construction and/or failure to maintain.*
 - (1) If construction occurs within Right-of-way prior to receiving the required review, permits and inspection, the County will send a letter by certified U.S. mail to the benefiting property Owner and any known contractor that may be involved. The letter will give the parties involved notice that if the construction is not compliant within 30 days from the date of the letter, the Public Works Department may proceed to remove the noncompliant construction. Furthermore, the County may open a code enforcement case against the property Owner(s) and any involved contractor(s), to be heard by the special magistrate, seeking liens to recover the County's cost incurred in removing and/or replacing the construction.
 - (2) In any case where such Driveway connections or other work within the Right-of-way have not been maintained or have otherwise failed and has created nuisance flooding, improper drainage or is otherwise damaging the Right-of-way, the County will employ the same procedure as outlined in (1) above.

Sec. 45-634. Location of connections.

- (a) *Commercial uses.* The location of commercial Driveways should be compatible with the internal movement of traffic and the planned parking layout. The location of the Driveway connection shall never allow vehicles to back across the throat of a Driveway or back into the "through" travel lane. Developments with 30,000 square feet Gross Floor Area or more shall have a minimum of 75 feet of storage lane at the entrance to avoid obstructing through traffic. The throat length shall be computed from the end of the radius point and extend 75 feet into the site.
- (b) *Single family uses.* Single family residential Driveway connections shall be restricted to local roads unless otherwise approved by the Public Works Director.
- (c) *Planned developments.* Planned developments shall incorporate design of the internal roadway systems to alleviate residential Driveway connections to arterials and major and minor collectors.
- (d) *Spacing.* The spacing of Driveway connections on major collectors shall generally comply with the standards in Table 7.11A.

Adjoining Road Posted Speed Limit	Minimum Access Spacing (feet)
25 mph	80
30 mph	105
35 mph	145
40 mph	185
45+	200

Sec. 45-635. Driveway design.

- (a) *Dimensions.* Driveway widths, spacing, radii, and minimum angles for residential and commercial Driveways shall be based on the guidelines in Table 7.11B below. An illustration of the Driveway connection can be found in Figure 7.3 of appendix VII.

Table 7.11B—Dimensional Criteria For Driveway Connections			
Residential Driveways	Local Roads	Minor Collectors	Major Collectors
Nominal Width Single Residence (W) Two or Three Residences (W)	12—18 feet 20—24 feet	12—18 feet 20—24 feet	14—18 feet 22—26 feet
Minimum Flare (F)* Minimum Radius (R)*	5 feet 15 feet	5 feet 15 feet	10 feet 15 feet
Minimum Spacing From Property Line (P) From Street Corner (C) Between Driveways (S)	5 feet 10 feet 10 feet	5 feet 10 feet 10 feet	15 feet 20 feet 10 feet
Minimum Angle (A)	80 degrees	80 degrees	80 degrees
Commercial Driveways	Local Roads	Minor Collectors	Major Collectors
Nominal Width One-Way (W) Two-Way (W)	16 feet 24—30 feet	16 feet 24—36 feet	16—20 feet 24—36 feet
Minimum Radius (R)	25 feet	30 feet	35 feet
Minimum Spacing From Property Line (P) From Street Corner (C) Between Driveways (S)	25 feet 25 feet 10 feet	30 feet 50 feet 20 feet	30 feet 50 feet See Table 7.11A
Minimum Angle (A)	80 degrees	80 degrees	80 degrees

(b) *Maximum number.*

- (1) The maximum number of Driveways allowed for projects other than single family residential units shall be as follows:
 - a. Property with 200 Frontage feet or less—One Driveway.
 - b. Property with more than 200 Frontage feet—Two Driveways developments shall not be allowed more than two Driveways on a single Frontage without approval of the Public Works Director. Two one-way connections shall equate to one Driveway for the purposes of this requirement.
- (2) Single family residential units shall generally be limited to one Driveway. Circular Driveways with two connections shall be permitted with a minimum 150-foot Frontage.

(c) *Driveway grades.* Figure 7.4 establishes maximum grade changes for Driveways from the three classes of roadways. For the values shown, no vertical curve connecting the tangents is necessary. For grade changes more abrupt than those in Figure 7.4, vertical curves at least ten feet in length shall be used to connect tangents.

(d) *Connection design.*

-
- (1) Proposed connections shall have no fences, walls, hedges, or other obstacles that will obstruct vision between a height of two and one-half feet and ten feet above the centerline grade of the intersecting Driveway, per FDOT Standards, Index No. 546.
 - (2) All connections to paved roadways shall be permanent type pavement, including Portland cement concrete or asphaltic concrete. Gravel, bituminous surface treatments, and other materials without a permanent surface are prohibited. Connections to paved roadways for a single residence may be provided by an unpaved, stabilized surface subject to approval of the Public Works Director.
 - (3) Pavement design requirements of commercial Driveway connections, for the extent of permanent pavement required in paragraph (e), below, including stabilized subgrade, base course, and surface course, shall equal or exceed the requirements of the adjacent roadway travel lane. Pavement design requirements of residential Driveway connections, for the extent of permanent pavement required in paragraph (e), below, shall equal or exceed the requirements for local roads, with the exception of Portland cement concrete Driveways which shall have a minimum pavement thickness of four inches.
 - (4) Where Driveways are constructed within the limits of existing Curb and Gutter construction, the existing Curb and Gutter shall be removed either to the nearest joints or to the extent that no remaining section is less than five feet long. If the Curb is not removed to the nearest joint, the Curb will be cleanly cut with a concrete saw. Driveway materials type should conform to the original construction on a section unless otherwise specifically provided on the permit.
- (e) *Connection limits.* Permanent pavement for all Driveways shall extend at least to the end of the Driveway Curb radius, or to the Right-of-way line, whichever is greater. Unless waived in writing by the Public Works Director, the property Owner or Developer shall install any required drainage structures and sufficient base materials for the Driveway prior to the first required inspection of the building to ensure protection of the drainage Structure, drainage and utility easements and Right-of-way during construction.
- (f) *Temporary Driveway connections.*
- (1) Temporary Driveway connections shall be permitted for activities that do not require a permanent Driveway connection. Examples of activities that may obtain a temporary Driveway connection may include, but are not limited to:
 - a. Silviculture operations;
 - b. Agricultural activities;
 - (2) Right-of-way permits shall be obtained for all temporary Driveway connections. Right-of-way permits for temporary connections shall expire after a six-month period and may be extended for additional six-month periods upon payment of the applicable Right-of-way renewal fee. Driveways that are used beyond a 12-month period shall be permitted and designed as permanent Driveway connections.
 - (3) Temporary Driveway connections shall be stabilized with lime rock or other suitable material for a minimum of 25 feet, or enough to improve the entire the Right-of-way area, whichever is greater. If a roadside ditch or Swale is present, a side drain is required which meets the requirements of article VII, division 10. The temporary Driveway connection shall be constructed to ensure that erosion will not occur that could affect the roadway drainage system. The Applicant shall ensure that dirt or debris is not tracked into the roadway travel lanes from the Driveway connection or shall make provisions for its immediate removal. The location, width, turning radii, and other design elements of the Driveway connection shall be consistent with all other provisions of this Code for a permanent Driveway connection.
 - (4) Upon expiration of the temporary Driveway connection permit, the Driveway connection shall be removed and the Right-of-way shall be restored to its original condition. Any damage to the edges of

pavement, shoulder, Swale or any other feature within the Right-of-way caused by the construction, use, or removal of the temporary Driveway connection shall be repaired or restored to its original condition at no expense to the County within 30 calendar days after written notice to the applicant.

(g) *Auxiliary lanes.*

- (1) Auxiliary turn lanes shall be required where safety and capacity considerations warrant their use for vehicle deceleration and storage. The provision of auxiliary lanes shall be required under the following conditions unless an engineering study can demonstrate that safety hazards or capacity deficiencies will not exist. Auxiliary turn lanes shall be required at connections to all major and minor collectors under the following criteria:
 - a. Collector roads with posted speed limits of 35 mph or greater:
 1. *Right turn lane.* Development will generate 250 vehicles per day (VPD) on the intersecting roadway or Driveway connection; or the Gross Floor Area of a non-residential development is 25,000 square feet; or, development will generate ten semi-trailer truck (WB-40 or larger) trips per day.
 2. *Left turn lane.* Development will generate 500 VPD on the intersecting roadway or Driveway connection; or the Gross Floor Area of a non-residential development is 50,000 square feet; or, the development will generate 15 semi-trailer truck (WB-40 or larger) trips per day.
 - b. Collector roads with posted speed limits of 30 mph or less:
 1. Right turn lane development will generate 500 VPD on the intersecting roadway or Driveway connection; or the Gross Floor Area of a non-residential development is 50,000 square feet; or development will generate ten semi-trailer truck (WB-40 or larger) trips per day.
 2. Left turn lane development will generate 1,000 VPD on the intersecting roadway or Driveway connection; or the Gross Floor Area of a non-residential development is 100,000 square feet; or the development will generate 15 semi-trailer truck (WB-40 or larger) trips per day.
- (2) The geometric design of the auxiliary lanes shall be in accordance with FDOT standards. The construction of auxiliary lanes shall meet other provisions of this Code. Pavement design requirements of the auxiliary lanes, including stabilized subgrade, base course, and surface course, shall be the same as the requirements of the adjacent roadway travel lane. The entire width of the road surface must be overlaid for the total length of the auxiliary lanes with a surface course of similar type as the adjacent roadway sections.
- (3) A Driveway shall not be constructed along acceleration or deceleration tapers connecting to interchange ramp terminals, intersecting roadways, bus bays or other Driveways unless access would be unreasonably denied and the Driveway can be made to function properly (i.e., safe and efficient traffic operation).
- (4) Signing and pavement marking, traffic signal, and maintenance of traffic criteria and specifications are provided in section 45-614 of this article.

Sec. 45-636. Use of easements for driveway access.

- (a) A recorded easement may be used for Driveway access serving up to two residential Dwelling Units, provided the Driveway meets the following minimum standards:

-
- (1) The minimum width of the easement shall be 30 feet.
 - (2) A minimum 20-foot wide stabilized surface with LBR 40 material to a depth of eight inches. Native materials below the stabilized surface shall not contain significant amounts of unsuitable materials (i.e. muck, clay, organics, etc.).
 - (3) A 40-foot radius stabilized turnaround or equivalent turnaround area (i.e. a "T" section).
 - (4) Any such easement and turning radius created shall extend into or onto any property or properties taking access from the easement a distance sufficient for such Lots to meet the Lot Frontage requirement of this Code.
- (b) Recorded easements for access serving unmanned sites (e.g. Antenna towers, relay stations and similar facilities) shall meet the following minimum standards:
- (1) The minimum width of the recorded easement shall be 30 feet.
 - (2) There shall be a minimum 16-foot wide stabilized surface with LBR 40 material to a depth of eight inches.
 - (3) There shall be a 40-foot radius stabilized turnaround or equivalent turnaround area (i.e. a "T" section).

Secs. 45-637—45-650. Reserved.

DIVISION 12. SUBDIVISION DESIGN STANDARDS AND GUIDELINES

Sec. 45-651. Access.

- (a) *Access to public road required.*
- (1) These regulations shall be supplemental to and interpreted in accordance with roadway standards found in article VII, division 10 of this article.
 - (2) Unless expressly approved for private streets under article XII of this Code, all lots within a subdivision shall have access to a street dedicated to public use that has been accepted for maintenance by Putnam County, a municipality, or the Florida Department of Transportation. Regardless of whether the internal roadway of the subdivision is public or an approved private road under article XII, the internal road of any new subdivision shall have immediate access to a public road.
 - (3) Adequate vehicular and pedestrian access shall be provided to each Parcel. The primary function of Local Streets is service to abutting properties. Street widths, placement of sidewalks, pattern of streets and number of intersections are related to safety and efficiency of access to abutting lands.
 - (4) Local circulation systems and land development patterns shall not detract from the efficiency of bordering minor and major collectors and arterials. This principle may involve control of Driveway, intersection placement, and full or partial control of access. Land development should occur so as to minimize direct access to minor and major collectors and arterials.
 - (5) Design of residential streets should clearly reflect their local function. These streets should have an appearance commensurate with their function as Local Streets. They should not be over-designed or over-built so as to allow for high speed travel, excessive width, etc.
 - (6) Subdivisions shall be designed so as to conform to and take advantage of the topographic and other natural features of the land. Local, State, or Federal laws, rules, or regulations in this Code may require development to avoid or minimize impacts to existing trees, wetlands, high aquifer recharge areas,

areas of special flood hazard, natural water bodies, potable water supplies, wildlife Habitat, and other environmentally sensitive areas.

(b) *Access to existing or proposed adjoining roadway system.*

- (1) *Arrangement of roadways.* The arrangement of roadways in new subdivisions shall make provisions for the continuation of existing arterial and collector roadways from adjoining areas, or for their projection where adjoining land is not subdivided. Where the subdivision is adjacent to another subdivision, Putnam County School Board property or a neighborhood or community Commercial Use, direct access shall be provided for non-motorized traffic where feasible. Residential neighborhoods shall be designed to include an efficient system of internal circulation and roadway stub-outs to connect into adjacent developments and link neighborhoods together.
- (2) *Access to arterial or collector roadways.* Unless otherwise approved by the Board of County Commissioners prior to the adoption of this section or for good cause shown, individual residential lots in subdivisions shall not have direct access to an arterial or collector roadway. Residential lots in subdivisions that abut an arterial or collector roadway shall not front on said roadway and access shall be blocked by a non-access buffer as provided under subsection 45-655(c)(5).
- (3) *Access to local roads.* Residential lots in subdivisions shall front on and have direct access to local roads. Local roads shall be arranged and designed so as to restrict their use by through traffic or high-speed traffic.

Sec. 45-652. Medians and islands.

- (a) *Allowed.* Medians and islands within the road rights-of-way are allowed when warranted by traffic conditions and are in conformance with the requirements of the roadway design requirements of the County.
- (b) *Designation of medians as park or recreation area prohibited.* Medians, islands, and islands in cul-de-sacs shall not be designated as park or recreation areas.
- (c) *Landscaping.* Landscaping of medians, islands, and islands in cul-de-sacs shall be in compliance with the landscaping requirements of this article.
- (d) *Maintenance.* Medians and islands shall be shown as separate Parcels/tracts on the site plan and annotated in one of the following ways:
 - "Parcel/tract ____ is dedicated to and will be maintained by Putnam County."
 - "Parcel/tract ____ is private property of ____ and is to be maintained by that Owner."
 - "Parcel/tract ____ is dedicated to and will be maintained by the Homeowners Association."

Sec. 45-653. Street names.

- (a) The E911 division shall name streets from a bank of names established by the E911 division. Consideration will be given to coordinating the name with other streets in the area.
- (b) All new street names shall use the commonly accepted spelling, according to Merriam-Webster's Standard Collegiate Dictionary.
- (c) Names with the same theme (i.e., flowers, states) are encouraged for naming streets in an entire subdivision, as a means of general identification.
- (d) All new street names must use only accepted suffix designations as shown in the table below.
- (e) Historically used street names shall be retained where possible.

- (f) Streets running continuously in one direction will have one name only throughout its entire length.
- (g) Where there is a series of long and short roadways accessed from the same intersecting through street, each roadway shall have separate names.
- (h) Streets may bear the same name as its intersecting through street with a different suffix designation without being considered a street name duplication.
- (i) Streets located on the same alignment in the same geographical region shall bear the same name and directional prefix even though they are not connected, if, in the discretion of the 911 coordinator, there is a reasonable expectation that they can connect in the future.
- (j) Major arterials and highways that change direction for a significant distance, crossing into a new quadrant, shall change directional prefixes at the most logical and convenient break point.
- (k) All of the following shall be prohibited:
 - (1) Numerical names (i.e., 1st, 2nd, etc.) or single alphabetical (i.e., A, B, etc.) as street names.
 - (2) Spaces between initials (i.e., E F K Drive will be EFK Drive) used in a street name.
 - (3) Punctuation in a street name including periods, hyphens and apostrophes (i.e., O'Brien).
 - (4) The use of similar-sounding street names (i.e., Peach and Beach; Lynwood and Linwood; Pinetree and Pine Tree).
 - (5) The use of a directional or suffix as street names (i.e., East First, East West, Drive CT).
 - (6) Any street name containing the word "and," however an ampersand (&) may be used (i.e., Seek & Find Lane).
 - (7) Any street named after a person, living or dead, without the consent of the Board of County Commissioners.
 - (8) Any duplication of street names, regardless of its suffix, except cases as described in subsection (h) above.
- (l) Accepted suffix designations and abbreviations:

Accepted Suffix Designation	Standard Abbreviation	Description
Avenue	AV	A roadway or thoroughfare lying in a North/South Direction, not ending in a cul-de-sac, and the future extension in either direction is possible.
Boulevard	BLVD	A major thoroughfare with a landscaped median dividing the roadway.
Circle	CIR	Discouraged but allowed, at the discretion of the 911 Coordinator. Specifically, a looped street that terminates on the same road at two points is discouraged, particularly in situations where confusion may arise to emergency responders due to duplicate intersection descriptions.
Court	CT	Permanently dead-end street or terminating in a cul-de-sac lying in an East/West Direction.
Drive	DR	A roadway or thoroughfare lying in a Northwest/Southeast Direction, not ending in a cul-de-sac, and the future extension in either direction is possible.
Highway	HIGHWAY	Used to designate State or Federal roads only.

Lane	LN	A roadway or thoroughfare lying in a Northeast/Southwest Direction, not ending in a cul-de-sac, and the future extension in either direction is possible.
Loop	LOOP	A street that begins and ends at the same cross street, such as a semi-circle.
Place	PL	Permanently dead-end street or terminating in a cul-de-sac lying in a North/South Direction.
Road	RD	A winding main thoroughfare extending the length of a subdivision or complex which continues through to other rights-of-way.
Street	ST	A roadway or thoroughfare lying in an East/West Direction, not ending in a cul-de-sac, and the future extension in either direction is possible.
Way	WAY	A short connecting street between two main roadways or thoroughfares.
Trail	TRL	Limited to use on non-vehicular trails and recreational trails. An exception would be for historical uses that include the suffix of trail, such as "Overland Trail."
DO NOT USE!! Plaza, Square, Walk	DO NOT USE!! PLZ, SQ, WALK	Not allowed for new vehicular streets.

Sec. 45-654. Natural resources and landscaping.

The subdivision shall be designed in compliance with the applicable standards of article VI of this Code and article VII, division 3 of this Code.

Sec. 45-655. Roadway layout.

(a) *Local roads.*

- (1) The maximum length of a block shall be 1,000 feet, unless otherwise approved.
- (2) Loop roads, cul-de-sac and curvilinear designs are encouraged.
- (3) The use of "T" intersections (with a minimum offset of 250 feet between intersections) are desirable.

(b) *Subdivision collector roads.* For subdivision collector roads, curvilinear roads are encouraged.

(c) *Right-of-way.*

- (1) *Generally.* Right-of-way design standards shall comply with Right-of-way, drainage and utility regulations of this article.
- (2) *Existing roads.* Additional Right-of-way adjacent to existing Putnam County and State Roads shall be dedicated to the County or the Florida Department of Transportation where needed to provide sidewalks, drainage Improvements, auxiliary lanes, storage lanes, and other such Improvements necessitated by the development.
- (3) *Intersections.* Sight distance shall be provided at all intersections by either providing rounded Right-of-way lines or straight corner cuts (sight distance triangles). Rights-of-way at subdivision intersections shall be rounded with a minimum 25-foot radius, or as otherwise required by traffic conditions or geometric requirements. Corner cuts shall meet or exceed the limits of the 25-foot radius. The

Developer shall consider sight distance requirements in determining the amount of Right-of-way to provide at roadway intersections.

- (4) *Dead-end streets.* The maximum length for a dead-end street shall be 1,800 feet. A cul-de-sac shall be constructed at the end of a dead-end street and shall be in accordance with the roadway, drainage and utilities standards of this section. Where a street is to be continued, or is part of a phased construction, a "T" type turnaround will be required when the street is 100 feet or more in length, as measured from the nearest intersection. The "T" type turnaround will be in accordance with the roadway standards of this section.
- (5) *Buffer walls.* Buffer walls shall be constructed along all arterial and major collector roadways abutting residential land uses. As an alternative to masonry buffer walls, vegetated earthen berms shall be allowed meeting the provisions of the buffer/screening requirements of article VII of this chapter.

Sec. 45-656. Sidewalks.

- (a) *Generally.* Sidewalk design requirements and standards shall be in compliance with section 45-618 of this article.
- (b) *Types.*
 - (1) *External (outside the proposed site).*
 - a. External sidewalks shall be located on major or minor collectors adjacent to a subdivision. Sidewalks shall be constructed on the subdivision side of an existing major or minor collector from boundary to boundary of the subdivision and shall extend to the edge of the adjacent roadways. Sidewalks shall be constructed prior to final acceptance of the improvement facilities. The Developer shall be responsible for the construction of sidewalks.
 - b. The Public Works Director may grant an administrative waiver for the construction of sidewalks within its Right-of-way; however, the Developer shall be required to provide funds for the cost of sidewalk to the County. The unit price for sidewalk shall be established by the director of public works.
 - (2) *Internal (within the proposed site).* The Developer shall be responsible for the construction of sidewalks prior to certificate of completion and release of bond, unless a separate bond for completion of sidewalks has been provided.
 - (3) *Internal (other).* Sidewalks along unbuildable lots, common areas, and stormwater ponds shall be constructed prior to final acceptance of the improvement facilities. The Developer shall be responsible for the construction of sidewalks.

Sec. 45-657. Lots.

- (a) *Minimum dimensions.* Lots shall be designed to conform to the standards set forth in this Code.
- (b) *Municipal limits and Lot lines.* Lots shall be designed so that municipal boundary lines do not divide them, except where unavoidable and upon approval of the Board of County Commissioners.

Sec. 45-658. Stormwater management.

Subdivisions shall comply with requirements of the St. Johns River Water Management District (SJRWMD) and article VII, division 8 of this chapter.

Sec. 45-659. Water, wastewater, reclaimed water utilities.

- (a) *Generally.* Subdivisions shall be in compliance with roadway, drainage and utility standards of this article.
- (b) *Water and wastewater.* All new subdivisions shall be required to install water lines, wastewater lines and provide a lift station site with a wet well within the subdivision with the following exceptions:
 - (1) Subdivisions containing less than 20 lots, or
 - (2) Subdivisions where all Lot sizes are greater than or equal to one-half (1/2) acre in size.

Where service with a central utility provider is not immediately available, these water and wastewater lines shall be installed as dry lines in compliance with the standards contained in this Code for future connection to the central utility provider when it becomes available.

- (c) *Golf courses.* Subdivisions containing golf courses shall be required to install on-site central water and sewer systems for the entire subdivision, where a central utility provider is not available to provide service to the development. In addition, such development shall install lines for reclaimed water or on-site surface water to be used as the primary irrigation for the golf course.

Sec. 45-660. Fire protection.

Subdivisions shall be protected in accordance with Florida Fire Prevention Code and the regulations provided in article VII, division 6 of this chapter.

Sec. 45-661. Underground utility service.

When underground electric service is proposed, the pad mounted transformers shall not be located within the road Right-of-way, unless authorized by the Board of County Commissioners.

Secs. 45-662—45-670. Reserved.

APPENDIX VII

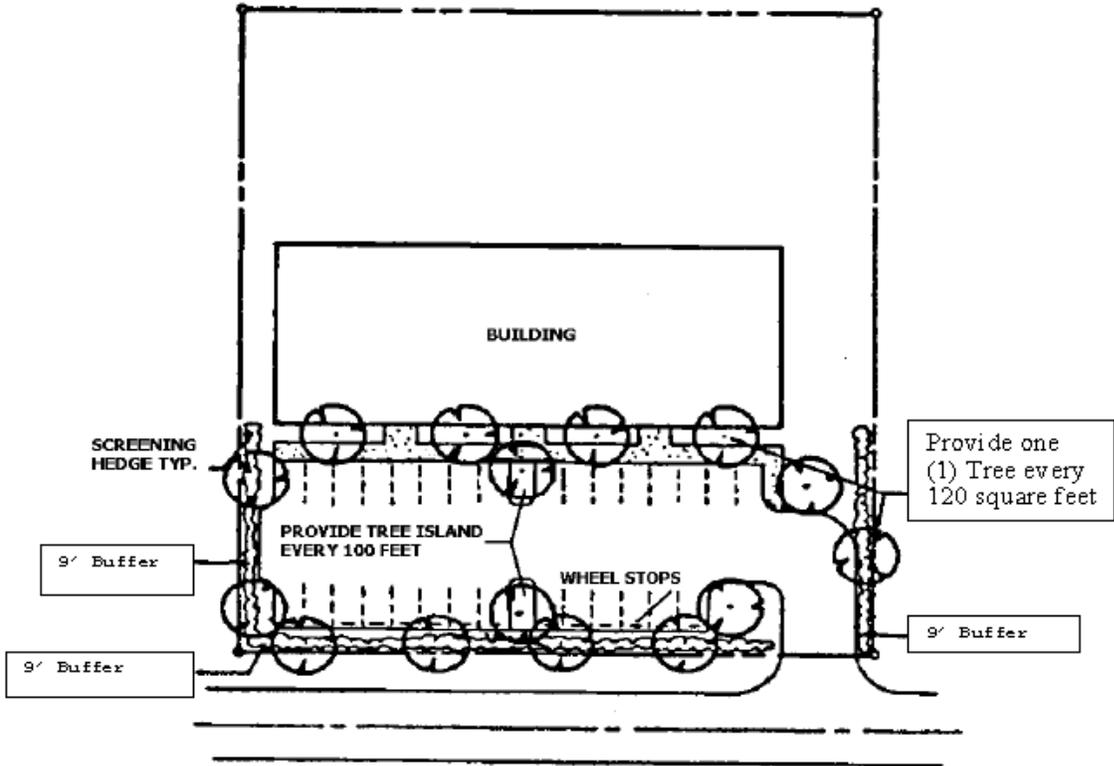


Figure 7.1 Perimeter Landscaping

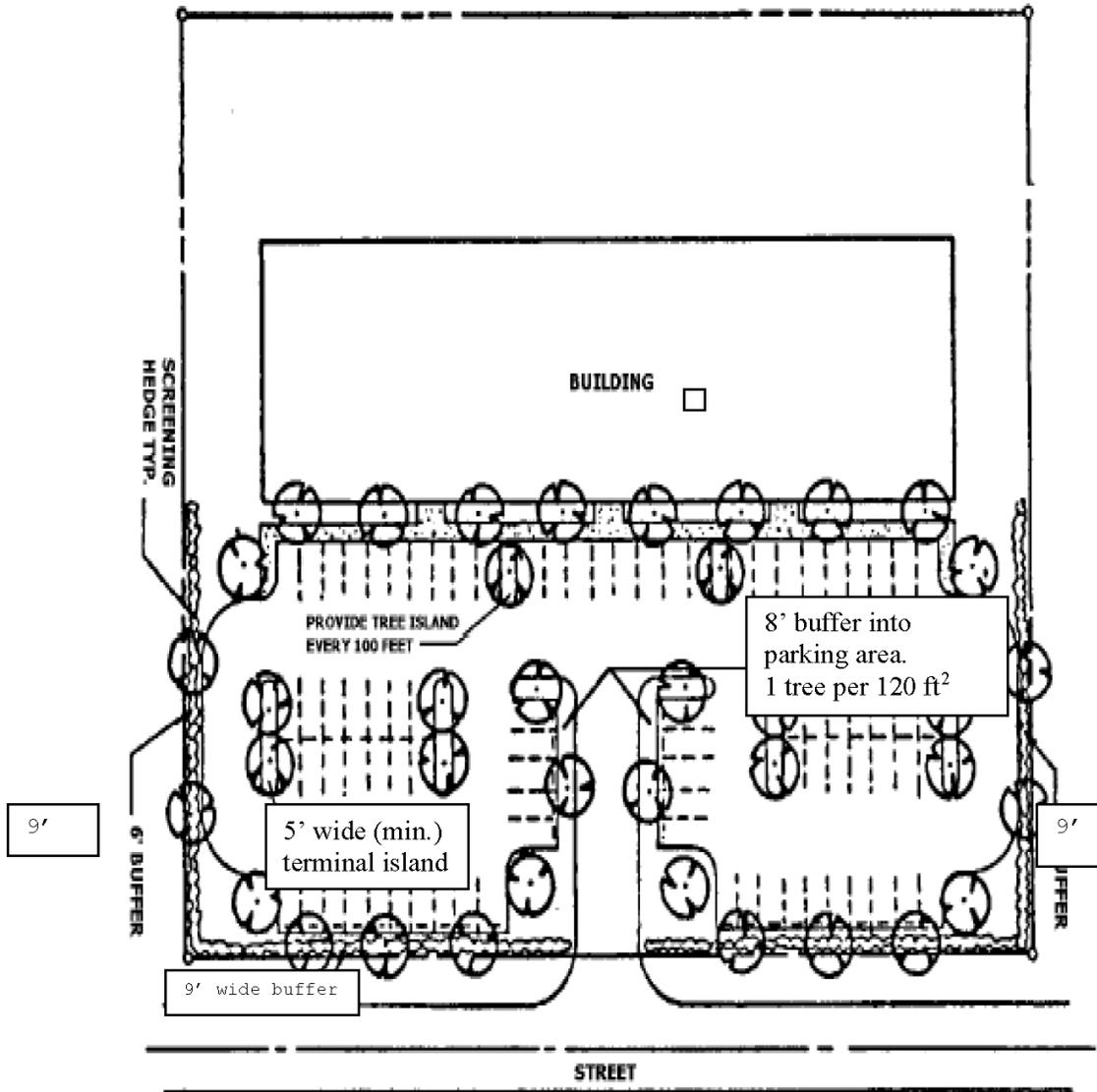


Figure 7.2 Interior and Perimeter Landscaping

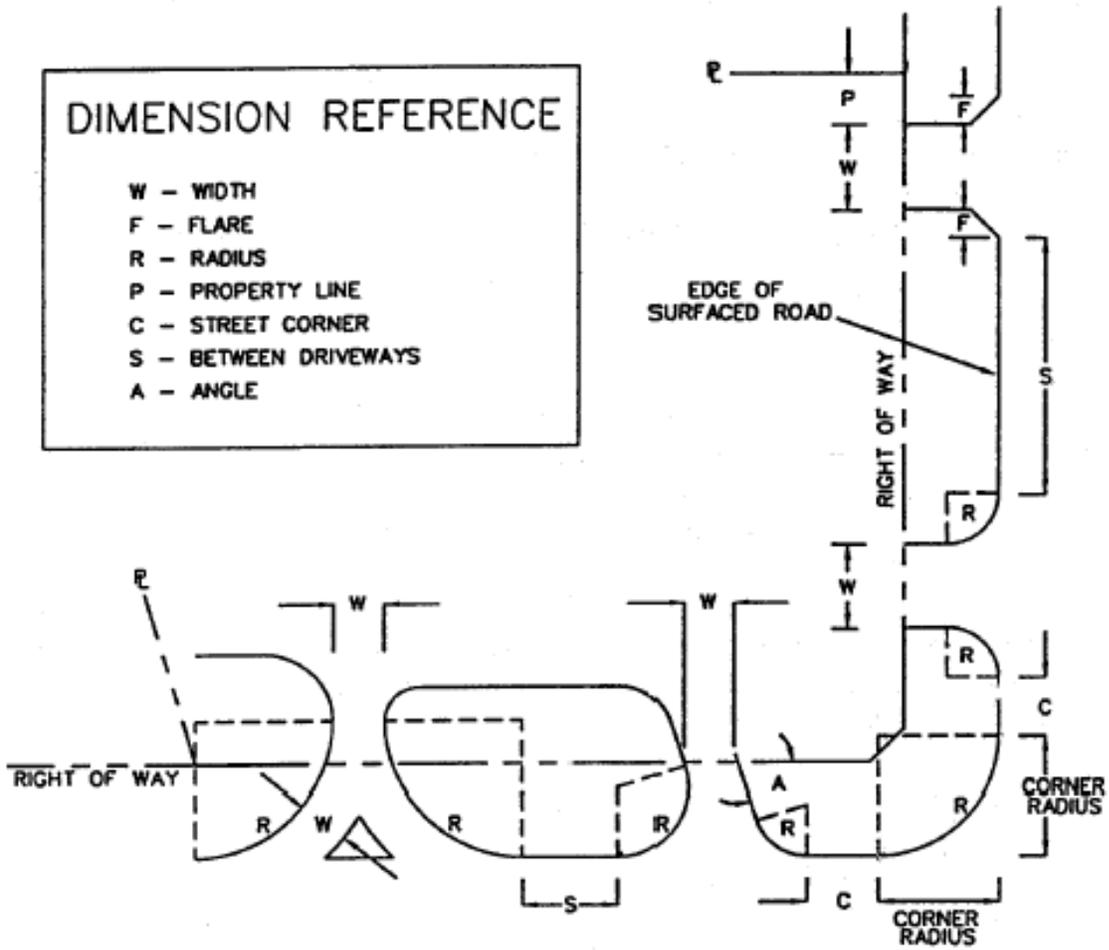
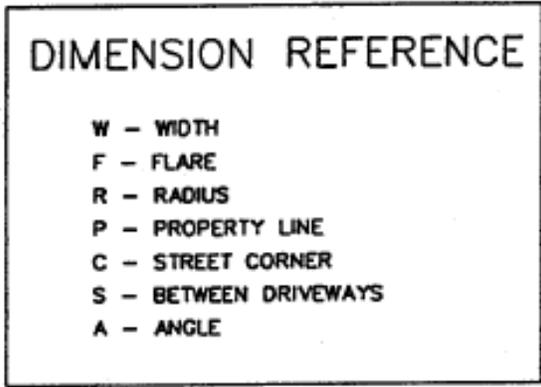


Figure 7.3 Driveway Design Standards

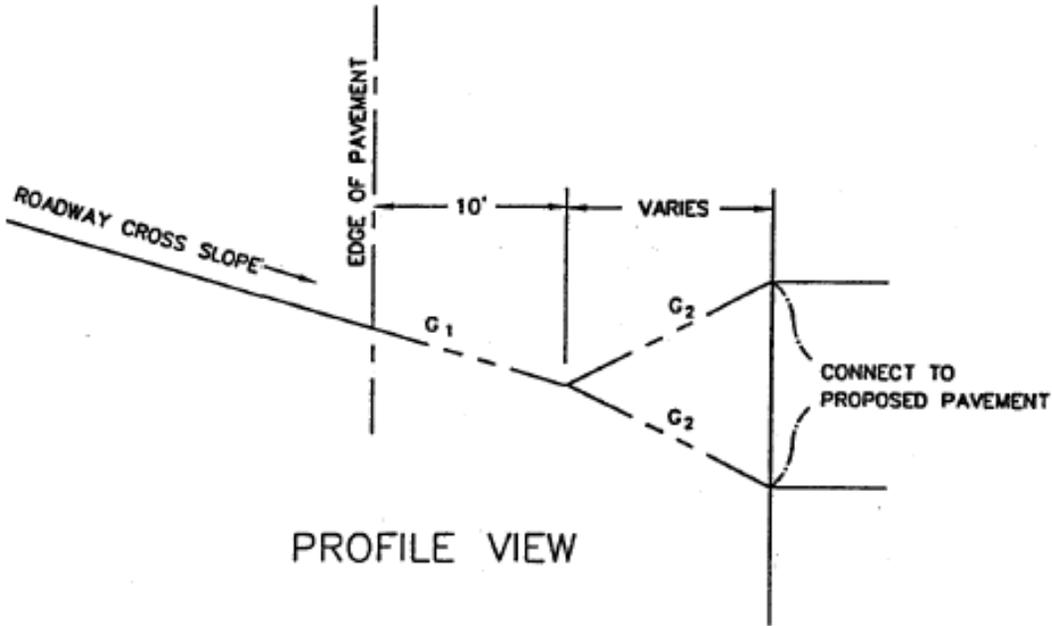


Figure 7.4 Driveway Profile

Table 7.4—List of Approved Plant Species

H	High water use plant species associated with wetlands or moist soils; requires supplemental irrigation in addition to natural rainfall. This zone includes most manicured turf grass areas.
M	Moderate water use, drought tolerant plant species that survive on natural rainfall; requires supplemental irrigation during seasonal dry periods to maintain attractive appearance. This zone includes St. Augustine, Bahia and other turf grass areas.
L	Low water use drought tolerant plant species; will survive on natural rainfall without supplemental irrigation.

Native Canopy Trees (Mature size 40 feet or more in Height)				
Botanical Name	Common Name	Water Zone	Street	Parking
<i>Acer rubrum</i>	Red Maple	H, M	Yes	No
<i>Betula nigra</i>	River Birch	H	Yes	No
<i>Carya aquatica</i>	Water Hickory	H	No	No
<i>Carya cordiformis</i>	Bitternut Hickory	M	No	No
<i>Carya glabra</i>	Pignut Hickory	M, L	No	No
<i>Carya tormentosa</i>	Mockernut Hickory	H	No	No
<i>Celtis laevigata</i>	Sugarberry	M, L	*	Yes
<i>Diospyros virginiana</i>	Common Persimmon	M	No	No
<i>Fraxinus americana</i>	White Ash	M	*	No
<i>Fraxinus caroliniana</i>	Carolina Ash	H	No	No
<i>Fraxinus pennsylvanica</i>	Green Ash	M	Yes	Yes

<i>Liriodendron tulipifera</i>	Tulip tree	H	No	No
<i>Liquidambar styraciflua</i>	Sweetgum	M, L	No	No
<i>Magnolia grandiflora</i>	Southern Magnolia	M, L	Yes	No
<i>Magnolia virginiana</i>	Sweetbay Magnolia	H	Yes	No
<i>Morus rubra</i>	Red Mulberry	L	No	No
<i>Nyssa aquatica</i>	Water Tupelo	H	No	Yes
<i>Nyssa sylvatica</i>	Black Tupelo	H	Yes	Yes
<i>Persea borbonia</i>	Red Bay	L	*	No
<i>Pinus clausa</i>	Sand Pine	L	No	No
<i>Pinus elliottii</i>	Slash Pine	L	No	No
<i>Pinus glabra</i>	Spruce Pine	H	*	Yes
<i>Pinus palustris</i>	Longleaf Pine	M, L	No	No
<i>Pinus taeda</i>	Loblolly Pine	L	No	No
<i>Platanus occidentalis</i>	Sycamore	H, M, L	*	Yes
<i>Quercus falcata</i>	Southern Red Oak	L	No	No
<i>Quercus hemispherica</i>	Laurel Oak	M, L	No	Yes
<i>Quercus laevis</i>	Turkey Oak	L	No	No
<i>Quercus laurifolia</i>	Diamondleaf Oak	L	No	No
<i>Quercus michauxii</i>	Swamp Chestnut Oak	H, M	*	Yes
<i>Quercus nigra</i>	Water Oak	H, M	No	No
<i>Quercus phellos</i>	Willow Oak	L	*	Yes
<i>Quercus shumardii</i>	Shumard Oak	H, M, L	*	Yes
<i>Quercus stellata</i>	Post Oak	M, L	No	Yes
<i>Quercus virginiana</i>	Southern Live Oak	M, L	*	Yes
<i>Taxodium ascendens</i>	Pond Cypress	L	*	Yes
<i>Taxodium distichum</i>	Bald Cypress	L	*	Yes
<i>Tilia floridana</i>	Florida Basswood	H	No	No
<i>Ulmus alata</i>	Winged Elm	M, L	Yes	Yes
<i>Ulmus americana</i>	American Elm	H, M	No	No
<i>Ulmus crassifolia</i>	Cedar Elm	L	*	No

Non-Native Canopy Trees (Mature size 40 feet or more in height)				
Botanical Name	Common Name	Water Zone	Street	Parking
<i>Carya illinoensis</i>	Pecan	H, M	No	No
<i>Phoenix canariensis</i>	Canary Island Date Palm	L	Yes	Yes
<i>Phoenix dactylifera</i>	Date Palm	L	Yes	Yes
<i>Salix babylonica</i>	Weeping Willow	H	No	No
<i>Ulmus parvifolia</i>	Chinese (Drake) Elm	M, L	Yes	Yes
<i>Washingtonia robusta</i>	Washington Palm	L	Yes	No

Native Understory Trees (Mature size 12 to 40 feet in height) and Palms				
Botanical Name	Common Name	Water Zone	Street	Parking
<i>Acer barbatum</i>	Florida Maple	M	Yes	No
<i>Acer leucoderme</i>	Florida Sugar Maple	M	No	Yes
<i>Aesculus pavia</i>	Red Buckeye	M	No	No

<i>Bumelia tenax</i>	Tough Bumelia	L	Yes	No
<i>Carpinus caroliniana</i>	American Hornbeam	H, M	Yes	No
<i>Cercis canadensis</i>	Eastern Redbud	L	Yes	No
<i>Chamaecyparis throides</i>	Atlantic White Cedar	H	No	No
<i>Chionanthus virginicus</i>	Fringe tree	M, L	No	No
<i>Cornus florida</i>	Flowering Dogwood	H, M	No	No
<i>Crataegus spp.</i>	Hawthorn	M, L	No	No
<i>Halesia carolina</i>	Carolina Silverbell	M	Yes	Yes
<i>Halesia diptera</i>	Two-Winged Silverbell	M, L	Yes	Yes
<i>Ilex spp.</i>	Hollies	L	Yes	Yes
<i>Juniperus silicicola</i>	Southern Redcedar	L	Yes	No
<i>Juniperus virginiana</i>	Eastern Redcedar	L	Yes	No
<i>Myrica cerifera</i>	Wax Myrtle	M, L	No	No
<i>Ostrya virginiana</i>	American Hophornbeam	M, L	Yes	Yes
<i>Persea palustris</i>	Swampbay	H	No	No
<i>Pinckneya pubens</i>	Fevertree	H	No	No
<i>Prunus augustifolia</i>	Chickasaw plum	M, L	No	No
<i>Quercus austrina</i>	Bluff Oak	M	*	Yes
<i>Quercus chapmanii</i>	Chapman Oak	L	No	No
<i>Quercus incana</i>	Bluejack Oak	L	No	No
<i>Quercus myrtifolia</i>	Myrtle Oak	L	No	No
<i>Quercus nuttallii</i>	Nuttal Oak	L	*	Yes
<i>Sabal palmetto</i>	Cabbage Palm	L	Yes	Yes
<i>Salix caroliniana</i>	Willow	H	No	No
<i>Tilia caroliniana</i>	Carolina Basswood	M	No	No
<i>Vaccinium arboreum</i>	Sparkleberry	L	No	No
<i>Viburnum rufidulum</i>	Viburnum	M	No	No

Non-Native Understory Trees (Mature size 12 to 40 feet in height) and Palms				
Botanical Name	Common Name	Water Zone	Street	Parking
<i>Butia capitata</i>	Pindo Palm	M, L	Yes	Yes
<i>Callistemon rigidus</i>	Bottlebrush	M	No	No
<i>Cupressocyparis leylandii</i>	Leyland Cypress	M, L	No	No
<i>Eriobotrya japonica</i>	Loquat	M	Yes	No
<i>Ilex spp.</i>	Treeform Holly	M, L	Yes	Yes
<i>Lagerstromia indica</i>	Crape Myrtle	M, L	Yes	Yes
<i>Ligustrum japonicum</i>	Waxleaf Privet	M, L	No	No
<i>Magnolia spp.</i>	Deciduous Magnolia	H, M	No	No
<i>Ulmus parvifolia</i>	Chinese Elm	M, L	No	No

Native Shrubs, Small Palms and Cycads		
Botanical Name	Common Name	Water Zone
<i>Callicarpa americana</i>	Beautyberry	H, M, L
<i>Calycanthus floridus</i>	Sweetshrub	H, M
<i>Forestiera segregata</i>	Florida Privet	M, L

<i>Ilex glabra</i>	Gallberry	M, L
<i>Ilex vomitoria</i>	Yaupon Holly	L
<i>Illicium parviflorum</i>	Star Anise	H, M
<i>Myrica cerifera</i>	Wax Myrtle	M, L
<i>Rhapidophyllum hystrix</i>	Needle Palm	M, L
<i>Sabal minor</i>	Bluestem Palmetto	H, M, L
<i>Serenoa repens</i>	Saw Palmetto	M, L
<i>Viburnum obovatum</i>	Walters Viburnum	H, M

Non-Native Shrubs, Small Palms and Cycads		
Botanical Name	Common Name	Water Zone
<i>Abelia grandiflora</i>	Abelia	M
<i>Beloperone guttata</i>	Shrimp Plant	H, M
<i>Buxus microphylla</i>	Japanese Boxwood	M
<i>Buxus sempervirens</i>	English Boxwood	M
<i>Camellia japonica</i>	Camellia	M
<i>Camellia sasanqua</i>	Sasanqua Camellia	H
<i>Chamaerops humilis</i>	European Fan Palm	L
<i>Codiaeum variegatum</i>	Croton	H, M, L
<i>Cycas revoluta</i>	King Sago	L
<i>Eleagnus pungens</i>	Silverthorn	M, L
<i>Fatsia japonica</i>	Fatsia	H, M
<i>Gardenia jasminoides</i>	Gardenia	H, M
<i>Hibiscus syriacus</i>	Rose of Sharon	M
<i>Hydrangea spp.</i>	Hydrangea	H, M
<i>Ilex spp.</i>	Shrubform Holly	M
<i>Juniperus spp.</i>	Juniper	M, L
<i>Ligustrum japonica</i>	Waxleaf Privet	M, L
<i>Loropetalum chinense</i>	Chinese Witch Hazel	H, M
<i>Michelia figo</i>	Banana Shrub	H, M
<i>Nerium oleander</i>	Oleander	M, L
<i>Osmanthus fragrans</i>	Sweet Olive	M
<i>Pittosporum tobira</i>	Pittosporum	H, M
<i>Platycladus orientalis</i>	Arborvitae	L
<i>Plumbago auriculata</i>	Plumbago	H, M, L
<i>Podocarpus macrophyllus</i>	Podocarpus	M, L
<i>Pyracantha coccinea</i>	Firethorn	M, L
<i>Raphiolepis indica</i>	Indian Hawthorn	M, L
<i>Rhododendron spp.</i>	Azalea	H, M
<i>Ternstroemia gymnanthera</i>	Cleyera	M, L
<i>Trachycarpus fortunei</i>	Windmill Palm	L
<i>Viburnum odoratissimum</i>	Sweet Viburnum	H, M
<i>Viburnum tinus</i>	Laurustius Viburnum	M, L

Native Groundcovers

Botanical Name	Common Name	Water Zone
<i>Borrchia frutescens</i>	Sea Oxeye Daisy	L
<i>Ceratiola ericoides</i>	Rosemary	M, L
<i>Crinum spp.</i>	Crinum Lily	M
<i>Gelsemium sempervirens</i>	Carolina Jessamine	M
<i>Helianthus debilis</i>	Beach Sunflower	L
<i>Iva imbricata</i>	Seashore Elder	L
<i>Licania michauxii</i>	Gopher Apple	L
<i>Muhlenbergia capillaris</i>	Muhly Grass	L
<i>Parthenocissus quinquefolia</i>	Virginia Creeper	H, M
<i>Paspalum spp.</i>	Paspalum	H, M
<i>Serenoa repens</i>	Saw Palmetto	M, L
<i>Sesuvium portulacastrum</i>	Sea Purslane	L
<i>Sisyrinchium spp.</i>	Blue-eyed Grass	M
<i>Sorghastrum secundum</i>	Lopsided Indian Grass	L
<i>Spartina patens</i>	Saltmeadow Cord Grass	M, L
<i>Stachytarpheta jamaicensis</i>	Blue Porter Weed	L
<i>Tripsacum dactyloides</i>	Fakahatchee Grass	L
<i>Uniola paniculata</i>	Sea Oats	L
<i>Yucca filamentosa</i>	Beargrass	L
<i>Zamia pumila</i>	Coontie	M

Non-Native Groundcovers		
Botanical Name	Common Name	Water Zone
<i>Agapanthus africanus</i>	Blue Lily of the Nile	M
<i>Ajuga reptans</i>	Bugleweed	H
<i>Aloe spp.</i>	Aloe	M, L
<i>Aspidistra elatior</i>	Cast Ironplant	M
<i>Catharanthus roseus</i>	Periwinkle, Vinca	H, M
<i>Convolvulus "Blue Daze"</i>	Blue Daze	M
<i>Cyrtomium falcatum</i>	Holly Fern	M
<i>Dichondra micrantha</i>	Dichondra	H, M
<i>Dietes bicolor</i>	Butterfly Iris	H
<i>Dietes vegeta</i>	African Iris	M, L
<i>Ficus pumila</i>	Creeping Fig	M, L
<i>Gerbera jamesonii</i>	Gerbera Daisy	M
<i>Hedera canariensis</i>	Algerian Ivy	L
<i>Hedera helix</i>	English Ivy	L
<i>Hemerocallis spp.</i>	Daylily	M, L
<i>Juniperus spp.</i>	Juniper	M, L
<i>Liriope muscari</i>	Liriope spp.	M
<i>Miscanthus spp.</i>	Miscanthus	L
<i>Nandina domestica</i>	Dwarf Nandina	M, L
<i>Ophiopogon japonicus</i>	Mondo Grass	L
<i>Pittosporum tobira</i>	Dwarf Pittosporum	H, M
<i>Trachelospermum asiaticum</i>	Asiatic Jasmine	L

<i>Trachelospermum jasminoides</i>	Confederate Jasmine	L
<i>Tulbaghia violacea</i>	Society Garlic	M, L
<i>Vinca major</i>	Bigleaf Periwinkle	M

Native Vines		
Botanical Name	Common Name	Water Zone
<i>Ipomoea pescaprae</i>	Railroad Vine	M
<i>Ipomoea stolonifera</i>	Beach Morning Glory	L
<i>Gelsemium sempervirens</i>	Carolina Jessamine	M
<i>Lonicera sempervirens</i>	Coral Honeysuckle	L
<i>Parthenocissus quinquefolia</i>	Virginia Creeper	H, M
<i>Passiflora incarnata</i>	Passion Flower	M

Non-Native Vines		
Botanical Name	Common Name	Water Zone
<i>Antigonon leptopus</i>	Coral Vine	M, L
<i>Ficus pumila</i>	Creeping Fig	M, L
<i>Hedera helix</i>	English Ivy	L
<i>Hemerocallis spp.</i>	Daylily	M, L
<i>Trachelospermum asiaticum</i>	Asiatic Jasmine	L
<i>Trachelospermum jasminoides</i>	Confederate Jasmine	L

Table 7.5—Prohibited Plantings

Botanical Name	Common Name
<i>Albizia julibrissin</i>	Mimosa
<i>Broussonetia papyrifera</i>	Paper Mulberry
<i>Cinnamomum camphora</i>	Camphor
<i>Melia azedarach</i>	Chinaberry
<i>Sapium sebiferum</i>	Chinese Tallow

ARTICLE VIII. SIGN REGULATIONS

DIVISION 1. GENERAL PROVISIONS

Sec. 45-671. Purpose.

Regulating the erection, location and maintenance of signs is necessary in order to protect the public health, safety, morals and welfare of the people of this community. The safety of motorists, cyclists, pedestrians, and other users of the public streets is affected by the number, size, location, lighting and movement of signs that divert or attract the attention of drivers. Additionally, the construction, erection and maintenance of free standing signs as well as signs suspended from or placed on the tops of buildings, walls or other structures may constitute a direct danger to pedestrian and vehicular traffic, especially during periods of strong winds. Moreover, uncontrolled and unlimited signs will result in negative visual impacts and degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the health and welfare of the community, as well as the economic value of tourism, visitation and permanent economic growth.

Sec. 45-672. 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 Putnam 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.

Sec. 45-673. 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.

Sec. 45-674. Major roadway corridor overlay.

The design, location and construction standards set forth in this article shall be strictly enforced within the major roadway corridor overlay described in article IV, division 5. Where the signage requirements of article IV and article VIII conflict, the requirements of article IV shall prevail.

Sec. 45-675. 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 article VIII, division 5 of this chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of article VIII, division 5 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 article VIII, division 5, 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 45-732 or elsewhere in this article.

Sec. 45-676. 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.

Secs. 45-677—45-690. Reserved.

DIVISION 2. PERMITS, PROCEDURES, AND ENFORCEMENT

Sec. 45-691. 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 Putnam County, or cause the same to be done, without first obtaining a sign permit for each such sign from the 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:

- (1) 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
- (2) A sign is specifically exempted from permitting in article VIII, division 4 or article VIII, division 6 of this Code; or
- (3) A Sign has a sign face of two square feet or less, a height of three feet or less, and include no letters, symbols, logos or designs in excess of six inches in vertical or horizontal dimension, provided that such Sign, or combination of such Signs, does not constitute a Sign prohibited by article VIII, division 5 of this chapter. Unless otherwise exempt, such Signs shall be subject to all other requirements pertaining to that particular type of Sign.

Sec. 45-692. 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 (5) below.
 - (2) A Sign contractor who is licensed in Putnam County to perform Sign construction and erection.
 - (3) A general contractor licensed or registered with the State of Florida.
 - (4) A building contractor licensed or registered with the State of Florida.
 - (5) An Owner of property may install his or her own Sign provided:
 - a. 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.
 - b. The property to benefit from the sign is personally used by the Owner, not leased, rented, or used by another Person.

-
- c. The total value of the sign is less than \$25,000.00.
 - d. The sign is no greater than eight feet in height and has a sign area no greater than 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.

Sec. 45-693. Application for permit.

Application for a permit shall be made to the Department upon a form provided by the Department. Before an application is reviewed by the Department, the Applicant must qualify under section 45-692 above and shall provide information necessary to assure compliance with this Code, including:

- (1) Name and address of Owner of the sign;
- (2) Name and address of Owner or the Person in possession of the Parcel where the sign is located or to be located;
- (3) Two copies of drawings of the sign, drawn to scale, and showing the following:
 - a. Type of sign and all dimensions of the sign including Height.
 - b. Site plan showing the exact sign placement related to Lot lines, structures, and other signs in sufficient detail to demonstrate compliance with the sign regulations of this Code. All measurements must be from the furthest projection of the sign or other Structure.
 - c. Size and type of footer, and how constructed. This detail is not required for the following:
 - 1. Masonry signs of 60 square feet or less in size and less than six feet in Height; or
 - 2. Other ground signs of 32 square feet or less in size and eight feet or less in Height.
 - d. 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 two inches projection from the surface on which they are mounted.
 - e. 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:
 - 1. Masonry signs of 60 square feet or less in size and less than six feet in Height; or
 - 2. Other ground signs 32 square feet or less in size and eight feet or less in Height.
 - f. Details for any electrical service to the sign.
- (4) A certification of the sign design from a Florida registered engineer or architect when:
 - a. A building sign is designed to project perpendicularly from the surface to which it is attached and the sign area exceeds 24 square feet; or
 - b. A ground sign is more than ten 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.

Sec. 45-694. 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.

Sec. 45-695. Action on permits; appeals.

- (a) *Issuance.* The planning and development services 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 Putnam County Land Development Code, a sign permit application shall be acted upon by planning and development services within ten 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 planning and development services 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 planning and development services and heard in accord with appeal procedures of the Zoning Board of Adjustment.

Sec. 45-696. Inspection.

Any Person erecting, altering, or relocating a sign shall notify the building department upon completion of the work for which permits are required.

- (1) 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.
- (2) All signs with electrical equipment shall be subject to an electrical inspection to determine compliance with the applicable electric code.

Sec. 45-697. 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 IX, and that party's application shall be reviewed by the Zoning Board of Adjustment pursuant to the procedural requirements of articles IX and XII.
- (b) In addition to the variance criteria in article IX, the application must be reviewed to determine whether or not the variance meets the purpose and intent statements in sections 45-671 and 45-672(b) of this article.

Sec. 45-698. 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 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 30 days to abate the violation or appear before the codes enforcement board at a pre-set hearing date. Hearings regarding violations of this article shall be set on a date certain between 45 and 60 days after the date of issuance of the notice of violation.
 - (3) If, after the 30-day period passes, the violation has not been abated, the codes enforcement board shall hold the hearing on the matter, at which time the alleged violator may present testimony on his/her behalf. If the codes enforcement board affirms the violation, it shall then determine the amount of the fine as established in paragraph (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 with 48 hours. 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 48 hours, 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 XII, 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 48-hour time period.
 - (5) Unsafe signs. If any sign becomes insecure or in danger of falling or otherwise unsafe in the opinion of the building 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 \$1,000.00 for each occurrence. The County may also seek to enforce any abatement action in the circuit court.

Secs. 45-699—45-710. Reserved.

DIVISION 3. DESIGN, CONSTRUCTION, MAINTENANCE AND LOCATION STANDARDS

Sec. 45-711. Generally.

Unless otherwise provided in this article, all signs must comply with the following design, construction and location standards.

Sec. 45-712. 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 Putnam County. These sign regulations are intended to complement the requirements of the building and electrical codes adopted by Putnam 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 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 multi-prism sign face. "Multi-prism sign face" means signs made with a series of triangular vertical section that turn and stop, or index, to show a pictures or messages 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 article VIII, division 4 of this Code.

Sec. 45-713. 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, or to prevent any driver from seeing a sign's point light source.

-
- (d) All signs, except signs where the top of the sign is less than eight 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 15 square feet.
 - (2) If the illuminated portion of the sign has copy that changes, the minimum time between changes shall be no less than ten 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 considered 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.

Sec. 45-714. Placement standards.

- (a) Near street and Driveway intersections. Signs in excess of two 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 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 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 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 five 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 [of] 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.

Sec. 45-715. Clearance standards.

- (a) *Over pedestrian ways.* All signs over pedestrian ways shall provide a minimum of eight feet of clearance, and if the pedestrian way is owned by the public the minimum clearance shall be nine 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 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.

Secs. 45-716—45-730. Reserved.

DIVISION 4. ALLOWED SIGNS

Sec. 45-731. Generally.

- (a) Signs are allowed as indicated in this section. In addition, certain signs are prohibited by article VIII, division 5 and certain signs are exempted from regulation by article VIII, division 6.
- (b) If a sign is not specifically listed as allowed, it is prohibited unless the Planning and Development Services Director determines the type of sign is similar to a listed, allowed or exempt sign. If the Planning and Development Services Director determines the sign is similar to a listed, allowed or exempt sign, the regulations pertaining to that sign shall apply.

Sec. 45-732. Billboards.

Billboards are signs which are used for outdoor advertising directed at activities, services, and goods available off-Premises or as a display for any non-advertising message which is not prohibited by article VIII, division 5 of this Code. Billboards are allowed subject to the following requirements:

- (1) *Zoning and future land use restrictions.* The zoning categories listed below must be located in areas designated as urban service, urban reserve, commercial, industrial, or rural center on the County's Future Land Use Map.
 - a. Billboards are only allowed on property zoned C-2, C-3, C-4, IL or IH, subject to meeting all the requirements listed below.
 - b. Billboards are allowed in PUD zoning on sites designated for commercial or industrial development and subject to meeting all the requirements listed below.
- (2) *Roadway orientation.* Billboards may be erected within 660 feet of Federal roads, State roads, and County Roads designated as collectors or arterials in the County's Comprehensive Plan.
- (3) *Maximum number.* The number of billboards allowed shall not exceed the number of existing legally permitted billboards on the effective date of this Code. Provided, however, a billboard Owner shall be allowed two new conforming billboards when that Owner removes an existing nonconforming billboard within three years of the effective date of this Code. Otherwise no new billboards are allowed unless an existing billboard is removed and the new one meets all standards of the code.

-
- (4) *Permits required.* An application for a permit to erect a billboard shall meet the requirements of article VIII, division 2 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.
- (5) *Design and construction standards.* The following standards must be met in addition to the requirements of article VIII, division 2 and article VIII, division 3 of this Code.
- a. 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.
 - b. 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.
 - c. 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.
 - d. Double stacked billboards are prohibited.
- (6) *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:
- a. Parallel sign faces must be erected on a common support and the back of the faces must be within six feet of each other.
 - b. 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 three feet at the apex of the V.
- (7) *Maximum size of a sign face.*
- a. A sign face shall not exceed 400 square feet plus no more than an additional ten percent 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.
 - b. No sign face shall have a Height greater than 30 feet or a length greater than 60 feet.
- (8) *Maximum Height.* The maximum Height of a billboard shall be 35 feet measured from the elevation of the crown of the adjacent road to the highest point of the sign. An Applicant may request a variance to the Height limitation under section 45-697 up to a maximum Height of 45 feet, but no higher. The Applicant shall provide an appropriate bucket-lift truck to allow County staff access to the sign for purpose of measuring the Height.
- (9) *Minimum separation between billboards.* No billboard shall be located within 1,500 feet of another billboard on the same side of the highway. The distance shall be measured along the center line of the roadway abutting the billboards.
- (10) *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.
- a. Fifteen 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 45-714 of this Code.
 - b. Ten feet from side property lines.

-
- c. Ten feet from the rear property line.
 - d. One hundred feet from any property zoned residential.
 - e. One hundred 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.
 - f. Ten feet from any Structure including non-billboard signs.
 - g. Billboards located on Federal-aid primary roads must meet F.S. ch. 479 setback requirements in addition to those listed above.
- (11) *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.

Sec. 45-733. 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.

- (1) *Zoning.* Allowed in any zoning district.
- (2) *Maximum number.* One per construction site.
- (3) *Permits are not required.* Signs must meet the standards provided in article VIII, division 3 of this Code.
- (4) *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.
- (5) *Minimum setbacks.*
 - a. Five feet from the front property line except near intersections of streets and Driveways which are subject to the requirements of section 45-714 of this Code.
 - b. Ten feet from all other property lines.
- (6) *Maximum Height.* No sign shall exceed ten feet in Height.
- (7) *Number and size of sign faces.*
 - a. Either one face or two parallel faces on a common support are allowed.
 - b. A sign face in a residential zoning district shall not exceed six square feet.
 - c. A sign face in any non-residential zoning district shall not exceed 32 square feet.

Sec. 45-734. 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.

- (1) *Zoning.* Allowed in A and AE for commercial, industrial, and public facility development including churches; R-3 and R-4 for multi-family development and churches; RMH for Mobile Home parks; GU, CPO, C-1, C-2, C-3, C-4, IL, IH, Mining, and PUD zoning districts.

-
- (2) *Maximum number.* The number of signs shall be limited to the minimum amount necessary to effectively provide the intended direction.
 - (3) *Permits are not required.* Signs must meet the standards provided in article VIII, division 3 of this Code.
 - (4) *Minimum setbacks.*
 - a. Five feet from the front property line except near intersections of streets and Driveways which are subject to the requirements of section 45-714 of this Code.
 - b. Ten feet from all other property lines.
 - (5) *Maximum Height.* No sign shall exceed eight feet in Height.
 - (6) *Number and size of sign faces.*
 - a. Either one face or two parallel faces on a common support are allowed.
 - b. Maximum sign area is four square feet.

Sec. 45-735. Flags.

- (a) Zoning. Allowed in any zoning.
- (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. Flags which are used to provide an advertising message are subject to the standards under on-Premises ground signs.
- (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. With the exception of American flags, the maximum distance from top to bottom of any flag shall be 20 percent of the total Height of the flag pole, or in the absence of a flag pole, 20 percent of the distance from the top of the flag or insignia to the ground.

Sec. 45-736. Name plates and building identification signs.

- (a) Each dwelling may have displayed one name plate indicating the name of the occupant, not exceeding two square feet in area for each Occupancy. The nameplate does not require a permit, but must be mounted flat against the surface of the dwelling.
- (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) House numbers which do not exceed two square feet in area are allowed and do not require a permit.

Sec. 45-737. On-premises building signs.

An on-premises 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 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 article VIII, division 5 of this Code. Building signs include marquees and Under Canopy Signs.

- (1) *Zoning.*

-
- a. Allowed in GU, CPO, C-1, C-2, C-3, C-4, IL, IH, and mining subject to meeting the applicable requirements listed below.
 - b. Allowed in A and AE zoning on commercial, industrial, and public facility sites including churches as permitted by zoning, or for sale of products, produce or animals normally allowed by the zoning and subject to meeting the applicable requirements listed below.
 - c. Allowed in PUD zoning on sites designated for commercial, public facility, or industrial development and subject to meeting the applicable requirements listed below.
 - d. Allowed in residential zoning for Public Facilities, including churches, and for home occupations. Home occupations are limited to one non-Illuminated Sign which shall not exceed two 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.
- (2) *Maximum number.* There is no specific maximum as signs are limited by total area and individual area.
- (3) *Permits required.* An application for an on-Premises building sign shall meet the requirements of article VIII, division 2 of this Code.
- (4) *Design and construction standards.* The following standards must be met in addition to the requirements of article VIII, division 2 and article VIII, division 3 of this Code.
- a. 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.
 - b. A sign Structure shall not be separated by more than six inches from the surface to which it is attached.
- (5) *Maximum number of sign faces.* Each sign is limited to one sign face.
- (6) *Maximum total area of sign faces and maximum area of a sign face.*
- a. In GU, CPO, C-1, C-2, C-3, C-4, IL, IH, and PUD zoning, the total area of all sign faces shall be allocated by Occupancy of the site.
 - 1. Each Occupancy shall be allowed a total sign area determined by multiplying one and one-half square feet times the number of linear feet of building Frontage that Occupancy has along the abutting, improved, road Right-of-way.
 - 2. Each site that includes a free-standing canopy is allowed additional sign area which is determined by multiplying one and one-half square feet times the number of linear feet of canopy along the abutting, improved, road Right-of-way. A free-standing 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.
 - 3. 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 three square feet times the number of linear feet of canopy on which the marquee will be placed.
 - 4. No individual sign face shall exceed 125 square feet in area.
 - 5. If the building includes an attached canopy, one Under Canopy Sign not to exceed six square feet in area is allowed per Occupancy.
 - b. In mining, any residential, A and AE zoning the total sign area allowed is 125 square feet per site. No individual sign face shall exceed 32 square feet.

-
- (7) *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.

Sec. 45-738. On-premises 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 article VIII, division 5 of this Code.

- (1) *Zoning.*
- a. Allowed in GU, CPO, C-1, C-2, C-3, C-4, IL, IH, and mining zoning subject to meeting the applicable requirements listed below.
 - b. Allowed in A and AE zoning on commercial, industrial and public facility sites including churches as permitted by zoning, or for sale of products, produce or animals normally allowed by the zoning and subject to meeting the applicable requirements listed below.
 - c. Allowed in PUD zoning on sites designated for commercial or industrial development and subject to meeting the applicable requirements listed below.
 - d. Allowed in residential zoning for Public Facilities including churches.
- (2) *Maximum number.* The greater of the following:
- a. One per entrance Driveway which provides access to the property from a Federal, State or County Road; or
 - b. One per 100 feet of road Frontage, but no more than five 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 one-half or larger and to the next lower whole number if the fraction is less than one-half.
- (3) *Permits required.* An application for an on-Premises ground sign shall meet the requirements of article VIII, division 2 of this Code.
- (4) *Design and construction standards.* In addition to meeting the standards in article VIII, division 2 and article VIII, division 3 of this Code, any ground sign in excess of 32 square feet of sign area or over ten feet off the ground shall meet the wind load requirements of the building code adopted by the County.
- (5) *Maximum number of sign faces.* Either one face or two parallel faces on a common support are allowed.
- (6) *Maximum size of a sign face.* A sign face shall not exceed 150 square feet except in A and AE zoning where a sign face shall not exceed 32 square feet.
- (7) *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.
- (8) *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.
- a. Five 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 45-714 of this Code.
 - b. Ten feet from side property lines.

-
- c. Ten feet from the rear property line.
 - d. Ten feet from any Structure including other signs.
- (9) *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.

Sec. 45-739. Off-premises ground signs.

(a) *Generally.*

(1) The purpose of this section is to allow one off-premise ground sign for a commercial Use on land owned in common ownership as the on-premise ground sign, and adhering to all other signage standards provided for on-premise ground signs in Section 45-738(3) through (8) of this Code.

Sec. 45-740. 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) *Zoning and location.* Allowed in any zoning, 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 section 45-714 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 not required.]* 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 article VIII, division 3 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 50 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 15 days 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 zoning district shall not exceed six square feet.
 - (3) A sign face in any non-residential zoning district shall not exceed 32 square feet.
- (g) *Height.*
- (1) Signs in a residential zoning district shall not exceed eight feet in Height.
 - (2) Signs in any non-residential zoning district shall not exceed ten 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 codes enforcement officer is authorized to remove a sign.

Sec. 45-741. 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) *Zoning.* Allowed in any zoning 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 article VIII, division 2, but in all cases a plan for the sign must be approved by the Planning and Development Services Director. When reviewing an application or permit for the placement of such signs, the Planning and Development Services Director 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 article VIII, division 2 and article VIII, division 3 of this Code.
- (f) *Maximum size and number of sign faces.*
 - (1) The size of an individual sign face shall not exceed 32 square feet.
 - (2) One face or two parallel faces are allowed on a common support.
- (g) *Minimum setbacks.*
 - (1) Five feet from the front property line except near intersections of streets and Driveways which are subject to the requirements of section 45-714 of this Code.
 - (2) Ten feet from all other property lines.
 - (3) Ten feet from any Structure including other signs.
- (h) *Maximum Height.*

-
- (1) Signs in a residential zoning district shall not exceed eight feet in Height.
 - (2) Signs in any non-residential zoning district shall not exceed ten feet in Height, except for shopping center identification signs which are subject to the Height restrictions for on-premises ground signs.

Sec. 45-742. 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:

- (1) Governmental signs for control of traffic including street signs, and for any other regulatory purposes including signs warning of danger or hazard.
 - a. *Zoning.* Allowed in any zoning district.
 - b. *Permits are not required.* Any type of sign is allowed and may be illuminated or animated, as needed.
 - c. *Height of sign and size of sign face.* Sized as necessary to meet the intended purpose.
 - d. *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.
- (2) Notice bulletin boards. Outdoor bulletin boards not over 32 square feet may be located on the Premises of a medical, public charitable or religious institutions without a permit.
- (3) 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.
- (4) 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.
 - a. *Zoning.* Allowed in any zoning district.
 - b. *Permits are not required.*
 - c. *Height.* Maximum Height is eight feet.
 - d. *Size of sign face.* Sign face shall not exceed 16 square feet.
 - e. *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.
 - f. *Number.* The maximum number for any Use is six, with no more than one at any location.
- (5) 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.
- (6) Time-temperature-date signs. These are signs that provide time, temperature, date, weather or similar information.
 - a. *Zoning.* Allowed in CPO, C-1, C-2, C-3, C-4, IL, IH and PUD districts.

-
- b. *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 article VIII, division 2 and article VIII, division 3 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 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. A time-temperature-date sign shall be at least 1,500 feet from any existing time-temperature-date sign fronting the same road.
 - c. *Permits required.* Meet the requirements of article VIII, division 2 of this Code.
- (7) 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:
- a. Zoning. Allowed in any zoning district.
 - b. Permits are not required.
 - c. Height. Maximum Height is six feet.
 - d. Size of sign face. Sign face shall not exceed two square feet.
 - e. Location. May be erected on public or private property with permission from the Owner. Public property includes public Right-of-way.
- (8) 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:
- a. Zoning. Allowed in any zoning district.
 - b. Permits are not required.
 - c. Height. Maximum Height is six feet.
 - d. Size of sign face. Sign face shall not exceed two square feet.
 - e. 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.
- (9) Highway safety memorial markers may be placed within a County Right-of-way to memorialize people who have died as a result of a vehicle-related crash, subject to the following:
- a. Requests for memorial markers shall be submitted to the Public Works Director. Application forms are available from the public works office or the County Administrators office.
 - b. Requests shall be made by a family member or with the approval of a family member.
 - c. The markers shall be constructed and installed by the Public Works Department and paid for by the County. Exact location of the marker will be at the discretion of the Public Works Director.
 - d. The marker will be allowed to stay in place for a minimum of one year and there shall be no activities while the marker is in place that could pose a safety hazard to the public or a violation of F.S. ch. 316, concerning stopping, standing, parking or obstructing traffic.

Sec. 45-743. 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.

-
- (1) Zoning. Allowed in any zoning.
 - (2) Number. One sign is allowed on-premises 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-premises on private property with the Owner's permission during the period of the open house.
 - (3) Permits are not required for these Temporary Signs, but the signs are subject to the standards provided in article VIII, division 3 of this Code. Real estate advertising on signs authorized under other provisions of this Code is subject to permitting requirements.
 - (4) Limited duration. Signs are allowed when the property is being actively marketed for sale, rent or lease, and must be removed within seven days after the sale, rental or lease has been accomplished.
 - (5) 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 section 45-714 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.
 - (6) Number and size of sign faces.
 - a. One face or two parallel faces on a common support are allowed.
 - b. A sign face in a residential zoning district shall not exceed eight square feet.
 - c. A sign face in any non-residential zoning district shall not exceed 32 square feet.
 - (7) Height.
 - a. Signs in a residential zoning district shall not exceed eight feet in Height.
 - b. Signs in any non-residential zoning district shall not exceed ten feet in Height.

Sec. 45-744. 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.

- (1) The following special event signs are allowed:
 - a. Grand opening. One on-premises 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.
 - b. New business or business location. One on-premises 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.
 - c. Special sales or events for a business. Two on-premises signs are allowed per sale or event not to exceed a cumulative total of 120 days per calendar year. Signs must be registered with the County one business day prior to the event, signs must be removed immediately after the event, and a cumulative log must be kept for the calendar year by the Person responsible for events.
 - d. 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

five days after the special event. Signs are allowed in any zoning district and are subject to the following:

1. 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.
 2. Off-premises signs are allowed at a rate of one per Parcel with the property Owner's permission and restricted in size as follows:
 - i. Thirty-two square feet per sign face in non-residential zoning.
 - ii. Six square per sign face in residential zoning.
- e. Garage or yard sale signs are allowed in any zoning district subject to the following conditions:
1. One garage or yard sale sign not to exceed six square feet may be located on the Premises where the sale is conducted, provided it is not placed on the Premises more than one day before the sale begins, and the sign shall be removed at the end of the sale.
 2. One off-premises garage or yard sale sign not to exceed six square feet may be located, subject to approval by the property Owner, at the end of the street on which the site of the sale is located, or at the entrance to the subdivision in which the site of the sale is located. An off-premises sale sign can only be in place while the sale is in progress and must be removed at the end of the sale.
- (2) Zoning. Allowed in any zoning for the uses specified in subsection (1) above.
- (3) Construction standards. Temporary special event signs may be constructed to the standards specified in article VIII, division 3 of this Code, or, except for garage or yard sale signs, may be any of the following:
- a. 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.
 - b. Anchored balloons.
 1. Balloon signs shall not be greater than 96 cubic feet in area.
 2. The balloon sign shall be properly anchored to the ground and cannot be higher than 35 feet in the air.
 3. 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.
 - c. Flags other than those allowed by section 45-735 of this Code.
- (4) Size of sign face. A sign face shall not exceed 32 square feet in area except for the following:
- a. Exceptions may be granted by the Board of County Commissioners for larger special event banners for the temporary uses described in subsection (1)d. 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.
 - b. Signs for temporary uses shall be limited to the size specified in subsection (1)d. above, and garage sale and yard sale signs shall be limited to the size specified in subsection (1)e. above.
- (5) Setbacks. Special event signs must be set back five feet from any property line. Exceptions may be granted by the Board of County Commissioners for the special event signs described in subsection (1)d. to allow banners over Right-of-way subject to approval by the Owner of the R-O-W.

-
- (6) Height. Unless specified otherwise in this section the following Height standards apply:
 - a. Signs in any residential zoning district shall not exceed eight feet in Height.
 - b. Signs in any non-residential zoning district shall not exceed ten feet in Height.

Sec. 45-745. Isolated business signs.

(a) *Generally.*

- (1) The purpose of this section is to allow commercial and industrial uses in isolated locations an 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 industrial uses within unincorporated Putnam County may apply for up to three isolated business signs if the industrial 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 eight feet.
- (3) The sign shall be no closer than one-fourth mile 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 A zoning classification where the residential Density allowed is no more than one unit per five 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 director of planning services on a form to be provided by the 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 director, a Building Permit shall then be required for the sign.

Secs. 45-746—45-750. Reserved.

DIVISION 5. PROHIBITED SIGNS

Sec. 45-751. 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 Planning and Development Services Director according to section 45-731 of this Code.

Sec. 45-752. Specifically.

The following signs are expressly prohibited:

- (1) Blank Temporary Signs or signs designed as Temporary Signs that have any lighting on them whether or not they are being used as a temporary or permanent sign. This includes the classic lighted Temporary Sign on four legs with or without an arrow at the top.
- (2) Signs that involve the use of live animals.
- (3) Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, airline traffic or other communication signals.
- (4) Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.
- (5) Vehicle signs with a total sign area on any vehicle in excess of ten square feet, when the vehicle:
 - a. Is parked for more than 60 consecutive minutes within 100 feet of any street Right-of-way;
 - b. Is visible from the street Right-of-way; and
 - c. 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.
- (6) 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:
 - a. Predominately appeals to the prurient, shameful, or morbid interest of minors;
 - b. Is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable material for minors; and
 - c. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.
- (7) Signs that advertise nude or semi-nude activities prohibited by Putnam County Ordinance 84-1, and any subsequent amendments thereto.
- (8) 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.

-
- (9) 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.
 - (10) Balloon signs that are more than 24 square feet or more than ten feet in Height are prohibited.
 - (11) Signs that flash, move, scintillate, blink, flicker, or vary in intensity except as otherwise permitted in this article.

Secs. 45-753—45-760. Reserved.

DIVISION 6. EXEMPT SIGNS

Sec. 45-761. 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 article VIII, division 5 of this Code:

- (1) 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.
- (2) Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community when authorized by the Putnam County Commission for a prescribed period of time.
- (3) Holiday lights, decorations, and signs, provided the signs are of a decorative nature, clearly incidental, and customarily associated with any national or state holiday.
- (4) 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.
- (5) 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.
- (6) Signs on vehicles. Signs which identify a business, Person, or product, and is not used in a manner prohibited by article VIII, division 5 of this Code. Advertising and identifying signs located on taxicabs, buses, trailers, trucks, vehicle manufacturing and dealer identification signs, or vehicle bumpers are exempt.
- (7) Works of art that do not constitute advertising.
- (8) Signs carried by a Person.
- (9) Religious symbols or displays.
- (10) One sign per Parcel providing political or ideological statements other than the political signs regulated under article VIII, division 4 of this Code is allowed as a Temporary Sign provided it does not include an advertising message and is not prohibited by article VIII, division 5 of this Code.
 - a. A sign in residential zoning shall not exceed an area of six square feet or a Height of eight feet.
 - b. A sign in non-residential zoning shall not exceed an area of 32 square feet or a Height of ten feet.

-
- (11) Signs placed upon benches, bus shelters or waste receptacles, as authorized in writing pursuant to F.S. §§ 337.407 and 337.408.

Secs. 45-762—45-770. Reserved.

DIVISION 7. MEASUREMENT DETERMINATIONS

Sec. 45-771. Setbacks.

Unless otherwise stated for a particular type of sign, setbacks will be measured as follows:

- (1) 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.
- (2) 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.

Sec. 45-772. Sign or sign face area.

Unless otherwise stated for a particular type of sign, sign or sign face area will be measured as follows:

- (1) *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.
- (2) *Special situations.*
 - a. 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.
 - b. If the sign consists of more than one section or module, all areas will be totaled.
 - c. 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. The "projected image" is that image created by tracing the largest possible two-dimensional outline of the sign.

Sec. 45-773. 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.

Secs. 45-774—45-780. Reserved.

DIVISION 8. NONCONFORMING SIGNS

Sec. 45-781. Defined.

A nonconforming sign is any sign which was lawfully erected and maintained within Putnam 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.

Sec. 45-782. 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:

- (1) Structurally changed to another nonconforming sign, but its pictorial content may be changed.
- (2) 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 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.
- (3) Altered in any manner that increases the degree of nonconformity.
- (4) Expanded.
- (5) Re-established after damage or destruction if the estimated cost of reconstruction exceeds 35 percent of the appraised replacement cost as determined by the Planning and Development Services Director after review of cost information provided by contractors authorized under this article to permit and erect signs.
- (6) Continued in use when a conforming sign or sign Structure is erected on the same Parcel or unit. See also section 45-813(c)(6) and section 45-813(d)(5) of this Code regarding new and replacement signs on a Parcel with a nonconforming use.
- (7) Continued in use when the Structure housing the Occupancy is demolished or requires renovations the cost of which exceeds 50 percent of the assessed value of the Structure.
- (8) 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.

Sec. 45-783. 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.

Secs. 45-784—45-790. Reserved.

ARTICLE IX. VESTING DETERMINATIONS, NONCONFORMITIES AND VARIANCES

DIVISION 1. IN GENERAL

Sec. 45-791. Purpose.

The purpose of this article is to provide mechanisms for obtaining relief from the provisions of the Putnam County Comprehensive Plan and this Code, where the Comprehensive Plan allows for such relief and the property Owner either has a vested right to proceed or would incur a hardship. Article IX, division 2 provides standards and procedures for determining whether a Person has a vested right to undertake development activities, notwithstanding the fact that all or part of the development is inconsistent with the requirements of the Comprehensive Plan and/or this Code. Article IX, divisions 3 and 4 provide standards and procedures for addressing two particular forms of hardship. Article IX, division 3 addresses hardships caused when a nonconforming development is immediately required to come into compliance with this Code. Article IX, division 4 addresses individual hardships caused by the imposition of the code's development design standards. This article does not affect requirements of Federal, state and local governmental agencies with jurisdiction over development occurring within unincorporated areas of the County.

Secs. 45-792—45-795. Reserved.

*DIVISION 2. LOT OF RECORD AND VESTING DETERMINATIONS FOR
NONCONFORMING DEVELOPMENTS OR DEVELOPMENT PLANS*

Sec. 45-796. Statement of intent.

- (a) The Putnam County Comprehensive Plan provides that certain development may proceed notwithstanding the fact that it may be inconsistent with the Comprehensive Plan. This section establishes the procedures and standards by which the County may determine whether a nonconforming development (as defined in article XII, division 1 of this Code) or development plan will be allowed to continue, or by which a property Owner may demonstrate that certain development or land use rights have vested against the requirements of the Putnam County's Comprehensive Plan, subdivision regulations or other applicable land use regulations. The three basic situations under which such development that may proceed are as follows:
 - (1) Where the development was previously approved by the County and has continued in good faith.
 - (2) Under limited circumstances, where a Parcel of property was created prior to the adoption of the Putnam County Comprehensive Plan in 1991.
 - (3) Where the right to develop is established by application of the common law principle of equitable estoppel.
- (b) The section establishes both an administrative and formal hearing process for determining whether certain types of development or land uses will be allowed to proceed or continue on a given Lot or Parcel, or a set of lots or Parcels, even though development or land use may be inconsistent with the Comprehensive Plan.
- (c) Notwithstanding anything to the contrary in this section of the code, if there is a lawfully existing residence on the Lot or Parcel in question, then the Lot or Parcel will be treated as a Lot of record and the residence will be allowed to be replaced or repaired provided the Lot meets the minimum Lot size of the applicable zoning district and, where on-site septic is used, the health department approves the septic system. Where such a Lot does not meet the requirements of the zoning district, the matter shall be reviewed under article IX, division 3, the nonconforming use, Lot and Structure provisions of this Code.

Sec. 45-797. Previously approved development.

- (a) The Putnam County Comprehensive Plan provides that development that has been issued a final local Development Order and has commenced and is continuing in good faith may be completed notwithstanding inconsistency with the Comprehensive Plan. The residential developments described in paragraphs (b), (c) and (d) below are hereby deemed to have been approved by a final Development Order and to have commenced and continued in good faith.
- (b) Recorded subdivision. Lots in a recorded subdivision within which all required Improvements (e.g. roads and drainage) have been installed by the deadline established by the plat approval or, if no deadline was established, by February 1, 2003, or ten years after the preliminary plat approval, whichever is latest, shall be eligible for permits if the following criteria are met:
 - (1) Improvements installed pursuant to applicable design standards. If the plat does not set forth what Improvements are required, and no standards for such Improvements had been adopted by Putnam County at the time of plat approval, then the minimum roadway and drainage standards in appendix IX shall apply.
 - (2) Lots meet the minimum size requirements. Unless served by an off-site, centralized water or sewer disposal system, each individual Lot within such a subdivision must be a minimum of 0.5 acres in size, or meet the Lot size of the applicable zoning district, whichever is greater. Platted lots may be combined to meet this Lot size requirement. Where a centralized water or sewer system is available, the Lot size for the applicable zoning district shall be met.
 - (3) Other applicable land use regulations are followed. Each eligible Lot shall otherwise be developed in accord with applicable land development regulations, including, but not limited to, the dimensional requirements of the applicable zoning district and the limitations on waterfront development and development in an area of special flood hazard.
- (c) Unrecorded subdivisions. Lots in an unrecorded subdivision plan depicted on a signed, sealed and dated survey or engineered drawing created prior to September 27, 1983 and in the records of the Property Appraiser, the Clerk of Courts or Planning and Development Services, shall be eligible for permits if the following criteria are met:
 - (1) Improvements installed pursuant to applicable design standards. The roads and drainage Improvements must be installed as of February 1, 2003, in accordance with the minimum roadway and drainage standards in appendix IX of this Code. Where a minimum roadway and drainage standard was not established pursuant to a formal County approval of a subdivision plat and when minimum standards for such Improvements were not established by ordinance at the time the subdivision was created, roadway and drainage shall be in accord with Illustration 9.1. The Director of Public Works may, after a field inspection of the applicable Rights-of-way, adjust any of the dimensional requirements shown in Illustration 9.1, in accordance with the best possible engineering under the conditions of a given roadway, but in no case, will the Director of Public Works be able to approve a Right-of-way that is less than 35 feet in width, unless the development served by that Right-of-way is specifically vested by the Board of County Commissioners under section 45-801 of this Code.
 - (2) Lots meet the minimum size requirements. Unless served by an off-site, centralized water or sewer disposal system, each individual Lot within such a subdivision must be a minimum of 0.5 acres in size, or meet the Lot size of the applicable zoning district, whichever is greater.
- (d) Prior vested subdivisions. Lots in a recorded or unrecorded subdivision that the County has previously vested under the policies and regulations in place prior to the effective date of this section may be issued Building Permits in accord with any conditions placed on the vesting determination, provided that the vesting determination has not lapsed pursuant to subsection 45-802(h).

Sec. 45-798. Lots of record.

- (a) The Putnam County Comprehensive Plan provides that a legally created Lot, Parcel or tract of land existing on the date and time of plan adoption, and that would exceed the maximum Density allowed by the future land use category in which it is located, may be developed with a maximum of one residential Dwelling Unit so long as it is otherwise consistent with the remaining applicable policies within the Comprehensive Plan. The Parcel must be described on a deed or other legal document of record, recorded prior to 5:00 p.m. on December 19, 1991, establishing its existence prior to that date.
- (b) Pursuant to paragraph (a) above, such legally created Parcels are eligible for the issuance of a Building Permit to construct a single Dwelling Unit thereon upon a finding by the Director that all of the following conditions are met:
 - (1) The Parcel was legally created. To have been legally created, the Parcel must not have been created in violation of any applicable Putnam County regulation including, but not necessarily limited to, the following:
 - a. The Putnam County subdivision regulations which first went into effect on September 27, 1983, and have thereafter remained in effect as amended from time to time.
 - b. The applicable Putnam County zoning laws in place at the time of creation, including minimum Lot sizes, which first went into effect in 1975, and thereafter have remained in effect as amended or revised from time to time.
 - c. The applicable health department regulations in place as of the date the Lot or Parcel was created regarding a minimum Lot size and setbacks for on-site well and septic.
 - (2) The Parcel must have legal access and physical access by a County-owned and maintained road or other access approved by the Public Works Director.
 - (3) The Parcel and access must have adequate drainage approved by the Public Works Director.
 - (4) Any development of the Parcel can meet the setback requirements of the applicable zoning district or, if applicable, subsection 45-815(b) of this Code.
 - (5) Permits for well and septic system, if applicable, can be obtained from the Florida Department of Health.
 - (6) The proposed development is otherwise consistent with the Comprehensive Plan and this Code.
- (c) An adverse determination under paragraph (b) above does not preclude the Applicant from seeking a vesting determination from the Board of County Commissioners under section 45-801.

Sec. 45-799. Previously approved development and lot of record determinations: Findings.

- (a) A lot of record determination is an administrative review that shall be decided by the Director of Planning and Development Services.
- (b) When required, the County Public Works Director shall provide a written report analyzing the condition of the roads and drainage for compliance with the applicable design standards and their ability to handle the resulting traffic loads from the proposed development.
- (c) A finding by the Director that the Lot (s) in question is not a Lot of record does not preclude the Applicant from seeking a vesting determination from the Board of County Commissioners under section 45-801, but shall be condition precedent to seeking such a vesting determination.

Sec. 45-800. Planned unit developments.

Development within a PUD zoning district is typically subject to specific start and completion dates established at the time of approval of the PUD. Additionally, certain PUD zoning districts were approved prior to the adoption of the Comprehensive Plan or certain changes in the land development regulations, and may now be nonconforming to the Comprehensive Plan or the most current land development regulations. The following criteria will be used in order to determine whether a planned unit development (PUD) may be eligible for development permits:

- (1) PUDs with established expiration dates. PUDs with stated expiration dates may be developed if the development has been initiated prior to the expiration date(s) and is proceeding in good faith, or the expiration date has not been reached. PUDs or phases of PUDs that have not been developed or are not proceeding in good faith as of their established expiration dates shall be deemed expired and shall not be renewed or approved for development except in compliance with the consistency, concurrency or Density requirements of the Comprehensive Plan and the design and development standards of this Code or any other relevant local land development codes and ordinances.
- (2) PUDs without expiration dates. A PUD or phase of a PUD approved without an expiration date may be developed if it was approved after December 19, 1991, and the development has been initiated and is proceeding in good faith on or before the effective date of this Code. Otherwise, any and all PUDs or phases of PUDs approved without expiration dates that have not been developed or are not proceeding in good faith within ten years of the date of adoption of the PUD shall be deemed expired and shall not be approved for development except in compliance with the consistency, concurrency or Density requirements of the Comprehensive Plan and the design and development standards of this Code or any other relevant local land development codes and ordinances in place at the time permits are sought.
- (3) The director shall determine whether a PUD has expired and advise the property Owner in writing when such a determination is made. If the PUD is determined to be expired, the property Owner may seek a vesting determination from Board of County Commissioners under section 45-801 or apply to renew the PUD. An application to renew the PUD shall be treated as a request for a rezoning, subject to the same notice, submittal requirements and review under article XII, divisions 6, 7, and 11 of this Code, and the goals, objectives and policies of the Comprehensive Plan. If the County determines that a PUD designation has expired and the PUD is neither vested nor renewed, any Development Agreement that accompanied the PUD shall be considered void and the County shall take action to process a rezoning that reverts the property to an appropriate zoning category that is consistent with the Comprehensive Plan and compatible with the existing land uses abutting the subject property.

Sec. 45-801. Vesting.

- (a) The Putnam County Comprehensive Plan provides that a vested right to develop any Parcel may be created in situations where the principles of equitable estoppel apply.
- (b) The Owner of a Parcel may have vested rights to certain development of the Parcel if the following criteria for application of equitable estoppel are met:
 - (1) There was some act or omission by the County indicating that certain development of the Parcel would be allowed.
 - (2) The property Owner relied in good faith on this act or omission by the County.

-
- (3) That as a result of the reliance, the property Owner made a substantial change in position or has incurred such extensive obligations and/or expenses that it would be highly inequitable and unjust to deny the Owner to develop in a manner consistent with the act or omission of the County.
- (c) In determining whether these conditions have been met, the County shall apply principles established by Florida case law, including, but not limited to, the following:
- (1) The proposed development of the Parcel must have been legal at the time of the County's act or omission. The County cannot be estopped from prohibiting development of a Parcel where such development was illegal at the time of the County's act or omission.
 - (2) Mere purchase of a Parcel in reliance on then-existing rules and regulations is not detrimental reliance giving rise to a claim for equitable estoppel.
- (d) Where the Applicant has an opportunity to seek an administrative remedy, including, but not limited to, a buildable lot determination, a nonconforming use determination, or a variance, the Applicant shall first exhaust such administrative remedies before seeking a vesting determination.
- (e) Application requirements. All development for which a vesting determination is desired, shall comply with the following application requirements:
- (1) Any Person that seeks a vesting determination must first submit a completed application to the Department and pay the application fee as established by resolution of the Board of County Commissioners.
 - (2) The application form shall be available upon request from the Department. In order for the Department to commence an administrative review of a request for vesting, the application shall be complete, setting forth the following information:
 - a. The name, address and notarized signature of each Owner of the property;
 - b. If applicable, the names and addresses of each individual who shall be an agent authorized by affidavit to apply on behalf of the Owner(s) (original affidavits must be provided; copies are unacceptable);
 - c. In addition to the required information in paragraphs a. and b., the director may require the following:
 1. A legal description and survey of the property that is the subject of the application;
 2. A copy of approved and unexpired final Development Orders, which may include a final site plan, final subdivision plat, or building plan;
 3. Identification by specific reference to any ordinance, resolution, or other action of the County, or failure by the County to act, upon which the Applicant relied and which the Applicant believes to support the Owner's vested rights claim.
 4. A statement of facts which the Applicant intends to prove in support of the application; and
 5. Such other relevant information that the director may request.
- (f) Sufficiency review. The director shall make a determination as to whether or not the application submittals are complete and sufficient. If not complete, the application shall be returned to the Applicant with a written notification of the items that are absent or incomplete. If the Applicant fails to resubmit his application within 30 days, the application fee shall be returned to the Applicant and the file closed. An Applicant shall be required to submit a new application and fee payment once the 30-day deadline for re-submittal has passed.

-
- (g) The hearing process. The Board of County Commissioners shall hear the vesting application. Notice shall be in accordance with article XII, division 6 of this Code and the hearing shall be conducted as a quasi-judicial proceeding. The board shall make specific findings pursuant to the criteria outlined in paragraph (b) above. Any vesting determination resulting in a density exceeding four Dwelling Units per acre shall be reviewed by the Planning Commission before being considered by the Board of County Commissioners.

Sec. 45-802. Effect of a determination of vested rights.

- (a) If vested rights were determined based on the possession of a final Development Order or other unexpired County action, vested rights will expire with expiration of that final Development Order or action.
- (b) Any vested rights determination shall not create vested rights for additional phases or additional development not expressly authorized by a final Development Order.
- (c) All development subject to a vested rights determination shall not deviate from the terms or conditions of the Development Orders or actions upon which the approval of the vested rights was based. The Department may schedule a public hearing before the Board of County Commissioners to consider revocation of vesting status if the terms and conditions of the vesting have been violated.
- (d) A decision to grant or deny vested status shall run with the land and is therefore transferable from Owner to Owner of the land.
- (e) Where vested with limitations or conditions, the Department shall advise the Applicant of the limitations or conditions in writing.
- (f) A decision to grant vested status is limited to type of Use, intensity of Use, Density of Use, concurrency, etc., that does not conform to the County Comprehensive Plan or land development code. The development is still subject to any other applicable local, state, or Federal regulations.
- (g) Where the vesting is subject to one or more conditions requiring that road, drainage or other Improvements must be made, or an MSBU for roads and/or drainage to be put in place, there must be full compliance with such conditions within five years of the final vested rights determination. If full compliance is not achieved within the five-year period, such vested rights determination shall expire. Upon such expiration, the director shall take such action as is necessary to indicate the expiration including, but not necessarily limited to, removal of the subdivision from the list of vested development.
- (h) Subsection (g) above shall apply to all vested rights determinations issued prior to March 25, 2002. The Department shall provide notification of this deadline to all holders of vested rights determinations that have not complied with conditions requiring that road, drainage or other Improvements be made. Such notification shall be by U.S. mail to the Owners of record. In cases where the five-year deadline would allow for less than one year to complete the required Improvements, the deadline shall be extended to allow for one year from the date of notification to complete the required Improvements.

Secs. 45-803—45-810. Reserved.

*DIVISION 3. NONCONFORMING STRUCTURES, USES, LOTS AND SITE
IMPROVEMENTS*

Sec. 45-811. Intent.

The main problems encountered by the County in dealing with nonconformities have been ending undesirable activities, and delays in the renovations, expansions or modifications of nonconforming uses and

structures which are, or can be made, compatible with the surrounding area. Thus, it is the intent of this section to evaluate the nonconformities on the basis of their overall impact on surrounding land uses and regulate them accordingly. The nonconformities fall into four broad categories: (1) nonconforming structures, (2) nonconforming uses, (3) Nonconforming Lots, and (4) nonconforming site Improvements. Each such nonconformity shall be reviewed to determine whether damage, destruction, proposed Alterations or the discontinued use of land, a Structure, or land and Structure in combination requires that the nonconformity be eliminated or improved in accordance with the intent, criteria and procedures of this section.

Sec. 45-812. Nonconforming structures.

- (a) *Applicability.* The nonconforming structures regulated by this subsection are those allowed by the zoning in which they are located and are used for an activity allowed by the zoning in which they are located. Nonconforming structures that are not allowed by the zoning in which they are located, or that are used in conjunction with an activity that is not allowed by the zoning in which the structures are located, are considered nonconforming uses and are regulated in section 45-813. This subsection deals specifically with structures that do not conform to the following:
- (1) Dimensional requirements of zoning such as setbacks, Height, Floor Area Ratio, or Impervious Surface area ratio, etc.; or
 - (2) Construction standards applying to the Use of the Structure, or to the area in which the Structure is located such as a flood hazard area.
- (b) *Defined.* A nonconforming Structure is any Structure which was lawfully erected and maintained within Putnam 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 Code.
- (c) *Improvements to nonconforming structures.* Subject to the findings of fact required under section 45-817, the applicable building codes and permitting requirements, and other pertinent requirements of this Code, Improvements to an existing nonconforming Structure are regulated as follows:
- (1) Add area to the Structure. Improvements which add area to an existing non-conforming Structure, are allowed provided such Improvement does not extend further into a required setback than the existing Structure, and does not violate maximum Height standards, the Impervious Surface area, or Floor Area Ratio requirements of the zoning on the property.
 - (2) Enclosures. Enclosure of a previously unenclosed space (patio, deck, porch, carport) attached to an existing non-conforming Structure, is allowed provided such enclosure does not extend further into a required setback than the existing Structure, and does not violate Height standards, Impervious Surface area, or Floor Area Ratio requirements of the zoning on the property.
 - (3) Maintenance, repair or renovation. Structures may be maintained, renovated, and repaired with only the following limitation:

Nonconforming structures shall be made to comply with this Code when damage or deterioration of a Structure exceeds 50 percent of the value of the Structure immediately prior to the time of damage or deterioration. The value of the Structure and whether the damage or deterioration exceeds 50 percent shall be determined by the director based on substantial competent evidence, which may include, but not necessarily be limited to the property appraiser's assessment of the Structure.
 - (4) New accessory uses and structures that serve a nonconforming Structure may be allowed if they are otherwise in conformance with the code, unless the accessory use or Structure creates additional Impervious Surface or Floor Area on a site where these standards are already exceeded.

-
- (5) Construction standards. A Structure, which is nonconforming under the Florida Building Code may be renovated, repaired, expanded or altered in compliance with this Code, but is subject to a determination by the building official as to the applicable building code standards.
 - (6) Signs. Nonconforming signs are regulated in County's sign regulations.
 - (7) Article VI of this Code regulates Improvement or expansion of structures in a flood hazard area.
- (d) *Historical structures.* If necessary to preserve the historic nature of a Structure listed on the local register, identified as contributing to a listed district or prevent demolition of the historic Structure, the Zoning Board of Adjustment may allow repairs, maintenance, remodeling or Alterations beyond the limitations of paragraph (c), subject only to applicable building codes and health, safety and welfare concerns, in order to permit nonconforming use of the historic Structure or the rehabilitation of an otherwise non-conforming historic Structure.

Sec. 45-813. Nonconforming uses.

- (a) *Defined.* "Nonconforming Use" means a Use of land, a Structure, or a combination of land and Structure that was lawful prior to the adoption of this Code or amendments thereto, but which fails to fall within the list of allowed uses in the applicable zoning district or overlay zoning under this Code. Due to the wide variety of these nonconformities, this Code has created the following two classes of nonconforming uses:
- (1) *Class I nonconformity.* A Class I nonconformity is a Use or Structure that is not specifically incompatible with surrounding uses. A Class I nonconforming Use or Structure is typically allowed in the district in which it is located by special exception, but does not have one. A Class I nonconformity may also be a Use or Structure that is not specifically allowed in the district in which it is located, but by its nature is not incompatible with the surrounding land uses. A Class I nonconformity does not generate significant amounts of additional traffic, noise, odor, fumes or in any other way adversely impact public health and safety over what is generally allowed in the zoning district.
 - (2) *Class II nonconformity.* By their nature, Class II nonconformities are incompatible with the surrounding land uses through impacts which include, but are not limited to, the generation of significant increased traffic, noise, odor, fumes, or adverse impacts to public health and safety.
- (b) *Nonconforming Use determination.* For purposes of this section, all nonconforming uses shall be presumed to be Class II, unless the Director or Zoning Board of Adjustment determines, based on competent substantial evidence that a Class I designation is more appropriate. A property Owner may attempt to overcome the Class II presumption by requesting a determination from the director or Zoning Board of Adjustment, that a nonconforming Use is a Class I nonconformity. The request will be processed as follows:
- (1) The property Owner must submit his request for a nonconforming Use determination in writing and pay a fee in the amount established by resolution of the Board of County Commissioners. In requesting a Class I designation, the property Owner may submit any documentary evidence or written explanation that supports a Class I designation.
 - (2) Director. Any Use that is not permitted by special Use permit in the zoning district in which it is located shall be sent by the Director to the Zoning Board of Adjustment. The Director may determine that a Use allowed by special Use permit in the district in which the Use is located should also be heard by the Zoning Board of Adjustment due to its incompatibility with surrounding uses.
 - (3) The Director will notify adjacent property Owners on determinations to be made by staff. Notification will be provided at least ten days prior to any determination. All determinations that go to the Zoning Board of Adjustment will follow the normal public hearing process outlined in this Code.

-
- (4) The Director shall review the request, analyze any relevant factual evidence submitted, and issue a written determination indicating whether the requested Class I designation has been granted. The written determination shall include findings of fact that support the director's. The decision only determines whether the conformity is to be treated as a Class I or II, and not whether any proposed action is appropriate. A determination of the director may be appealed to the Zoning Board of Adjustment, which shall follow the procedures for appeals of administrative decisions provided in this Code.
- (c) *Class I nonconformities.* Subject to the findings of fact required under section 45-817, changes and improvements to Class I nonconformities must comply with the following:
- (1) All determinations that go to the Zoning Board of Adjustment will follow the normal public hearing process outlined in this Code, and the following criteria in determining whether to authorize the proposed activity:
 - a. The overall negative impact of the nonconformity on the surrounding properties is reduced as a result of the proposed activity; and
 - b. The proposed activity will not have an adverse health, safety, welfare, or economic impact on the surrounding neighborhood, other land uses, or the general public.
 - (2) Subject to the criteria in paragraph (1) above, the Zoning Board of Adjustment may allow an Applicant to:
 - a. Expand a nonconforming Use of land;
 - b. Add accessory uses or structures;
 - c. Add area to a Structure associated with a nonconforming Use.
 - (3) Subject to paragraph (4) below, repair, maintenance and renovation are allowed except for historical structures or structures within an historical district that are governed by article IV, division 4 of this Code. General repair, maintenance and renovation of items that do not require a permit are allowed without restriction.
 - (4) When damage or deterioration of a Class I nonconforming Structure exceeds 50 percent of the value of the Structure immediately prior to the time of damage or deterioration, the nonconforming Use associated with the Structure shall be eliminated. The value of the Structure and whether the damage or deterioration exceeds 50 percent shall be determined by the director based on substantial competent evidence, which may include, but not necessarily limited to the property appraiser's assessment.
 - (5) There may be a change of tenant, ownership or management of a nonconforming Use provided there is no unauthorized change in the nature or character of such nonconforming Use.
 - (6) The installation or the replacement of signs on Parcels with a nonconforming Use is allowed regardless of which zoning district within which it is located, provided the following requirements are met:
 - a. All new or replacement signs must conform to the requirements of the County's sign regulations applicable to the least intensive zoning district that would normally allow the nonconforming Use; and
 - b. All existing nonconforming signs are removed.
- (d) *Class II nonconformities.* Subject to the findings of fact required under section 45-817, changes and improvements to Class II nonconformities must comply with the following:

-
- (1) Expansion of a nonconforming Use of land, addition of accessory uses or structures, or addition of area to a Structure associated with a nonconforming Use is not allowed. For the purposes of this determination, an increase in intensity will be considered an expansion of Use.
 - (2) Any change of Use must conform to the zoning district and all applicable requirements of this Code.
 - (3) Subject to paragraph b. below, repair, maintenance and renovation are allowed as follows:
 - a. Except for historical structures or structures within an historical district that are governed by article IV, division 4 of this Code, general repair, maintenance and renovation of items that do not require permits are allowed without restriction.
 - b. When damage or deterioration of a Class II nonconformity exceeds 50 percent of the value of the Structure immediately prior to the time of damage or deterioration, the nonconforming Use associated with the Structure shall be eliminated. The value of the Structure and whether the damage or deterioration exceeds 50 percent shall be determined by the director based on substantial competent evidence, which may include, but not necessarily be limited to the property appraiser's assessment.
 - (4) There may be a change of tenant, ownership or management of a nonconforming Use provided there is no unauthorized change in the nature or character of such nonconforming Use.
 - (5) The installation of new signs, or the replacement of existing signs on Parcels with a nonconforming Use is allowed, regardless of which zoning district within which it is located, provided the following requirements are met:
 - a. All new or replacement signs must conform to the requirements of the County's sign regulations applicable to the least intensive zoning district which would normally allow the nonconforming Use; and
 - b. All existing nonconforming signs are removed.
- (e) *Mobile Home parks.* In addition to the requirements pertaining to Class I and Class II nonconformities the following shall apply:
- (1) Nonconforming Mobile Home parks that were rezoned to RMH by the Board of County Commissioners, without meeting the site development requirements for RMH zoning, and where the rezoning included a site plan showing the number and location of lots and where the number and location of lots or units has not been substantially altered from the submitted site plan, move-on permits may be issued for existing lots, subject to the setback requirements of the zoning district. However, if such a Mobile Home park has or intends to increase the number of lots or the location and size of approved lots are substantially altered, then the park shall be required to meet all the requirements of the RMH zoning before any additional move-on permits shall be issued.
 - (2) Nonconforming Mobile Home parks that did not include a site plan showing the number and location of lots when rezoned to RMH by the Board of County Commissioners, permits may only be issued for the replacement homes that were in existence at the time of the rezoning on those lots meeting the Yard requirements provided in paragraph (1). The number of existing lots will be determined by researching County records. However, if such a Mobile Home park has or intends to increase the number of lots or the location and size of approved lots are substantially altered, then the park shall be required to meet all the requirements of the RMH zoning before any move-on may be permitted.
 - (3) Any Mobile Home park located in a zoning district other than RMH is a nonconforming Use and shall be treated as a Class II nonconformity, and shall not be permitted to place new or replacement Mobile Homes unless the Use and structures are made to conform with current code.

-
- (f) *Fish camps and marinas.* The provisions in this paragraph apply in addition to the requirements pertaining to Class I and Class II nonconformities. When application is made to renovate, repair or expand any Structure beyond the general limits allowed for Class II nonconformity, or to replace or add a Mobile Home, the property Owner shall be required to either bring the Use into compliance with this Code or apply for and obtain a rezoning to PUD. Approval of a PUD may be conditioned upon the property Owner making improvements to the development to bring it as close to conformity with this Code as is possible or to protect the health, safety and welfare of the public that uses the fish camp or marina and the adjacent Water Body.
 - (g) *Mines.* The provisions in this paragraph apply in addition to the requirements pertaining to Class I and Class II nonconformities. There are active mines which began operation prior to County regulations requiring mining zoning, and which do not comply with the requirements of this Code. An Owner of property with this type of mine must comply with this Code before the mine is extended to property not owned when the mine was initiated, or the mine exceeds the area in the mining plan filed with the County or State prior to the County requiring mining zoning, whichever comes first.
 - (h) *Borrow areas.* Any active borrow area must immediately comply with the requirements of section 45-169 of this Code.
 - (i) *Salvage yards.* The provisions of this paragraph apply in addition to the requirements pertaining to Class I and Class II nonconformities. There are salvage yards that began operation prior to the County regulations limiting such uses to industrial zoning districts and requiring all such salvage yards to be screened and buffered. An Owner of this type of Use shall not be allowed to expand the area in which such materials are stored either horizontally (i.e. increasing square footage of storage area) or vertically (i.e. by stacking materials), unless in compliance with current code.

Sec. 45-814. Discontinued non-conforming uses.

- (a) *Class I and Class II nonconformities.* The following shall apply to determinations regarding discontinuance of nonconforming uses.
 - (1) If the nonconforming Use is of land only without a Structure and the Use is removed, discontinued or abandoned, the Use cannot be re-established.
 - (2) If the nonconforming Use involves the Use of a Structure, or land and Structure in combination and the Use is discontinued or the Structure is left vacant, abandoned, or not used for 240 consecutive days, the nonconforming Use shall be prohibited and the Structure, or the Structure and land in combination, shall not thereafter be used except in conformance with the regulations of the zoning district, or as allowed by action of the Zoning Board of Adjustment.
 - (3) The Zoning Board of Adjustment may permit the re-establishment of the nonconforming Use where it is determined by the zoning board that the design, construction and character of the Structure is not suitable for uses allowed under the applicable land Use designation. Such requests shall follow the procedure for application and processing of special Use permits.

Sec. 45-815. Nonconforming Lots or Parcels.

- (a) *Defined.* A Nonconforming Lot or Parcel is a Lot or Parcel that fails to meet the dimension requirements (i.e. area, width, depth and Frontage) of this Code, but was lawfully created prior to the effective date of this Code or any amendments thereto and has been determined to be vested to the Comprehensive Plan.
- (b) *Development on nonconforming Parcels and Lots.* Pursuant to the administrative deviation procedure provided under section 45-836, structures on nonconforming Parcels and Lots may be permitted the following setbacks: side setback equal to ten percent of the Parcel or Lot width; rear setback equal to ten

percent of the Parcel or Lot depth; and front setback equal to 20 percent of the Parcel or Lot depth; so long as there remains at least five feet of setback, the Use does not exceed allowed Floor Area Ratios (FAR) or Impervious Surface area ratios, and the County Planning and Development Services Director finds that the encroachment does not present a health or safety risk to adjacent Parcels or the general public. A Lot or Parcel that will use on-site sewage disposal must also be of sufficient size to meet department of health requirements. The property Owner must seek a variance through the formal hearing process in article IX, division 4 in order to further encroach within a setback or develop a Parcel with insufficient Frontage.

Sec. 45-816. Nonconforming site improvements.

Where the Planning and Development Services Director or the Zoning Board of Adjustment find that the Use(s) and Structure(s), if any, are otherwise lawful under this Code, but certain site improvements (i.e. parking, fences, screening, landscaping, and drainage) are determined to be nonconforming, the following shall apply:

- (1) *Vehicle use areas.* These are areas used for parking, loading, and traffic circulation.
 - a. When any change in Use, addition of structures, or additions to structures results in additional parking space requirements, all components of vehicle use areas must be improved to the standards required under this Code for new development unless a variance(s) from a particular dimensional requirement is otherwise approved.
 - b. When any change in Use, addition of structures, or additions to structures results in no additional parking space requirements, only the handicapped parking requirements must be met.
- (2) *Landscaping, drainage, screens, lighting or fences.* When a change of Use results in an increase in the Density or intensity of Use, including a change of Use, addition of Structures and/or addition to Structures, all site Improvement and design standards of this Code must be met unless a variance(s) is otherwise approved.

Sec. 45-817. Findings of fact required for permitting nonconforming uses, structures and lots.

Any other provision of this section or other provisions of this Code notwithstanding, the director or Zoning Board of Adjustment must make the following additional findings of fact before authorizing any proposed improvements to nonconformities under this section:

The Applicant has demonstrated with competent substantial evidence the legality of the nonconforming Use of the land, the Structure or land and the Structure in combination addressed in the application. Proof of the legality of the nonconformity must include competent substantial evidence that the nonconformity was lawfully established and continued under prior County codes or ordinances. Competent substantial evidence may include, but is not limited to, historic aerial photographs, Use and property records maintained by the County's tax collector for business tax receipts, if any, Planning and Development Services Department records, Public Works Department records, records maintained by the County property appraiser's office, business records, and photographs that can be certified as to their date and authenticity.

Sec. 45-818. Nonconforming structures or lots resulting from condemnation or acquisition of land by local, State, or Federal government Right-of-way.

Any Structure or Parcel of land that is made nonconforming by the acquisition of land for a public Right-of-way shall be legally nonconforming under this Code. Any subsequent development shall conform to current code. If the property Owner seeks one or more variances to allow development, redevelopment or improvement, the circumstances of the condemnation/acquisition shall be considered justification of hardship to the property Owner.

Secs. 45-819—45-830. Reserved.

DIVISION 4. VARIANCES

Sec. 45-831. Variances in general.

- (a) Variances to be considered 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. If a variance is sought, a development activity that might otherwise be administratively approved by the planning, and development services department must be approved by the Zoning Board of Adjustment, except for variances under specific sections of this Code that allow for administrative approval. The variance shall be granted or denied in conjunction with the application for development review.
- (b) The Zoning Board of Adjustment may grant a variance from the strict application of any provision of this Code, except provisions in article II, divisions 2 and 3 regulating uses allowed within zoning districts, and the provisions in article V (Facilities and Services), if the procedures of this section are followed and findings are made. Establishment or expansion of a Use otherwise prohibited shall not be allowed by a variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or in adjoining districts.
- (c) Except as otherwise provided, under no circumstances shall the Zoning Board of Adjustment grant a variance to allow a Use not generally permitted or permissible by special exception in the applicable land Use category, nor shall the Zoning Board of Adjustment grant a variance to allow a Use expressly or implicitly prohibited by the terms of this Code. Nonconforming Use of neighboring lands, structures or buildings in the same zoning district and permitted Use of lands, structures or buildings in other zoning districts shall not be considered or used as grounds for the authorization of a variance.

Sec. 45-832. Application and issuance.

- (a) To obtain a variance a Person must file an application with the planning and development services department; and the necessary forms and instructions can be obtained from the Department. The application for a variance shall include, at a minimum, the following information:
 - (1) A notarized signature of the property Owner.
 - (2) A recorded legal document demonstrating conveyance of ownership in real property to the Applicant and a complete legal description of the property for which the variance is requested.
 - (3) The location and current zoning classification of the property being considered for the variance.
 - (4) A description of the variance requested.
 - (5) A section or a Parcel map indicating the general location of the site surrounding property and abutting streets.
 - (6) A site plan that includes, as a minimum, the information listed below for both existing and proposed uses.
 - a. Location of the site in relation to surrounding properties, including the means of ingress and egress to such properties and any screening or buffers on such properties.
 - b. Date, north arrow and graphic scale.
 - c. Location, dimension and number of all proposed parking spaces and loading areas.

-
- d. Location, size and design of landscaped areas and Structure screens or architectural enclosures.
 - e. The location of all structures and major features and complete dimensions of same.
 - f. All setbacks, distances between structures, Floor Areas, width of Driveways, location and size, parking spaces, property or Lot lines and the percentage of the property covered by structures.
 - g. Location and acreage of Open Space, recreational, recharge and landscaped areas.
 - h. Location of existing and proposed utilities, including well and septic systems.
- (7) If the development will use on-site sewage systems, provide written confirmation from the Department of Health that the variance will not result in a violation of the Department of Health regulations concerning sewage treatment and disposal systems. Where such Lot or Parcel is located within 500 feet of a Water Body, any proposed variance shall be subject to State law and the requirements of article VI for placement and discharge of sewage treatment facilities within 500 feet of a Water Body.
- (8) Payment of the application fee in accordance with the fee schedule established by resolution of the Board of County Commissioners.
- (b) Completeness review. The Department shall first decide whether or not the application is technically complete. If not technically complete, the application shall be returned to the Applicant with a written notification of the items that are absent or insufficient. If the Applicant does not resubmit his application within 30 calendar days, the fee shall be returned to the Applicant and the Applicant will be required to submit a new application and fee, if a variance is still sought.
- (c) Upon receipt of the completed application and the required fee, the Department will submit the application to the Zoning Board of Adjustment for action. All applications must be filed by the deadline filing date established by the Department in order to meet required public notice deadlines, allow time for analysis of the request by the Department and be eligible for the next regularly scheduled meeting of the Zoning Board of Adjustment.
- (d) Requirements for hearing notices are provided in article XII of this Code.
- (e) If the Zoning Board of Adjustment denies a variance application, the denied application may not be resubmitted, nor may any action be taken on a new application for the same or a substantially similar variance on the same property, until 12 months after the date an application was denied. Decisions of the Zoning Board of Adjustment may be appealed to the circuit court within 30 days of the decision.
- (f) If the variance is approved, any activity shall be carried out in accordance with the site plan approved with the variance and in accordance with all applicable permits and approved plans and specifications. Deviations from the site plan or changes to the site plan shall not be made without the approval of the director. If the director determines that there is a substantial change or deviation from the approved site plan, the Owner or Applicant and their successors may be required to file another application with the Zoning Board of Adjustment. Upon written notice from the Department, any such ongoing activity shall cease until such time as another public hearing is conducted by the Zoning Board of Adjustment.

Sec. 45-833. Issuance criteria.

Subject to the general conditions in section 45-831, the Zoning Board of Adjustment may authorize a variance, based on substantial competent evidence that the criteria listed in (1) and (2) below are met.

- (1) Each of the following must be met, unless a provision referenced in subsection (2) below states otherwise:

-
- a. Special conditions and circumstances exist which are peculiar to the land, Structure or building involved, or the proposed development design utilizes innovative planning and design which will result in a better development and will be an asset to the community.
 - b. The special conditions and circumstances described in paragraph (1), above, do not result from a failure on the applicant's part to follow applicable County, State or Federal land Use regulations and building codes.
 - c. Granting the variance requested will not confer on the Applicant any special privilege that is denied by this Code to other lands, buildings or structures in the same zoning district.
 - d. Literal interpretation of the provisions of this article would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Code and would place unnecessary and undue hardship on the applicant.
 - e. Granting the variance will be in harmony with the general intent and purpose of this article and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare or public interest.
 - f. The variance granted is the minimum necessary to meet the criteria a through e above. Variance that will make possible the reasonable Use of the land, building or Structure.
- (2) The following special criteria must be met where it is applicable. Unless the section providing the special criteria states otherwise, the applicable criteria listed below must be met in conjunction with the criteria listed in subsection (1) above.
- a. Variances to Airport overlay regulations must meet the pertinent variance criteria outlined in article IV, division 3.
 - b. Variances to the historical district overlay regulations must meet criteria in article IV, division 4 or section 45-834.
 - c. Variances for historical structures involving nonconformities must meet the criteria provided in article IV, division 4 and section 45-834.
 - d. Variances to the sign regulations must meet criteria in Putnam County's sign regulations.
 - e. Variances to flood hazard management regulations must meet the applicable criteria in section 45-432.

Sec. 45-834. Historical buildings.

Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the Structure's continuing designation as a historic Structure and the variance is the minimum to preserve the historic character and design of the Structure. Variances designed to maintain the historical significance of the historic Structure shall not have to meet the criteria in subsection 45-833(1).

Sec. 45-835. Conditions and limitations on granting variances.

- (a) Imposition of conditions. In granting a development approval involving a variance, the Zoning Board of Adjustment may impose such conditions and restrictions upon the Premises benefited by a variance as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the variance. When granting a variance, the Zoning Board of Adjustment may also attach appropriate conditions and safeguards, as deemed necessary, in order to protect the public health, safety and general welfare of County residents. Violation of any terms or conditions of the variance constitutes a

violation of this article and the zoning board may initiate proceedings to revoke a variance not meeting the terms and conditions of approval.

- (b) The Zoning Board of Adjustment may establish a reasonable time limit within which the activity necessary to initiate the variance shall be started and completed. Failure to meet these time limits shall render the variance null and void. If the Zoning Board of Adjustment, during the granting of the variance, does not designate a time limit, and the Applicant has not begun the granted Use within 12 months of the date of approval of the variance, the variance becomes null and void.
- (c) Transfer. If the activity for which the variance was granted continues at the time of sale of the subject property, the variance may be transferred with the land. If a Structure for which the variance is granted ceases to exist by act of God or the acts of a disinterested or unrelated third party, the variance still exists providing a like Structure is built.

Sec. 45-836. Administrative deviations.

The Administrative Deviation Committee shall be authorized to grant administrative deviations to the following:

- (1) Minimum dimensional standards of this Code such as, but not limited to, minimum Lot area, minimum Lot width, Frontage, and required Yards.
- (2) Landscaping, buffering and screening requirements.
- (3) Maximum Lot Coverage.
- (4) Maximum Height of structures and fences.
- (5) Variations in Development Design and Improvement Standards not otherwise allowed to be reviewed and approved by the Public Works Director.
- (6) The Committee may, at its discretion, hear and act upon any applications for a Special Use Permit, Variance or Vesting Determination, provided that the notice requirements of Article XII Division 6 are followed.
- (7) The Committee may, at its discretion, hear and act upon any applications for a nonconforming use determination following the notice requirements below in paragraph (8)

Applications for administrative deviations shall be in writing on the forms prescribed by the Department, and filed with the Department together with the required supporting information and attachments. Upon receipt of the application, the Department shall determine whether the application is complete within five working days. If it is determined that the application is not complete, written notice shall be provided to the Applicant specifying the deficiencies. The Department shall take no further action on the application until the deficiencies are remedied. When the application is determined to be complete, all fees must be paid. The Department shall schedule the application for a meeting of the Administrative Deviation Committee within 30 days after the completed application has been filed. Upon establishment of the meeting date, notice of the meeting shall be given as follow:

- (8) The Owners of any land abutting the subject property shall be notified in writing by certified U.S. mail of the proposed administrative deviation at least 14 days prior to making a final determination on the proposed reduction. The notice shall advise the abutting landowner(s) of the date of determination and that objections or concerns with the proposed administrative deviation must be submitted in writing prior the determination date. The Applicant shall provide to the Department the name and contact information (i.e. address and phone number) for all abutting property Owners that will be impacted by the deviation. Additionally, notice shall be posted on the subject property at least 14 days prior to the final determination on the administrative deviation .

-
- (9) In order to authorize an administrative deviation, the Committee must determine whether the need for the proposed deviation arises out of the physical surroundings, shape, topographic conditions or other physical or environmental conditions that are limited to the specific property involved. The Committee shall not grant an administrative deviation unless a positive finding is made on each of the following criteria:
- a. There are practical or economic difficulties in carrying out the strict letter of the regulation;
 - b. The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish some result that is in the public interest, such as, for example, furthering the preservation of natural resources by saving a tree or trees;
 - c. The proposed deviation will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the deviation;
 - d. The proposed deviation will not be detrimental to the public health, safety or welfare, result in additional public expense, the creation of nuisances, or conflict with any other applicable law;
 - e. The effect of the proposed deviation is in harmony with the spirit and intent of the Zoning Code.
- (10) In granting a development approval involving an administrative deviation, the Committee may impose such conditions and restrictions upon the Premises benefited by a deviation as may be necessary to allow a positive finding to be made on any of the foregoing criteria, or to minimize the injurious effect of the deviation. When granting a deviation, the Committee may also attach appropriate conditions and safeguards, as deemed necessary, in order to protect the public health, safety and general welfare of County residents. Violation of any terms or conditions of the deviation constitutes a violation of this article and the Department may initiate proceedings to revoke a deviation not meeting the terms and conditions of approval.
- (11) The Committee may establish a reasonable time limit within which the activity necessary to initiate the deviation shall be started and completed. Failure to meet these time limits shall render the deviation null and void. If the Committee, during the granting of the administrative deviation, does not designate a time limit, and the Applicant has not begun the granted Use within 12 months of the date of approval of the administrative deviation, the administrative deviation becomes null and void.
- (12) Decisions of the Committee may be appealed to the Zoning Board of Adjustment within 30 days of the decision. However, at any time before the Zoning Board of Adjustment hears and decides such an appeal, any County Commissioner may elect to transfer the appeal to the Board of County Commissioners, which shall then hear and decide the appeal. Appeals of decisions of the Committee shall be de novo.
- (13) Administrative deviations to required setbacks shall not reduce the required setback by more than the following maximums unless the Lot is a Nonconforming Lot subject to the administrative deviation allowed under section 45-836:
- a. Front Yard by up to twenty feet (down to a minimum of ten feet from a Lot line).
 - b. Side Yard setbacks may be reduced by up to fifteen feet (down to a minimum of three feet from a Lot line).
 - c. Rear Yard setbacks may be reduced by up to fifteen feet (down to a minimum of three feet from a Lot line when there is no Water Body).
 - d. Waterfront setbacks may be reduced by up to five feet subject to the requirements of article VI, division 3 of this Code.

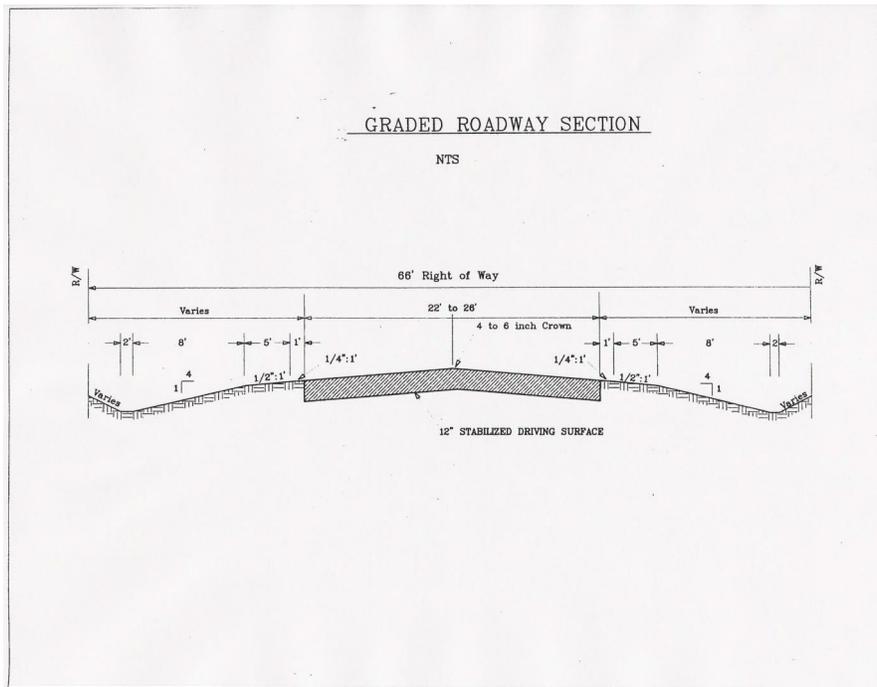
- (14) The Administrative Deviation Committee may choose to refer any administrative deviation request to the Zoning Board of Adjustment. The applicant will be responsible for paying the difference between the fee for administrative deviation and the applicable fee for a variance heard by the Zoning Board of Adjustment.

Secs. 45-837—45-850. Reserved.

APPENDIX IX

Where a minimum roadway and drainage standard was not established pursuant to a formal County approval of a subdivision plat and when minimum standards for such improvements were not established by ordinance at the time the subdivision was created, roadway and drainage shall be in accord with Illustration 9.1 below. The director of public works may, after a field inspection of the applicable rights-of-way, adjust any of the dimensional requirements shown in Illustration 9.1, in accordance with the best possible engineering under the conditions of a given roadway, but in no case, will the director of public works be able to approve a Right-of-way that is less than 35 feet in width, unless the development served by that Right-of-way is specifically vested by the Board of County Commissioners under section 45-801 of this Code.

Illustration 9.1—Standard Graded Roadway and Drainage Section



ARTICLE X. DEVELOPMENT AGREEMENTS

DIVISION 1. GENERALLY

Sec. 45-851. Findings of fact.

The Board of County Commissioners finds and declares that:

- (1) The lack of certainty in the approval of development can result in a waste of economic and land resources, discourage sound capital improvement planning and financing, escalate the cost of housing and development, and discourage commitment to Comprehensive Planning.
- (2) Assurance to a Developer that upon receipt of his Development Permit he may proceed in accordance with existing laws and policies, subject to the conditions of a Development Agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning, and reduces the economic costs of development.

Sec. 45-852. Statement of intent.

The intent of this article is to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate Public Facilities for development, encourage the efficient use of resources, and reduce the economic cost of development, all in conformity with and to carry out the purposes of the Putnam County Comprehensive Plan and the Community Planning Act.

Sec. 45-853. Authority.

The intent of this article is carried out by exercising the authority granted to the County to enter into development agreements with Developers pursuant to F.S. §§ 163.3220 through 163.3243. This article shall be regarded as supplemental and additional to the powers conferred upon the County by other laws and shall not be regarded as in derogation of any powers now existing.

Secs. 45-854—45-860. Reserved.

DIVISION 2. PROCEDURES

Sec. 45-861. Application for Development Agreement.

The Developer shall apply for a Development Agreement through the planning department and pay the appropriate application fee set by resolution of the Board of County Commissioners. An application for a Development Agreement shall be reviewed pursuant to procedures set forth in section 2-2, Zoning Ordinance 88-1, as amended.

Sec. 45-862. Public hearing.

Before entering into, amending or revoking a Development Agreement, the County shall conduct at least two public hearings. The first hearing shall be held by the Planning Commission and the second hearing shall be held by the Board of County Commissioners, in accordance with the notice and procedural requirements of sections 2-2, 2-4 and 2-5 of Zoning Ordinance 88-1, as amended.

Sec. 45-863. Notice of hearing.

Notice of intent to consider a Development Agreement shall be advertised and mailed in accordance with the provisions of section 2-4, Zoning Ordinance 88-1. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

Sec. 45-864. Contents of notice.

The notice shall specify the location of the land subject to the Development Agreement, the development uses proposed on the property, the proposed population densities, and the proposed building intensities and Height and shall specify a place where a copy of the proposed agreement can be obtained.

Secs. 45-865—45-870. Reserved.

DIVISION 3. DEVELOPMENT AGREEMENT

Sec. 45-871. Contents and duration of agreement.

- (a) *Mandatory contents.* A Development Agreement shall include the following:
- (1) A legal description of the land subject to the agreement and the names of its legal and equitable Owners.
 - (2) A statement of the duration of agreement.
 - (3) The development uses permitted on the land, including population densities, and building intensities and Height.
 - (4) A description of Public Facilities that will service the development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure Public Facilities are available concurrent with the impacts of the development.
 - (5) A description of any reservation or dedication of land for public purposes.
 - (6) A description of all local development permits approved or needed to be approved for the development of the land.
 - (7) A finding by the County that the development permitted or proposed is consistent with the County's Comprehensive Plan and land development regulations.
 - (8) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the County for the public health, safety, or welfare of its citizens.
 - (9) A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the Developer of the necessity of complying with the law governing said permitting requirements, conditions, term, or restriction.

-
- (10) A detailed description of the proposed development activity that includes a site plan and meets the requirements of article XII, division 6 of this Code.
 - (11) A statement indicating that the Development Agreement is subject to an annual review pursuant to subsection 45-873(a) below.
 - (b) *Optional contents.* A Development Agreement may provide that the entire development, or any phase thereof, be commenced or completed within a specific period of time.
 - (c) *Duration of agreement.* The duration of the Development Agreement entered into pursuant to this article shall not exceed ten years, except that the duration may be extended beyond ten years by amendment to the Development Agreement. Such an extension must be subject of a concurrency analysis, a consistency determination pursuant to paragraph (a)(7), above, and a public hearing in accordance with article X, division 2 above prior to adoption.

Sec. 45-872. Applicability of laws.

- (a) *Consistency with plan and regulations.* A Development Agreement and authorized development shall be consistent with the County's Comprehensive Plan and land development regulations.
- (b) *Development governed by laws in effect at execution.* The County's laws and policies governing the development of land at the time of the execution of the Development Agreement shall govern the development of the land for the duration of the Development Agreement.
- (c) *Applicability of subsequent laws.* The County may apply subsequently adopted laws and policies to a development that is subject to a Development Agreement only if the County has held a public hearing in accordance with sections 45-862 through 45-864 above and determined:
 - (1) They are not in conflict with the laws and policies governing the Development Agreement and do not prevent development of the land uses, intensities, or densities in the Development Agreement; or
 - (2) They are essential to the public health, safety, or welfare, and expressly State that they shall apply to a development that is subject to a Development Agreement; or
 - (3) They are specifically anticipated and provided for in the Development Agreement; or
 - (4) The County demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the Development Agreement; or
 - (5) The Development Agreement is based on substantially inaccurate information supplied by the Developer.
- (d) *Rights vested pursuant to common law.* This section does not abrogate any rights that may vest pursuant to common law.

Sec. 45-873. Review, amendment, and termination.

- (a) *Periodic review of agreements.* The planning, zoning and building department shall review land subject to Development Agreement at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the Development Agreement. For each annual review conducted during years six through ten of a Development Agreement, the review shall be incorporated into a written report which shall be submitted to the parties to the agreement and the State land planning agency. The report shall be limited to the information sufficient to determine the extent to which the parties are proceeding in good faith to comply with the terms of the Development Agreement. If the staff concludes that there has been a failure to comply with the terms of the Development Agreement, the agreement shall be subject to a

formal review, at which time it may be revoked or modified, by the County pursuant to the procedures outlined in sections 45-862 through 45-864 above.

- (b) *Amendment or cancellation of agreement.* Subject to the procedures outlined in sections 45-861 through 45-864 above, a Development Agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.
- (c) *Modification or revocation to comply with subsequent State and Federal law.* If State or Federal laws are enacted after the execution of a Development Agreement which are applicable to and preclude the parties' compliance with the terms of a Development Agreement, such agreement shall be modified or revoked as is necessary to comply with the relevant State or Federal laws. Such modification or revocation shall be subject to a public hearing in accordance with article X, division 2 above.

Sec. 45-874. Recording and enforcement.

- (a) *Recording of agreement.* Within 14 days after the County enters into a Development Agreement, the County shall record the agreement with the clerk of the circuit court. A copy of the recorded Development Agreement shall be submitted to the State land planning agency within 14 days after the agreement is recorded. A Development Agreement shall not be effective until it is properly recorded in the public records of the County and until 30 days after having been received by the State land planning agency. The burdens of the Development Agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.
- (b) *Enforcement of agreement.* Any party to a Development Agreement or adversely affected Person, or the State land planning agency, may file an action for injunctive relief in circuit court to enforce the terms of a Development Agreement or to challenge the validity of the agreement. "Adversely affected Person" means any Person who is suffering or will suffer an adverse effect to an interest protected or furthered by the local government Comprehensive Plan, including 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.

Secs. 45-875—45-880. Reserved.

ARTICLE XI. DEVELOPMENT REVIEW AND ENFORCEMENT BOARDS

DIVISION 1. IN GENERAL

Sec. 45-881. Purpose.

The purpose of this section is to establish certain boards to administer the provisions of this Code under the authority prescribed by this Code and Florida law. This article hereby creates and establishes the function, powers and duties of the Putnam County Development Review Committee and the following citizen boards: the Planning Commission, the Zoning Board of Adjustment and the Code Enforcement Board. This article also outlines the general procedures and requirements for each of these boards and any other proposed citizen board. Historical district committees are described in article IV and shall be governed by the provisions of this article only to the extent article IV does not address an issue.

Sec. 45-882—45-885. Reserved.

DIVISION 2. DEVELOPMENT REVIEW COMMITTEE

Sec. 45-886. Membership.

- (a) The Development Review Committee (DRC) shall be composed of representatives of various County departments and regulatory agencies having a direct interest in new Development and redevelopment including, but not limited to, Planning and Development Services, Public Works, Emergency Services, Sheriff's Office, and the Department of Health.

Sec. 45-887. Appointment of chair.

The Committee will be chaired by the Director of the Planning and Development Services Department, or designee.

Sec. 45-888. General functions, powers and duties.

The Committee shall meet as needed to conduct development plan review as described in article XII, review of proposed PUDs, review vesting applications as provided in article IX, review subdivision plans, review any other development proposals as prescribed in this Code, provide comment to the Developer or property Owner on any issues or concerns that may need to be addressed prior to submittal to the reviewing board, and make recommendations to the reviewing board regarding any such development plans, vesting applications, subdivision plans or site plans. The Director of Planning and Development Services may call meetings or may refer matters to the individual committee members for review and comment as the Director deems appropriate.

Sec. 45-889. Open meetings.

All Committee meetings shall be open to the public and subject to State open meetings requirements. Notwithstanding any other provision of this LDC, notice of a DRC meeting shall be by posting notice of the meeting at the County administration building at least three days prior to the meeting. If the request is of an uncomplicated nature such that the Director determines that a meeting of the DRC is unnecessary, the Director may waive the requirement for DRC review. Written comments submitted by County departments or other agencies concerning a proposed development shall be retained in the official files of the Department.

Secs. 45-890—45-900. Reserved.

DIVISION 3. CITIZEN BOARDS

Sec. 45-901. Generally.

Except as may otherwise be provided in the subsections below that address the particular citizen boards, all citizen boards created to administer this Code shall be governed by the following provisions of article XI, division 3.

Sec. 45-902. Membership.

- (a) Each board shall consist of no less than seven and no more than nine regular members.
- (b) Each board must include at least one resident from each of the County commissioner districts, and all members must reside in Putnam County.
- (c) No member shall be an elected governmental official.
- (d) No Person may serve on more than one board established under this article, and any Person appointed to a board established by the article shall not be permitted to serve on more than two other standing County committees.

Sec. 45-903. Terms.

- (a) The initial appointments to a new board shall be as follows:
 - (1) Two members appointed for a term of one year each.
 - (2) Three members appointed for a term of two years each.
 - (3) Two members appointed for a term of three years each.
- (b) Thereafter, any appointment, with the exception of the Planning Commission and Zoning Board of Adjustment, shall be made for a term of three years.
- (c) Appointments to the Planning Commission or Zoning Board of Adjustment shall be as follows:
 - (1) Members that are required to come from a specific district under subsection 45-902(b) shall be appointed to four-year terms that commence January 1 immediately following the election of the County Commissioner that represents the specific district.
 - (2) In addition to the appointment of members from specific districts under paragraph (1), above, two of the four at large members of the Planning Commission and Zoning Board of Adjustment shall be appointed to four-year terms that commence January 1.
- (d) All terms expire on December 31.

Sec. 45-904. Appointment, removal and replacement.

- (a) Members shall be appointed by a majority vote of the Board of County Commissioners.
 - (1) At large members shall be nominated by each County Commissioner on a rotating basis according to the district they represent, so that each district shall take a turn at nominating at large members.
 - (2) District members must be nominated by the appropriate district commissioner.
- (b) Removal from a board shall take place under the following circumstances:
 - (1) A district member moved out of his original district.
 - (2) At-large member moved out of the County.
 - (3) A member fails to attend two of three successive meetings without providing notice to staff prior to the meetings. Notwithstanding this specific attendance criterion for immediate removal, poor attendance, with or without notice, shall be reported to the Board of County Commissioners.
 - (4) A majority vote of the Board of County Commissioners without assignment of cause.

-
- (c) When a position becomes vacant before the end of the term, the Board of County Commissioners shall promptly appoint a substitute member to fill the vacancy for the duration of the vacated term.
 - (d) A member whose term expires may continue to serve until a successor is appointed and qualified.

Sec. 45-905. Officers.

- (a) The members of each board shall annually, at the first meeting of the new calendar year, elect a chair and vice chair from among the members, and may create and fill other offices as the board deems needed.
- (b) The chair and vice-chair shall each serve for one year, but may be re-elected. They will serve until they officially notify the Department of their inability to serve or until a successor is appointed, whichever occurs first. The chair shall preside over all meetings and is a voting member. In the event of the chair's absence, the vice-chair shall preside. In the event that both the chair and the vice-chair are absent, the other board members shall elect a temporary chair to preside.

Sec. 45-906. Support staff.

- (a) The Director of the Planning and Development Services Department shall appoint staff to serve as a secretary to each board. The secretary will record the board meetings, keep meeting minutes and serve as custodian of the board's records.
- (b) The Director of Planning and Development Services Department shall provide other staff to each board, as needed.
- (c) Each board, through the staff provided, may request information from any County department or official. Each department head or official shall supply the requested information or reasonable grounds for unavailability within a reasonable time.

Sec. 45-907. Funding and compensation.

- (a) Members shall not be compensated, but may be reimbursed for travel and other expenses incurred on board business under procedures prescribed in advance by the Board of County Commissioners.
- (b) The Board of County Commissioners shall appropriate funds to permit each board to perform its prescribed functions.

Sec. 45-908. Board procedures.

- (a) Each board shall adopt rules of procedure to carry out its purposes. Robert's Rules of Order newly revised shall govern meetings to the extent it is not in conflict with this Code or State law.
- (b) Each board shall meet at least once each calendar month, unless canceled by the board, its chair, or a lack of quorum. Special meetings may be called by the chair or the Board of County Commissioners, as necessary.
- (c) Each board shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question. The minutes shall also indicate if a member is absent for a vote or disqualified from voting.
- (d) A majority of the members of the board being present and qualified to vote shall constitute a quorum.
- (e) Members shall vote on all matters before the board, unless absent or otherwise prohibited by law from voting.

-
- (f) Each decision of a board must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting. A tie vote is considered a denial of the motion. After an initial tie vote, the chair will attempt to get the membership to move on the requested action by either approving or denying the matter. If a subsequent motion(s) is made and the votes result in another tie, and there is no other motion forthcoming or pending, the chair may declare the tie vote(s) a denial of the requested action.

Sec. 45-909. Conflict of interest.

Members of any board established or governed by article XI shall be subject to the conflict of interest requirements in F.S. §§ 112.3143 and 286.012.

Sec. 45-910. Open meetings.

All citizen board meetings are open to the public and shall comply with State open meetings laws.

Sec. 45-911. Legal representation.

The Board of County Commissioners shall appoint legal counsel to represent each citizen board.

Sec. 45-912. Historical district commissions.

Article 4, subsection 45-253(f) provides special provisions for the formation and function of historical district commissions. This section shall govern matters of formation and procedure not covered in subsection 45-253(f).

Sec. 45-913. Application fees.

The Board of County Commissioners shall adopt by resolution a schedule of application fees for functions performed by each citizen board.

Secs. 45-914—45-920. Reserved.

DIVISION 4. PLANNING COMMISSION

Sec. 45-921. Establishment and membership.

The Planning Commission is a citizen board and shall be governed by article XI, division 3 and this section. The Planning Commission shall consist of nine voting members, and two non-voting members. The non-voting member shall be a representative of the Putnam County School Board and a representative of the Department of the Navy, Naval Air Station Jacksonville.

Sec. 45-922. General functions, powers and duties.

- (a) Under the authority granted in the Community Planning Act, F.S. ch. 163, pt. II, the Planning Commission is hereby designated as the local planning agency for the County and shall perform the functions and duties as prescribed in the Act.
- (b) Pursuant to the Community Planning Act, the Planning Commission is hereby designated to be the land development regulation commission and shall perform the functions and duties prescribed in the Act.

-
- (c) The Planning Commission shall monitor and oversee the operation, effectiveness and status of this Code and recommend amendments to the Board of County Commissioners that are consistent with the Comprehensive Plan.
 - (d) The Planning Commission shall conduct public hearings to gather information necessary for the drafting, establishment, amendment, and maintenance of the various elements of the Comprehensive Plan and provisions of this Code, and make written recommendations to the Board of County Commissioners.
 - (e) The Planning Commission shall review and make recommendations regarding redevelopment plans prepared under F.S. ch. 163, pt. III.
 - (f) The Planning Commission shall recommend land Use policies to the Board of County Commissioners, respond to requests by the Board of County Commissioners for advice about specific land Use issues and policies, and make written recommendations to the Board of County Commissioners.
 - (g) The Planning Commission shall review all requests for rezoning of property and zoning district boundary changes as set forth in article XII.
 - (h) The Planning Commission shall review subdivision plans as described in article XII.
 - (i) The Planning Commission shall review vesting cases as described in article IX, with written recommendation to the Board of County Commissioners.
 - (j) The Planning Commission shall review nominations for designation on the local register of historic places as described in article IV.
 - (k) The Planning Commission shall perform other lawfully assigned duties, which may include special studies on the location, condition and adequacy of specific facilities of the County, including housing, commercial and industrial facilities, parks, playgrounds, boat ramps and other recreational facilities, schools, public buildings, public and private utilities, transportation and parking.

Sec. 45-923. Meetings.

The Planning Commission shall meet each month to conduct public hearings on requested actions, or other matters as may be brought before the commission. Meetings, including workshops, may be held at the call of the chair or the Board of County Commissioners.

Secs. 45-924—45-930. Reserved.

DIVISION 5. ZONING BOARD OF ADJUSTMENT

Sec. 45-931. Establishment and membership.

The Zoning Board of Adjustment ("zoning board") is a citizen board and shall be governed by article XI, division 3 and this section. The Zoning Board of Adjustment shall consist of nine voting members.

Sec. 45-932. General functions, powers and duties of the zoning board.

- (a) Make recommendations to the Planning Commission on code amendments either upon the request of the Planning Commission or upon its own initiation.

-
- (b) Review and approve sites, buildings, structures, objects, and districts, both public and private, for listing on the local register of historic places in accordance with article IV, division 4 of this Code.
 - (c) Approve or deny petitions for certificates of appropriateness required under the historic preservation regulations in article IV, division 4 of this Code.
 - (d) Hear and decide appeals of final determinations by County administrative staff as set forth in article XII.
 - (e) Hear and act upon variance applications as set forth in this Code.
 - (f) Make determinations regarding nonconformities pursuant to division IX, division 3 of this Code.
 - (g) Review and make a determination on all requests for special Use permits as set forth in article XII.
 - (h) Have such other powers and duties as are provided by this Code.

Sec. 45-933. Meetings generally.

The zoning board shall meet each month to conduct public hearings on requested actions, or other matters as may be brought before the board special meetings, including workshops, may be held at the call of the chair or the Board of County Commissioners.

Secs. 45-934—45-940. Reserved.

DIVISION 6. CODE ENFORCEMENT BOARD AND SPECIAL MAGISTRATE

Sec. 45-941. Intent.

It is the intent of this section to promote, protect and improve the health, safety and welfare of the citizens of Putnam County by authorizing and creating a special magistrate and a Code Enforcement Board to hear and decide code enforcement proceedings with the authority to impose administrative fines and other non-criminal penalties to provide and equitable, expeditious, effective, and inexpensive method for enforcing the codes and ordinances in force in the County where a pending or repeated violation continues to exist.

Sec. 45-942. Establishment and membership of Code Enforcement Board and special master.

- (a) *Appointment of Code Enforcement Board.* The Code Enforcement Board is created as a citizen board, the formation and function of which shall be governed by the requirements of article XI, division 3 and this section. Its membership shall consist of seven voting members.
- (b) *Appointment and qualifications of the special magistrate.*
 - (1) The special magistrate shall be appointed by a majority vote of the Board of County Commissioners. The Board of County Commissioners may appoint one or more alternate special magistrate.
 - (2) The special magistrate shall first be appointed for a period of one year and shall thereafter be appointed for a term of three years. A special magistrate may be reappointed upon the approval of the Board of County Commissioners. In the event of a vacancy by the special magistrate, the Board of County Commissioners shall appoint a replacement for the remainder of the unexpired term.
 - (3) The special magistrate shall be compensated in the amount to be established by the Board of County Commissioners.

-
- (4) The special magistrate shall serve at the pleasure of the Board of County Commissioners and may be suspended or removed by a majority vote of the Board of County Commissioners.
 - (5) The special magistrate shall be an attorney and member in good standing with the Florida Bar for a minimum of five years.

Sec. 45-943. General functions, powers and duties.

- (a) The enforcement board and the special magistrate shall have the jurisdiction and authority to hear and decide alleged violations of this Code and other codes and ordinances enacted by Putnam County including, but not limited to, the following codes: building, electrical, fire, gas, housing, abatement of nuisances, plumbing, and any other similar type codes which may be passed by Putnam County in the future which regulate aesthetics, construction, environmental health, safety, or location of any Structure on real property in Putnam County.
- (b) The provisions of this section are supplemental and shall not prohibit the County from enforcing its codes by other legal means.
- (c) The enforcement board and the special magistrate shall have the power to:
 - (1) Subpoena alleged violators and witnesses to its hearings. A sheriff or other authorized Persons may serve subpoenas consistent with applicable State law and procedures, upon request by the chair.
 - (2) Subpoena records, surveys, plats and other documentary materials.
 - (3) Take testimony under oath.
 - (4) Issue orders having the full force and effect of law to command whatever steps are necessary to bring a violation into compliance.
 - (5) Assess fines pursuant to the requirements of this section pertaining to fines.
 - (6) Lien property pursuant to the requirements of this section pertaining to liens.

Sec. 45-944. Enforcement procedures.

- (a) An alleged violation of any of those codes or ordinances of Putnam County, as described herein, may be filed with planning and development services, either by citizens or by County staff who have the responsibility of enforcing the various codes or ordinances of Putnam County. The "code enforcement officer" is any authorized agent or employee of the County whose duty is to assure code compliance. It shall be the duty of the code inspector to initiate enforcement proceedings. The County Department having responsibility for the administration of a particular ordinance shall be responsible for prosecuting violations of that ordinance before the Code Enforcement Board or the special master. Neither a member of the Code Enforcement Board nor the special magistrate shall have the power to initiate enforcement proceedings.
- (b) Except as provided in subsections (c) and (d) below, if a violation is found, the code enforcement officer shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the inspector shall schedule a hearing before the Code Enforcement Board or the special magistrate, and give notice to the violator pursuant to section 45-949. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction, the hearing shall nevertheless take place, even if the violation has been corrected prior to the board hearing, and the notice shall so state.
- (c) If a repeat violation is found, the code enforcement officer shall notify the violator, but is not required to give the violator a reasonable time to correct the violation. "Repeat violation" means the violation of a provision of a code or ordinance by a Person who has been previously found through a Code Enforcement

Board or any other quasi-judicial or judicial process to have violated, or who has admitted violating, the same provision within five years prior to the violation. The code enforcement officer, upon notifying the violator of a repeat violation, shall schedule a hearing and shall provide notice in accordance with section 45-949. The case may be presented to the Code Enforcement Board or the special magistrate even if the repeat violation has been corrected prior to the board hearing and the notice shall so state. If the repeat violation has been corrected, the Code Enforcement Board retains the right to impose costs and enforcement fees. The repeat violator may waive his right to this hearing and pay said costs as determined by the board.

- (d) If the code enforcement officer has reason to believe a violation presents a serious threat to the public health, safety, and welfare, or if the violation is irreparable or irreversible in nature, the officer shall make a reasonable effort to notify the violator and may immediately notify the Code Enforcement Board or the special magistrate and request a hearing or follow the abatement procedures outlined in article XII.
- (e) Nothing contained in these sections shall prohibit Putnam County from enforcing its codes by any other means.

Sec. 45-945. Conduct of hearings.

The following requirements shall apply to the conduct of Code Enforcement Board and special magistrate hearings:

- (1) Schedule.
 - a. Regular meetings of the Code Enforcement Board or special magistrate will be convened each month or as otherwise deemed necessary upon posting notice of the change at the offices of the planning and development services department and giving notice to the defendant. Written notice and formal agenda package will be prepared and forwarded to each member of the Code Enforcement Board or to the special magistrate. Special meetings of the Code Enforcement Board may be convened by the chair, or vice-chair in the absence or unavailability of the chair, or by written notice signed by at least three members of the Code Enforcement Board. Alternatively, a special magistrate hearing may be set by the planning and development services director or their designee, as necessary, after giving proper notice pursuant to this section and Florida Statutes.
 - b. At such other times as may be necessary, a hearing to hear and decide code enforcement matters as provided for in this section, may be scheduled upon posting notice at the offices of the planning and development services department and giving notice to the defendant.
- (2) All testimonies shall be under oath and mechanically recorded.
- (3) Each case before the Code Enforcement Board or the special magistrate shall be presented by the County staff Person who is charged with the responsibility for enforcement of the specific code sections alleged to have been violated.
- (4) The formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceeding. All relevant evidence shall be admitted if, in the opinion of the Code Enforcement Board or the special magistrate, it is the type of evidence upon which reasonable and responsible Persons would normally rely in the conduct of business affairs, regardless of the existence of any common law or statutory rule that might make such evidence inadmissible over objections in a civil action. The chair of the Code Enforcement Board or the special magistrate hearing the matter may exclude irrelevant or unduly repetitious evidence. Any part of the evidence may be received in written form and noted during the meeting.
- (5) Each party to the hearing shall have the right to call and examine witnesses, introduce exhibits, cross-examine opposing witnesses, impeach witnesses and rebut evidence.

-
- (6) The alleged violator has the right, at his own expense, to be represented by an attorney at any board hearing.
 - (7) The alleged violator or the County may cause the proceedings to be recorded by a certified court reporter or by a certified recording instrument.
 - (8) The burden of proof shall be with the code enforcement officer to show by a preponderance of evidence that a code violation exists and that the alleged violator committed, or was responsible for maintaining the violation.
 - (9) If the required notice of the public hearing has been provided to the alleged violator, the hearing may be conducted and an order rendered in the absence of the alleged violator.
 - (10) At the conclusion of the hearing, the Code Enforcement Board or the special magistrate shall issue findings of fact based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted herein, including, but not limited to, corrective action to eliminate the violation. The findings of the Code Enforcement Board shall be by motion, approved by a majority of those members present and voting, except that at least four members must vote in order for the action to be official. Alternatively, an order signed by a special magistrate shall have the same effect. The order shall include a notice that the order must be complied with by a specified date and that a fine may be imposed if the order is not complied with by said date. The cost of any repairs made pursuant to section 45-946(a) shall also be assessed against the violator. If a violation is found, the County shall be entitled to recover all costs incurred in prosecuting the case, and such costs shall be included in the lien authorized by section 45-947. A copy of the order shall be mailed by certified mail to the Owner of record at the most current address provided in the records of the property appraiser and, if applicable, his authorized agent or representative, and to the violator.
 - (11) A certified copy of such order may be recorded in the public records of Putnam County and shall constitute notice to any subsequent purchasers, successors in interest, or assigns of the violation. The findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If any such order is complied with by the date specified in the order, the Department shall, without a hearing, issue an order acknowledging compliance.

Sec. 45-946. Administrative fines.

- (a) The Code Enforcement Board or the special magistrate, upon notification by the code enforcement officer that an order of the enforcement board or the special magistrate has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified below for each day the violation continues past the date set for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code enforcement officer. In addition, if the violation is a violation described in section 45-944(d) the enforcement board or the special magistrate shall notify the Board of County Commissioners, which may direct that the County shall make all reasonable repairs that are required to bring the property into compliance, and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation to make further repairs or to maintain the property and does not create any liability for any damages to the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, a violation is found to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in subsection (b) below.

-
- (b) A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (a). However, the enforcement board or special magistrate has the ability to impose fines in excess of those described above subject to the following criteria:
- (1) The gravity of the violation.
 - (2) Any actions taken by the violator to correct the violation.
 - (3) Inaction on the part of the violator to correct the violation.
 - (4) Any previous violations by the violator.
 - (5) The negative impact on the surrounding properties.
 - (6) Whether or not the fine outlined above could be considered a "cost of doing business" by the violator.
 - (7) Impact on the environment.

Such fines shall not exceed \$1,000.00 per day per violation for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the violation is found to be irreparable or irreversible in nature. Additional fines may be imposed to cover all costs incurred by the local government in enforcing its codes and all costs of repairs made.

- (c) The Code Enforcement Board or special magistrate may, upon giving notice and holding a hearing, void any order he has previously entered if deemed appropriate to the circumstance of the case. The voiding of any such order shall also have the effect of voiding any lens recorded during the enforcement of the order and shall be released.

Sec. 45-947. Liens.

- (a) Planning and development services may record a certified copy of an order imposing a fine (including costs of prosecution and repair costs) in the public records of Putnam County, Florida, which shall constitute a lien against the land on which the violation exists, and upon any other real or Personal property owned by the violator. Such order may be enforced in the same manner as a court judgment, including levy against the Personal property of the violator. A fine imposed pursuant to this section shall continue to accrue until the violator comes into compliance, until judgment is rendered in a suit filed hereunder or until otherwise ended or reduced by the Board of County Commissioners, whichever occurs first.
- (b) Upon preparation by the Department and review by the County attorney, the chairman of the Board of County Commissioners shall execute satisfactions of lien.

Sec. 45-948. Appeals.

Any aggrieved party, including the Board of County Commissioners, may appeal a final administrative order of the Code Enforcement Board or the special magistrate to the circuit court in Putnam County, Florida. Such appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Code Enforcement Board or special magistrate. An appeal must be filed within 30 days of the execution of the order being appealed. The County may assess a reasonable charge for the preparation of the record to be paid by the petitioner in accordance with F.S. § 119.07. A copy of all documents filed by the aggrieved party with the court shall be filed with Director of Planning and Development Services.

Sec. 45-949. Notices.

- (a) All notices required by this section must be provided to the alleged violator by:

-
- (1) Certified mail to the address listed in the tax collector's office for tax notices or to any other address provided by the property Owner in writing to the local government for the purpose of receiving notices. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the date of mailing, notice may be provided by posting as described in section (b)(3) below; or
 - (2) Hand delivery by the sheriff or other law enforcement officer, code enforcement officer, or other Person designated by the local governing body; or
 - (3) Leaving the notice at the violator's usual place of residence with any Person residing therein who is above 15 years of age and informing such Person of the contents of the notice.
In the case of commercial Premises, leaving the notice with the manager or other Person in charge.
 - (4) Proof of notice shall be by affidavit of the Person giving the notice, which affidavit shall include a copy of the notice given, the date, and to whom it was given. If notice is given by certified mail, proof of mailing or return receipts from certified mail shall be sufficient.
- (b) In addition to providing notice as set forth in section (a), at the option of the Code Enforcement Board or the special master, notice may also be served by publication or posting, as follows:
- (1) Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in Putnam County.
 - (2) Proof of publication shall be made as provided in F.S. ch. 50.
 - (3) In lieu of such publication, the notice may be posted at least ten days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at the front door of the offices of the planning and development services department.
 - (4) Proof of posting shall be by affidavit of the Person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.
 - (5) Notice by publication or posting may run concurrently with, or may follow, an attempt to provide notice by hand delivery or by mail.
- (c) Evidence that an attempt has been made to hand deliver or mail notice, together with proof of publication or posting, shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

Secs. 45-954—45-960. Reserved.

DIVISION 7. ADMINISTRATIVE DEVIATION COMMITTEE

Sec. 45-950. Membership.

The Administrative Deviation Committee shall be composed of the two Deputy County Administrators, the Executive Director of Planning and Development Services, the Executive Director of Public Works and the Senior Divisional Planning Manager.

Sec. 45-951. Appointment of chair.

The Committee will be chaired by the Director of the Planning and Development Services Department, or designee.

Sec. 45-952. General functions, powers and duties.

The Committee shall meet as needed to review applications for administrative deviations as described in Section 45-836. The Director of Planning and Development Services may call meetings or may refer matters to the individual Committee members for review and comment as the Director deems appropriate. The Committee may also, at its discretion, hear and act upon any Special Use Permit, Variance, nonconforming use determinations, or vesting determinations provided a public hearing and the public notice requirements applicable to such requests are followed.

Sec. 45-953. Open meetings.

All Committee meetings shall be open to the public and subject to State open meetings requirements. If a request for an administrative deviation is of an uncomplicated nature such that the Director determines that a meeting of the Committee is unnecessary, the Director may waive the requirement for Committee review. Written comments submitted by County departments or other agencies concerning a proposed Development shall be retained in the official files of the Department. Notwithstanding any other provision of this Code, notice of Committee meetings shall be by posting notice of the meeting at the County administration building at least three days prior to the meeting. Applications for a Special Use Permit, Variance and vesting determinations shall be noticed in the same manner as provided for in article XII, division 6.

ARTICLE XII. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 45-961. Purpose.

This article provides the requirements for the following procedures: obtaining development approvals and certain types of permits; as well as procedures for rezoning property, seeking a special use permit, appealing decisions, seeking legislative action to amend this Code and the Comprehensive Plan, and enforcing this Code.

this Code

Sec. 45-962. Specialized procedures elsewhere in the Code.

This Code contains additional specialized provisions for approval of certain types of developments. Unless such special procedures are expressly provided for elsewhere in this Code, the administration and enforcement procedures of this article shall apply.

Sec. 45-963. Staff responsibilities.

Except as otherwise provided, the Director of Planning and Development Services or designees (the "Department") shall administer and enforce the provisions of this Code. Throughout the Code other County staff members have been identified as the party responsible for administering and enforcing particular sections of this Code. The Department has primary responsibility for the following:

-
- (1) The day-to-day administration of this Code.
 - (2) Assisting applicants in understanding the provisions of this Code.
 - (3) Collecting the required fees and depositing same with the appropriate County fiscal officer.
 - (4) Providing written recommendations to the Planning Commission and the Board of County Commissioners regarding modifications to this Code and the Comprehensive Plan, including all maps and the zoning maps.
 - (5) Conducting field inspections necessary to make decisions related to enforcement and administration of this Code and to adequately advise all boards participating in development review and enforcement procedures.
 - (6) Providing written recommendations, case records and related materials to all boards participating in development review and enforcement procedures.
 - (7) Periodically canvassing the County for Code violations and referring code violations to the Code Enforcement Board.
 - (8) Requesting the State attorney's office to initiate criminal proceedings against the violators of this Code.
 - (9) Requesting Department counsel to initiate civil proceedings against violators of this Code.

Sec. 45-964 Development Review Manual

(a) The Department is authorized and directed to prepare a Development Review Manual containing supplemental administrative regulations and procedures, forms, applications, fee schedules, submittal requirements, internal review procedures, and related materials, consistent with the intent and content of this Code, and necessary to facilitate the efficient, effective and equitable administration of this Code.

(b) The Development Review Manual shall have a table of contents and index, and shall be published and made available to the general public.

(c) The Development Review Manual shall be completed and submitted to the Board of County Commissioners for approval by Resolution. The Department may change or modify the Development Review Manual only after approval of the Board of County Commissioners by Resolution.

Secs. 45-965—45-970. Reserved.

***DIVISION 2. PERMIT REQUIRED PRIOR TO UNDERTAKING ANY DEVELOPMENT
ACTIVITY***

Sec. 45-971. Generally.

Unless expressly exempt under the Florida Building Code and this Code, no Development activity may be undertaken in unincorporated Putnam County unless the activity is authorized by a Development Permit.

Sec. 45-972. Post-permit changes.

After a Development Permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the permit. The Department shall determine whether the modification is a major or minor deviation under the criteria for deviations established under article XII, division 15. A minor deviation shall be handled administratively without

need of additional development review. A major deviation shall be processed in the same manner as the original permit. A written record of the modification shall be entered upon the original permit and maintained in the files of the Department.

Sec. 45-973. Permit on properties where code enforcement action is outstanding.

- (a) On properties where there is an open code enforcement case, no Development Permit shall be issued unless the following actions occur:
- (b) The permit would resolve the code enforcement action, if applicable, and bring the property into compliance.
- (c) Any fine on the property would be resolved through payment at the time of Development Permit issuance or going through a fine reduction process and payment of the resultant reduced fine, if approved, prior to the issuance of a certificate of occupancy.
- (d) If the code enforcement action involves non permit related issues, the violation would need to be brought into compliance and the fine would need to be resolved as stated in (b) above.
- (e) The Director of Planning and Development Services may approve issuance of a Development Permit even if the conditions above are not satisfied based upon the following criteria:
 - (1) The Development Permit is to take care of an unsafe condition.
 - (2) There is a written commitment to resolve the code enforcement case within a specified period of time.
 - (3) The code enforcement fine is paid prior to issuance of the development permit.

Secs. 45-974—45-980. Reserved.

DIVISION 3. BASIC ELEMENTS OF DEVELOPMENT REVIEW AND CLASSES OF DEVELOPMENT ACTIVITY

Sec. 45-981. Basic elements of development review.

There are five basic elements of the development review process. The five elements are:

- (1) *Pre-application conference.* The purpose of the pre-application conference is for the Applicant to introduce and describe the proposed development project and for the County to advise the Applicant of all the applicable development standards, the applicable review processes, and the design and Improvement standards of this Code.
- (2) *Application.* This step entails the preparation of and submittal to the County by the Applicant, all documents, plans and studies required by this Code.
- (3) *Sufficiency review.* At this step, the Department reviews the application and supporting documentation to determine whether all information needed for making a determination has been submitted by the Applicant. Sufficiency review takes place at each submittal stage in the development review process.
- (4) *Preliminary Site Development Plan review.* This step entails a review of a development plan that meets the minimum level of detail required by the submittal requirements of the Development Review Manual in order to determine compliance with applicable requirements of this Code.

-
- (5) *Final Development Plan review.* This step is for the final review of a development plan to ensure all requirements of this Code are met and that all conditions attached to a Preliminary Development Order, where issued, have been met.

Sec. 45-982. 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. However, any development activity exempted from compliance with this Code shall comply with all previous applicable requirements of law, Ordinance, Development Order or Development Permit in effect at the time of approval of the development activity. Unless otherwise specifically provided, the development activity shall conform to this Code and the Development Review Manual. Applications are not subject to the procedure for review of development plans provided for in article XII, division 4 below.

(1)

Development activity necessary to implement a valid site plan/development plan on which the start of construction took place prior to the adoption of this Code and has continued in good faith.

- (2) Development activity necessary to implement a valid site plan/development plan which was approved prior to the adoption of this Code and such development commences within one year of the date of the application for the permit at issue.
- (3) The construction or Alteration of a one- or two-family dwelling on a Lot or Parcel determined to be a conforming or lawfully created Lot or Parcel in compliance with this Code.
- (4) Additions of 250 square feet or less to existing nonresidential buildings where there is no proposed change of Use.
- (5) The erection of a Sign on a previously developed site and independent of any other development activity on the site.
- (6) The re-surfacing of a vehicle Use area if the vehicle Use area conforms to all requirements of this Code.
- (7) A Lot split granted pursuant to the procedures in article XII, division 9 of this chapter.
- (8) All other activities that are required by this Code to only obtain a Development Permit.

Sec. 45-983. Development Review Categories

Each development proposed within the county shall be classified as one of the following four (4) categories.

- (1) Minor Development – A minor development shall consist of any new, or the alteration of any existing, multifamily residential or non-residential development for which all of the following apply:
 - a. For multi-family, it involves eight or less dwelling units and five or less acres; or
 - b. For non-residential, it involves new construction or an addition of less than 5,000 square feet of building area and less than 3 acres.

-
- (2) Minor Subdivision – A minor subdivision shall consist of any new subdivision or resubdivision of land into ten or less lots that does not require the construction, alteration or extension of any public or private utility or roadway.
 - (3) Major Development - A major development shall consist of any new, or the alteration of any existing, multifamily residential or non-residential development that exceeds the above thresholds for a minor development.
 - (4) Major Subdivision – A major subdivision shall consist of any new subdivision or resubdivision of land into more than ten lots or any new subdivision that requires the construction, alteration or extension of any public or private utility or roadway, or the construction of a stormwater management facility.

Secs. 45-984—45-990. Reserved.

DIVISION 4. PROCEDURE FOR REVIEW OF DEVELOPMENT PLANS

The following provisions detail the procedural requirements for review of development plans, beginning with the designation of the development review category. The development review process is separate and different from the other review processes, such as rezonings (including PUDs), special use permits, variances, administrative deviations, nonconforming Use determinations, vestings, Comprehensive Plan amendments and concurrency determinations. The County shall conduct a concurrent review of such matters, to the extent concurrent review is possible.

Sec. 45-991. Designation of plans

Before submitting a development plan to a specific development procedure, all development plans shall be designated by the Department as one of the four categories according to the criteria in section 45-983 above. Before submitting a development plan for review, the developer shall provide the department with sufficient information to make this determination.

Sec. 45-992. Pre-application conference.

A pre-application conference is optional for proposed development classified as a Minor Development or Minor Subdivision. Prior to filing for development plan review for projects designated as Major Development or Major Subdivision, the Developer shall submit draft versions of the documentation required by the Development Review Manual. Upon receipt of all documentation required, the proposed project shall be placed on the agenda of the Development Review Committee or otherwise distributed to Development Review Committee members for their review and comment. There is no required public notice. The Applicant will describe the proposed development project and the Development Review Committee will advise the Applicant of all the applicable development standards, the applicable review processes, and the design and Improvement standards of this Code and the Comprehensive Plan. 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 Development Review Committee shall consider, to the extent possible:

- (1) Characteristics of the site and surrounding area, including important natural and man-made features, the size and accessibility of the site, and surrounding land uses.
- (2) How the impact to facilities and the concurrency requirements of article V of this Code will be handled if the development were built.

-
- (3) The nature of the proposed development, including land-Use types and densities and intensities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of Open Space and public Use areas; the preservation of natural features; proposed parking areas; internal traffic circulation system, including sidewalks and trails; the approximate total ground coverage of paved areas and structures; and types of water and sewage treatment systems.
 - (4) Conformity of the proposed development with the Comprehensive Plan, this Code and other applicable regulations.

Sec. 45-993. Preliminary Site Development Plan review.

(a) A Preliminary Site Development Plan review is optional for Minor Developments and Minor Subdivisions. All Major Developments and Major Subdivisions are required to submit information required by the Development Review Manual and undergo a Preliminary Site Development Plan review. Preliminary Site Development Plans are reviewed by the Development Review Committee and either approved, approved with conditions or denied. If approved, the Department will issue a Preliminary Development Order.

Sec. 45-994. Final Development Plan review.

(a) A Final Development Plan review is required for all four types of development review categories. Final Development Plans shall be reviewed and approved by the Development Review Committee in accordance with the submittal and procedural requirements of the Development Review Manual.

Sec. 45-997. Extensions of time for Development Orders.

Applicants may request extensions of time on preliminary and final Development Orders and such extensions shall only be granted upon a showing by the Applicant that reasonable efforts have been made towards addressing issues raised in the preliminary development review process; or where a final Development Order is involved, that reasonable efforts towards securing the required permits and commencing work on the project. Any request for extension of a Development Order shall be heard by the board that that granted it. The Applicant shall also be required to obtain a revised certificate of concurrency pursuant to article V of this Code.

Secs. 45-998—45-1000. Reserved.

DIVISION 5. REQUIRED CONTENTS OF SUBMITTALS FOR DEVELOPMENT REVIEW

Sec. 45-1001. Application for development review.

Applications for development review shall be available from the Department. The completed application shall be signed by all Owners of the subject property, or their authorized agent(s), 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 documentation showing authorization to act for the corporation. All applications shall comply with the following submittal requirements unless deemed unnecessary by the Department or as otherwise provided for in the Development Review Manual:

-
- (1) The application shall include, but not be limited to the following:
 - a. Name, address and telephone number of Owner.
 - b. Description of intended Use.
 - c. Description of proposed development activities.
 - d. Location and linear dimensions and size of Parcel.
 - e. Legal description of property involved.
 - f. A site plan drawn to scale showing dimensions of existing and proposed structures, with the setbacks from each other and the property line, the Lot coverage, proposed parking including aisles direction of flow and dimensions, landscaping, and a north arrow.
 - (2) Where applicable to the development activity proposed, the Department may require the following to be submitted as part of the application:
 - a. Building, Structure, sidewalk and pavement location, Height and setback.
 - b. Location, length, width and composition of proposed Driveways including Driveway alignment with Driveways on surrounding land.
 - c. A map of vegetative cover including the location and identity by common name of all protected trees. Groups of protected trees may be designated as "clusters" with the estimated total number noted.
 - d. Floor plan for existing and proposed structures.
 - e. A detailed landscape plan meeting or exceeding the requirements of this Code for all new or existing uses.
 - f. Sign plans, including the location of signs on the site; dimensions of all signs, including maximum square footage, Height and width; and distance from the ground to the bottom of the sign display area (including borders).
 - g. Survey of property.

h. Construction plans for all proposed development activities. This is not required for Minor Subdivisions and may be waived by the Department for certain Minor Developments.

this Code

Sec. 45-1002. Master plan.

Any development may be constructed in phases. A master plan is required for any phased development. A master plan shall provide the following information for the entire development:

- (1) A concept plan for the entire master plan area.
- (2) A conceptual development plan for the first phase or phases for which approval is sought.

-
- (3) A development phasing schedule including the sequence for each phase; approximate size of the area in each phase; and proposed phasing of construction of public recreation and common Open Space areas and facilities.
 - (4) Total acreage in each phase and gross intensity (non-residential) and gross Density (residential) of each phase.
 - (5) Number, Height and type of residential units.
 - (6) Floor Area, Height and types of non-residential uses.
 - (7) Total land area, and approximate location and amount of Open Space included in each residential, office, commercial, and industrial area.
 - (8) Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress.
 - (9) Approximate location and acreage of any proposed public Use such as parks, school sites, and similar public or semi-public uses.
 - (10) A vicinity map of the area within one mile surrounding the site showing:
 - a. Land Use designations and boundaries.
 - b. Traffic circulation systems.
 - c. Major Public Facilities.
 - d. Municipal boundary lines.
 - e. Urban service area boundaries.
 - (11) Other documentation necessary to permit satisfactory review under the requirements of this Code, the Comprehensive Plan, or other Federal, State, or regional laws and regulations that may be applicable and required by special circumstances in the determination of the Department.

Sec. 45-1003. Withdrawal of applications.

An application for development review may be withdrawn at any time. No application fees will be refunded to the Applicant where the application had been submitted for greater than three business days.

Secs. 45-1004—45-1010. Reserved.

DIVISION 6. NOTICE REQUIREMENTS

Sec. 45-1011. Generally.

Unless otherwise mandated by State law or elsewhere in this Code, this section contains notice requirements for all rezoning requests, special Use permit requests, variance requests, vesting determinations, appeals, Development Agreements and any other public hearings held by any appointed board formed under this Code or the Board of County Commissioners.

Sec. 45-1012. Notice in the newspaper.

Notice of each case before the Planning Commission or the Zoning Board of Adjustment shall be published once in a newspaper of general circulation, not less than ten days in advance of the date of such hearing. Such published notice shall be in a form prescribed by the Planning Commission or Zoning Board of Adjustment, whichever board is applicable.

Sec. 45-1013. Sign notice.

The Department shall be responsible for posting signs on the land that is the subject of the application. Such signs shall be posted no later than ten days prior to the date of the public hearings at which such application is to be considered. The sign shall specify that the property is under consideration for review and specify the reviewing body, time, date and place of the meeting. The signs shall be no less than four square feet in size, shall be produced with a bright noticeable color and shall be placed in sufficient numbers and suitable locations so as to be easily seen by the public. All property Frontages on public rights-of-way shall be posted at approximately 500 feet intervals of Frontage. All signs shall be erected in full view of the public on each street side of such land. Where such land does not have Frontage on a public street, such signs shall be erected on the nearest street Right-of-way. The Applicant shall pay for the cost of the sign(s).

Sec. 45-1014. Notice by mail.

Unless otherwise provided, mailed notice required by this article shall be sent 15 days prior to the scheduled hearing to all property Owners within 300 feet of any part of the property boundary of the Parcel(s) that are the subject of the application and hearing. Except that vesting determinations shall only be required to provide notice by mail to the property Owners that own the property that is subject to the vesting. The notice shall include the location of the land in question by Parcel number and 911 address, the nature of the request being heard and the board reviewing the matter, as well as the date, time and place of the hearing. Mailing addresses shall be obtained from the records of the Putnam County Property Appraiser. The failure of any Person to receive notice shall not invalidate an action if a good faith attempt was made to comply with the notice requirements of this article.

Secs. 45-1015—45-1020. Reserved.

DIVISION 7. QUASI-JUDICIAL HEARINGS

Sec. 45-1021. Applicability.

Except as otherwise provided in this Code by more specialized procedures, in addition to the requirements of article XI, divisions 3 and 5 of the code, each quasi-judicial administrative hearing conducted by any one of the following Boards shall conform to the procedures set forth in this section, as supplemented by law, rule or decision:

- (1) The Board of County Commissioners;
- (2) The Planning Commission; and
- (3) The Zoning Board of Adjustment.

This section shall serve to supplement any specialized procedures provided elsewhere in this Code. To the extent these general procedures conflict with specialized procedures provided elsewhere in this Code, the specialized procedures shall prevail.

Sec. 45-1022. Hearing procedures.

- (a) Jurisdiction. The reviewing board shall:
 - (1) Determine whether it has jurisdiction over the matter.
 - (2) Determine whether any member must abstain or is disqualified.
- (b) Official notice of relevant and undisputed facts and law. The reviewing board may take official notice of known information related to the issue, including:
 - (1) State law and applicable ordinances, resolutions, rules and official policies of the County.
 - (2) Other public records and facts judicially noticeable by law.

Matters officially noticed need not be established by evidence and are binding to the extent that they are relevant and material. Requests that official notice be taken shall be made on the record and an opportunity for rebuttal shall be given to opposing parties. The reviewing board may take notice without prompting or suggestion of matters listed in paragraph (b)(2) above and shall state all matters officially noticed for the record.

- (c) Site visits. Submittal of an application for action by any board constitutes express permission to the board members and planning, zoning and building staff to enter onto the property to investigate matters relevant to the application. The reviewing board members may view the site of the proposed development with or without notification to the parties, but after the visit, shall place the time, manner and circumstances of the viewing in the record.
- (d) Order of proceedings. The order of proceedings at a quasi-judicial hearing shall be as follows:

Order	Item
1	Introduction of Petition
2	Staff Presentation
3	Applicant Presentation
4	Interested Party For
5	Interested Party Against
6	Rebuttals
7	Close of Formal Proceedings
8	Public Input
9	Close Public Hearing, Deliberation and Vote

The reviewing Board may alter this order in the interest of fairness, efficiency or other reason so long as the basic due process rights of the parties are respected.

- (e) For purposes of these proceedings, an "interested party" is a Person who is prepared to present evidence to the reviewing board and willing to be subject to cross examination. Persons simply wishing to provide comment or other input without being subject to cross examination may do so during the "public input" portion of the hearing.
- (f) Direct and cross examination. Direct and cross-examination of witnesses shall be permitted in the course the above proceedings. However, the reviewing board may approve or deny a request from a Person attending the hearing to ask a question. Unless the Board specifies otherwise, if the request to ask a question is approved, the Board will direct the question to the Person submitting testimony.
- (g) Time limits. The time limits for public input presentations at the public input stage may be limited to three minutes per speaker at the discretion of the chairman.

-
- (h) Board deliberation. Before the hearing has concluded, the board shall restate the issues and comment upon the law and facts pertaining to the decision, and if opportunity for rebuttal is provided, may ask additional questions of any Person who has testified or presented information. Board decisions shall be decided by motion.
 - (i) Evidence. Evidence may be submitted that is relevant to the proceedings without regard to whether the evidence would be admissible in civil proceedings in the courts of this State. The chairman or acting chairman of the reviewing Board may curtail testimony or cross examination that is redundant, irrelevant, disruptive, belligerent or otherwise out of order.
 - (j) Ex parte communications. All Boards established under this Code are subject to the following ex parte disclosure requirements:
 - (1) A County employee, elected official or other Person who is or may become a party to a quasi-judicial proceeding shall avoid engaging in ex parte communications with a member of the reviewing board.
 - (2) If a Person engages in an ex parte communication with a member of the reviewing board, the member shall place on the record of the pending case all ex parte written communications received, all written responses to such communications, a memorandum or verbal statement setting forth the substance of all oral communications received, and all oral responses made, and shall advise all parties that such matters have been placed on the record.
 - (3) The foregoing is not meant to inhibit discussions between members of the reviewing board and County staff that pertain solely to scheduling of hearings and other administrative matters unrelated to the merits of the case.

Sec. 45-1023. Findings.

When approving or denying a request, the reviewing board shall state its findings and conclusions upon which the approval or denial is based.

Sec. 45-1024. Record of proceedings.

- (a) All proceedings shall be recorded electronically and shall be summarized in written meeting minutes. Copies of the electronic recordings and meeting minutes will be made available to the public upon request. Reproduction and copying costs shall be borne by the requesting party and shall include staff time spent in obtaining the requested items. Applicant(s), interested parties or members of the general public that want a verbatim record of the proceedings shall be responsible insuring that such a verbatim record is made.
- (b) The Board shall, where practicable, include in the hearing record each item of physical or documentary evidence presented and shall mark each item to show the identity of the Person who presented it. Each exhibit received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, when it may be returned to the Person identified thereon, or otherwise disposed of in accordance with Florida law.
- (c) The findings and conclusions shall be included in the record.

Secs. 45-1025—45-1030. Reserved.

DIVISION 8. PROCEDURES FOR REVIEW OF SUBDIVISIONS

Sec. 45-1031. Purpose.

The purpose of this section is to promote and protect the public health, safety and welfare of the citizens of the County by requiring the orderly and progressive review of development of subdivisions and requiring the platting of all Type I subdivisions, regardless of its land Use and zoning designations, within the unincorporated areas of the County.

Sec. 45-1032. Scope of section.

A subdivision of land within the unincorporated limits of the County is the division of a parent tract of land into two or more lots, Parcels, tracts, tiers, blocks, sites, units, or any other division of land. A Type I subdivision must first receive the approval of the Board of County Commissioners pursuant to the procedures set forth herein. Developments such as, but not limited to, condominiums and Mobile Homes parks with a gross Density of six or more units per acre shall meet the requirements of a Type I subdivision. A subdivision created pursuant to any Density exception in the Comprehensive Plan shall meet the requirements of a Type I subdivision if three or more lots are to be created unless determined to be a Type IV subdivision pursuant to Section 45-1033 below. A "parent tract," for purposes of article XII, division 8 and 9, shall mean the Lot of record or Parcel that existed as of July 1, 2024. Unless otherwise exempt under the provisions of this Code, any Parcels, lots, tracts, tiers, blocks or units of land created after July 1, 2024 shall be counted in determining whether a subdivision has or will be created under this section, regardless of ownership.

Sec. 45-1033. Classifications of subdivisions.

There shall be six kinds of subdivisions as follows:

- (1) Type I subdivisions, which shall be those subdivisions other than Type II, Type III, or Type IV subdivisions in which the streets and drainage are dedicated to the public or to the Board of County Commissioners.
- (2) Type II subdivisions, which shall be limited to large Lot subdivisions in agriculturally zoned areas as described in section 45-1035.
- (3) Type III subdivisions, which shall be limited to family subdivision in agriculturally zoned areas as described in section 45-1036.
- (4) Type IV subdivisions, which shall be limited to residentially zoned areas where up to ten (10) newly-created Lots resulting from the division shall have Frontage on and direct access to a County-maintained paved road as described in section 45-1037.
- (5) Exempt subdivisions, which may include any of the following upon determination by the Director of Planning and Development Services:
 - a. Any conveyance of an illegal or nonconforming Parcel(s), as determined by the Department, to adjust or settle a common boundary line between adjoining property Owners in accordance with the following conditions:
 1. The purpose of the conveyance is to settle boundary disputes, correct encroachments, or otherwise resolve conditions which are illegal, nonconforming or deemed by the Director of Planning and Development Services to be undesirable under this Code;
 2. A deed, or other conveyance instrument, shall be recorded in the Official Records of Putnam County;

-
3. The grantee of the conveyance shall combine the conveyed Parcel with their original Parcel under a single Parcel identification number in the records of the Putnam County Property Appraiser; and
 4. Upon completion of the conveyance transaction, the resulting Parcels shall conform to all dimensional and Frontage requirements of this Code, or shall result in greater conformance with this Code, as determined by the Director of Planning and Development Services.
- b. Any division of land for the purpose of conveyance to any Federal, State or local government entity or public utility provided the instrument is accepted by the grantee and recorded in the Official Records of Putnam County;
 - c. Any conveyance (i.e. corrective deed) necessary to correct an error made in the language used in an earlier conveyance for the purpose of resolving land title issues;
 - d. Any division of land by order of a court of competent jurisdiction; and
 - e. Any Parcel that contains 30 acres or greater and not intended for development with permanent structures as defined in the Florida Building Code. No permanent structures may be erected on the Parcel unless the access roads and drainage are determined to be acceptable by the Public Works Director. No such creation of a Lot 30 acres or greater in size shall be exempt under this section if it results in the remainder of the Parcel being subdivided having less than 30 acres.
 - f. The combination or recombination of portions of previously platted lots or Parcels where the total number of lots or Parcels is not increased and the resultant lots comply with the Density limitations of the Comprehensive Plan and the dimensional standards of the applicable zoning district(s);
 - g. Development of commercial centers or industrial parks where no new streets are being established, provided however, that such commercial or industrial development shall be subject to design and engineering review and approval by the Public Works Director or designee.
 - h. Any lands which, in the opinion of the Public Works Director, should not be subject to the terms of this section.
- (6) Any Lot split done according to the requirements of article XII, division 9 of this Code.

Sec. 45-1034. Requirements for Type I subdivisions.

- (a) It shall be a violation of this Code for the Owner of any land within a Type I subdivision to transfer, sell, agree to sell, or negotiate to sell such land by reference to, exhibition of or other use of a plat of a subdivision of such land without having the plat approved and recorded as required by this section. All Type I subdivision plats shall be recorded and shall fulfill the requirements of F.S. ch. 177, pt. I.
- (b) In Type I subdivisions all streets must be paved and drainage improvements constructed pursuant to the paved street design and construction criteria, the stormwater management requirements and the drainage regulations in articles VI and VII of the Code.
- (c) Unless otherwise specifically authorized pursuant to paragraph (d) below, all streets, sidewalks, and associated Right-of-way shall be transferred by dedication on plat to Putnam County for ownership and maintenance by the County. Upon the recommendation of the Putnam County Public Works Department, the County Commission may require that other improvements such as, but not limited to, drainage facilities and parks, be transferred to the County for ownership and maintenance where necessary or desirable to protect or promote the public interest.

-
- (d) The Board of County Commissioners may approve private streets, sidewalks and/or other improvements when such improvements will be constructed to the specifications of this Code, and when the County Commission determines, at its sole discretion and with the concurrence of the County attorney and Public Works Director, that adequate provision for initial installation and future private maintenance is made for such improvements. The presumption shall always be, however, that streets, sidewalks and other improvements shall be dedicated to the County as set forth in paragraph (c) above, and in no event shall this paragraph be interpreted as requiring the County Commission to approve a subdivision with private streets or sidewalks.

Sec. 45-1035. Requirements for Type II subdivisions.

Type II subdivisions may be approved in areas designated Agriculture in the Putnam County Comprehensive Plan when the following conditions are met:

- (1) The subdivision shall conform to minimum Lot size, Lot dimension requirements, and Density restrictions in the Putnam County Comprehensive Plan and Land Development Code.
- (2) No more than six Lots may be created by the division, and no new Lot resulting from the division shall be smaller than ten acres. Provided, however, that one or more of the Lots may be less than ten acres in size if each and every Lot meets the minimum Lot size requirements of the zoning district, each of the Lots will front on a road classified by the County as "local" or greater, the road fronting each Lot meets the minimum design requirements under article VII, division 10 of this Code as determined by the Director of Public Works, and the overall Density of the subdivision does not exceed a Density of one unit per ten acres. Nothing herein shall be read to allow a Type II subdivision to exceed the maximum Density of the applicable future land Use category.
- (3) All new Parcels resulting from the division shall have Frontage on a County-maintained road, and no roadway construction is proposed within the subdivision.
- (4) The parent tract is not the result of a prior Type II subdivision or Lot split under this Code.

Sec. 45-1036. Requirements for Type III subdivisions (family subdivisions).

Type III subdivisions may be approved in areas designated Agriculture in the Putnam County Comprehensive Plan and have Agricultural (Ag) zoning when the following conditions are met:

- (1) Not more than ten lots may be created in a Type III "family" subdivision.
- (2) The subdivision shall conform to minimum size, Lot dimension requirements and Density restrictions as set forth in the Putnam County Comprehensive Plan (including family Density exception if applicable) and Land Development Code.
- (3) All new lots are created for the purpose of providing a home site for an individual who is a member of the Owner's immediate family (parent, stepparent, adoptive parent, sibling, child, stepchild, adopted child., grandchild or grandparent of the Owner or Owner's spouse).
- (4) An individual is eligible to receive a Parcel thru the Type III (family) subdivision one time only.
- (5) All new Lots created through the "family subdivision" shall have Frontage on a County-maintained road if available. If County maintained road is not available, each new Lot created must be accessed, at a minimum, by a recorded 66-foot wide easement. The easement must connect the created lots with a public road or private road. In the case of connecting to a private road, the Applicant must provide documentation that they have right to access via the private road.

-
- (6) Execution of agreement between the County and each newly created Parcel Owner for recording in the public records which stipulates that:
- a. At no time is/will the County be responsible for maintenance or development of roads, drainage or other infrastructure to the lots created through the family subdivision.
 - b. The individual property Owner is responsible for providing and maintaining adequate access to Parcels for emergency service, school and other public service vehicles.
 - c. The agreement shall identify the Persons who are to receive the Lots and their relationship to the Owner(s).
 - d. Owner and immediate family members receiving Lots shall be solely responsible for any environmental permitting and compliance with the regulations of the St. Johns River Water Management District, Florida Department of Environmental Protection and Florida Department of Health.
- (7) The creation of new Parcels by the use of the Type III (family) subdivision shall be completed pursuant to the procedures for obtaining a Lot split set forth in article XII, division 9 of the land development code.

The Type III subdivision may be utilized no more than twice by any property Owner on property that meets the above criteria. However, in no case shall the ten Lot maximum, as provided in paragraph (1) above be exceeded. Any future splitting of any Lots within an approved Type III subdivision, in excess of ten Lots, would result in a Type I subdivision as set forth in section 45-1034 of the Putnam County Land Development Code (or its successor in function) including all required road and drainage improvements.

- (8) The sale of any Parcel created by a Type III subdivision is prohibited for five (5) years from the date the Parcel was created if the Parcel remains vacant. If a sale takes place on any Parcel within the Type III subdivision prior to five (5) years from the date of creation, all Lots within the Type III subdivision will be required to comply with the requirements of a Type I subdivision within ninety (90) days of that sale.

If the Parcel is developed with a single family dwelling and Certificate of Occupancy has been issued to the individual(s) named on the Type III subdivision application, no prohibition for its sale would be required. Special circumstances could permit the sale of the Parcel if:

- a. Transfer of the Parcel to the Owner's estate upon the death, either through testate or intestate succession provided by State law; or
- b. Transfer of the Parcel to an immediate family member of the Owner(s) or an immediate family member of the Owner of the parent Parcel in the original Type III subdivision application; or
- c. Involuntary transfer of the Parcel arising out of a judgement or order entered against the Owner and rendered by a court of competent jurisdiction; or
- d. Relocation due to an employment or educational opportunity, provided that the relocation would require the Owner to move his or her permanent residence, as defined in Florida Statutes.
- e. Relocation due to a health condition, provided that the relocation would require the Owner to obtain health care in another location.

Sec. 45-1037. Requirements for Type IV subdivisions.

Type IV subdivisions may be approved in residentially zoned areas when the following conditions are met:

- (1) The subdivision shall conform to minimum Lot size, Lot dimension requirements, and Density restrictions in the Putnam County Comprehensive Plan and Land Development Code.

-
- (2) No more than ten Lots may be created in a Type IV subdivision.
 - (3) All new Parcels resulting from the division shall have Frontage on a County-maintained paved road, and no roadway construction is proposed within the subdivision.
 - (4) The creation of new Parcels by the use of the Type IV subdivision shall be completed pursuant to the procedures for obtaining a Lot split set forth in article XII, division 9 of this Code.

Sec. 45-1038. Pre-application review of Type I subdivisions.

- (a) The Applicant shall submit a pre-application plan of the proposed project to the Development Review Committee prior to filing an application for preliminary subdivision development and plat approval. The number of copies of the documentation required below shall be determined by the DRC application requirements in the effect at the time of submittal. The director may waive the requirement for certain items if deemed unnecessary due to the nature of a project. The pre-application plan shall include:
 - (1) A map showing an outline of the proposed subdivision boundaries and its location within the County.
 - (2) Drawings showing street and Lot layouts.
 - (3) General information concerning the proposed subdivision.
 - (4) A non-refundable pre-application review fee. The fee shall be established by resolution of the Board of County Commissioners.
 - (5) A map of the lands to be platted showing the proposed layout of the subdivision, including location of lots, Open Space/common area, roads and drainage, areas of special flood hazard, jurisdictional wetlands, and any areas of environmental or archaeological significance.
 - (6) A map of the proposed subdivision showing the distribution and identification of soils found within the proposed plat. Soil identification shall reflect those reported in the Putnam County Soils Survey prepared by USDA, Soil Conservation Service.
- (b) The Development Review Committee, upon review of the plan, shall provide written recommendations to the applicant. These comments and recommendations shall not limit subsequent comments by Development Review Committee members.
- (c) Prior to application for Type I subdivision under section 45-1038 below, the Applicant shall submit the proposed plat including revisions which reflect changes made pursuant to written comments from the Development Review Committee. The Department shall make a determination of the number of copies required based upon the number of DRC members making comments and the nature of the comments received. Upon completion of review by the DRC, a determination shall be made by the Department whether the proposed plat is consistent with the land development code and DRC conditions.

Sec. 45-1039. Preliminary Plat for Type I subdivision applications.

- (a) Following a pre-application conference, an application for a preliminary plat shall be submitted to the Department. The Department shall conduct a sufficiency review of the applications and when determined sufficient shall schedule the application before the Development Review Committee for review. The Development Review Committee shall review the proposed preliminary plat for compliance with the Comprehensive Plan and this Code and approve, approve with conditions or disapprove the preliminary plat.

If approved, then a Preliminary Development Order shall be issued and a final plat will be required to be approved by the Board of County Commissioners within 36 months of approval of the preliminary plat.

Sec. 45-1041. Submittal of final plat and plans for Type I subdivisions.

- (a) Within 60 days of the date of final approval of application for subdivision development and plat approval by the Board of County Commissioners, the original reproducible final plat and plans for development shall be submitted to the Department.
- (b) The reproducible plat and plans shall be made with black permanent drawing ink or varitype process on a good grade linen tracing cloth or with a suitable permanent black drawing ink on a stable base film, a minimum of 0.003 inches thick coated upon completion with a suitable plastic material to prevent flaking and to assure permanent legibility; or non-adhered scaled print on a stable base film made by photographic processes from a film scribing tested for residual hypo testing solution to assure permanency. Certificates and approval forms shall be printed on the plat with a permanent black drawing ink. Four reproducible copies and one digital copy of the original drawings shall be submitted with the original drawings. The digital copy shall be provided in a format established by the Putnam County GIS Coordinator. The information on the plat and plans shall be the same as that approved by the Board of County Commissioners. Any changes in the plat and plans required by the Board of County Commissioners as conditions for approval shall be included on the plat.
- (c) The dedications required by F.S. §§ 177.071 and 177.081, a form for approval by the Board of County Commissioners, a form for the certificate of the clerk of the circuit court, and the Land Surveyor's certificate and seal shall be included.
- (d) The dedication shall be executed by all Developers having a record interest in the lands subdivided, in the same manner in which deeds are required to be executed. All mortgages having a record interest in the lands subdivided shall execute, in the same manner in which deeds are required to be executed, either the dedication contained on the plat or a separate instrument, joining in and ratifying the plat and all dedications and reservations thereon. If a separate instrument is executed, it shall be submitted at the time of submittal of the final plat.
- (e) The final plat shall include the following language in a place of prominence: "Notice: This plat, as recorded in its graphic form is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this County."
- (f) The final plat for recording shall contain a minimum of two separate State plane coordinates for locating the subdivision.
- (g) PRMs and monuments shall be placed at each Lot corner in accordance with F.S. §§ 177.091(7) and 177.091(9).

Sec. 45-1042. Approvals, certification and recording of Type I subdivisions.

- (a) Within ten business days from the date of receipt of the final plat and plans described in section 45-1039 above, upon assurance that permanent reference markers ("P.R.M.s") have been set as per the requirements of F.S. § 177.091(7), and assurances from the Department through consultation with the County surveyor that the plat meets the minimum standards of this article and F.S. ch. 177, and upon receipt of satisfactory evidence of good and sufficient security, the Department shall forward the plat to the clerk of the circuit court, which shall secure the necessary approval of the Board of County Commissioners by having the

chairman of the board permanently affix his signature on the plat and shall certify and seal the plat himself and shall then have the plat recorded in compliance with F.S. ch. 177.

- (b) There shall be no promotions for sale or sales of lands within the proposed subdivision by reference to the plat prior to recording of the plat.
- (c) The documents for transfer of lands in a subdivision for which the County commission has approved the installation of improvements to be privately owned and maintained shall have clearly written on the face of the documents a statement indicating that improvements within the subdivision are not owned or maintained by the County and referencing maintenance and ownership by a Homeowners Association or some other suitable single entity.

Sec. 45-1043. Review of Type II subdivisions.

- (a) *Submittals.* The Department shall consider a proposed Type II subdivision upon the submittal of the following materials:
 - (1) A completed application form provided by the Department, which shall include land descriptions and acreage or square footage of the original and proposed Parcels.
 - (2) Five copies of a scaled survey drawing showing the intended division signed and sealed by a Florida licensed surveyor in accordance with minimal technical standards. The survey shall clearly describe the Parcels of land and any existing principal or accessory structures. The survey shall contain a notation in not less than 14 point type as follows: "Pursuant to County regulations, no land that is subject to this Type II subdivision may be further divided by way of the Putnam County Lot split procedure in article XII, division 9 of the Putnam County Land Development Code."
- (b) *Procedure.* The Department shall review an application for a Type II subdivision and ensure that all requirements of this Code have been met.

Sec. 45-1044. Improvement agreements required.

- (a) As a condition precedent to commencing development of a Type I subdivision, the Board of County Commissioners shall require the Developer to provide assurance that all required improvements, including, but not limited to storm drainage facilities, streets and highways, and water and sewer lines, and electric lines shall be satisfactorily constructed according to the approved development 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. The term shall not exceed five years from the recording of the plat or 30 percent Occupancy of the development, whichever comes first.
 - (3) The projected total cost for each improvement. Cost for construction 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 conveyed to the County together with the timetable for making improvements.

-
- (5) Agreement that upon failure of the Applicant to make 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 times during each year, subsequent to the completion, inspection and acceptance of improvements by the County.
- (b) The amount of the security listed in the Improvement agreement shall be determined by the director of public works.
 - (c) Security requirements may be met by but are not limited to the following:
 - (1) Cash
 - (2) Developer/lender/County agreement
 - (3) Irrevocable letters of credit
 - (4) Surety bond
 - (d) The amount of security shall be 110 percent of the total construction costs for the required Developer installed improvements. The amount of security may be reduced commensurate with the completion and final acceptance of required improvements. In no case, however, shall the amount of the security be less than 110 percent of the cost of completing the remaining required improvements.
 - (e) Nothing in this section shall be construed as relieving a Developer of any requirement relating to concurrency or a development exaction under article V of this Code.
 - (f) This section does not modify existing agreements between a Developer and the County for subdivisions platted and final Development Orders granted prior to the effective date of this Code, providing such agreements are current as to all conditions and terms thereof.

Sec. 45-1045. Completion and maintenance of improvements.

- (a) When improvements are completed in a Type I subdivision, final inspection shall be conducted and corrections, if any, shall be completed before final acceptance is recommended by the Director of Public Works. A recommendation for final acceptance shall be made upon receipt of a certification of project completion and one copy of an as-built survey.
- (b) As required improvements are completed and accepted, the Developer may apply for release of all or a portion of the security.
- (c) A maintenance agreement and security shall be provided to assure the County that all required improvements shall be maintained by the Developer according to the following requirements:
 - (1) The period of maintenance shall be a minimum of one year.
 - (2) The maintenance period shall begin with the acceptance by the County of the improvements.
 - (3) The security shall be in the amount of 15 percent of the construction cost of the improvements.
 - (4) The original agreement shall be maintained by the Director of Public Works.
 - (5) Upon satisfactory completion of the one-year improvements maintenance period, the maintenance of streets, sidewalks, and any other conveyed improvements shall become the responsibility of the County.

-
- (d) For those subdivisions where a surety bond or letter of credit is used as collateral, the bond or letter of credit shall be released by the clerk of the circuit court upon notification from the Public Works Department that satisfactory completion of the one-year improvements maintenance period has been achieved.
 - (e) For those subdivisions where an interest bearing escrow account is used as collateral, the funds including interest shall be returned to the Developer in increments upon the completion of construction within each scheduled time limit established by the Board of County Commissioners. The amount of each incremental return of escrowed funds shall be based upon the percentage by cost of the work accomplished within each scheduled time limit and shall be set by the Clerk of the Circuit Court.

Sec. 45-1046. Vacation of plats.

- (a) Initiated by property Owner. A plat may be vacated by the County upon a petition filed by the Owner of the land covered by the plat, or portion of a plat, pursuant to the procedures and standards therefore in F.S. § 177.101. The petition shall be submitted to the Department and the Department shall set the matter on the next available agenda of the Board of County Commissioners, allowing adequate notice and the final order vacating the plat, or portion thereof, shall be recorded in the official records for Putnam County.
- (b) The County commission shall hold a quasi-judicial hearing on the matter pursuant to the procedures set forth in article XII, division 7 of this land development code. The County commission may issue a final order vacating the plat upon making the following determinations:
 - (1) Vacation of the plat is consistent with the Putnam County Comprehensive Plan.
 - (2) Vacation of the plat is in the public interest.
 - (3) There will be no substantial interference with vested private property rights.
- (c) The final order vacating the plat, or portion thereof, shall be recorded in the official records for Putnam County.
- (d) Effect. Every such order vacating a plat, or portion thereof, shall have the effect of:
 - (1) Vacating all streets and rights-of-way which have not become necessary for Use by the traveling public, and of vacating all other dedications to the public. A Right-of-way or dedication, or portion thereof, that is not intended to be vacated shall be expressly excepted out of the vacation order.
 - (2) Returning the property to acreage.
 - (3) Requiring future development or land uses to comply with the Putnam County Comprehensive Plan and this Code.

Sec. 45-1047. Remedies for illegally subdivided and unbuildable lands.

- (a) In cases where land has been divided in violation of the Putnam County Comprehensive Plan and the Land Development Code or has been determined by the Department to be unbuildable, the following remedies may, upon the determination of the director, be available remedies to correct the violation and create a buildable Parcel:
 - (1) The Owner(s) may petition the Board of County Commissioners to vacate the unauthorized subdivision, pursuant to the process in section 45-1044, including any access roads or easements included therein; or
 - (2) The Owner(s) may execute and record in the Public Records of Putnam County a unity of title form, supplied by the Department, which shall permanently combine the Parcels unless subsequently

approved for Lot split of subdivision in accordance with the current Comprehensive Plan and land development code.

- (b) No permits shall otherwise be issued on such illegal or unbuildable Parcels of land except to repair and maintain a legally existing Structure.
- (c) Vesting Determination by the Board of County Commissioners.

Secs. 45-1048—45-1050. Reserved.

DIVISION 9. PROCEDURE FOR OBTAINING A LOT SPLIT

Sec. 45-1051. Review by the planning and development services department.

- (a) *Authorization.* The Department may approve a Lot split in the following circumstances:
 - (1) The division of a single platted Lot or other Parcel into two Parcels (including the creation of two lots pursuant to a Density exception in the Comprehensive Plan); or
 - (2) Any conveyance of an illegal or nonconforming Parcel(s), as determined by the Department, to adjust or settle a common boundary line between adjoining property Owners in accordance with the following conditions:
 - a. The purpose of the conveyance is to settle boundary disputes, correct encroachments, or otherwise resolve conditions which are illegal, nonconforming or deemed by the Director of Planning and Development Services to be undesirable under this Code;
 - b. A deed, or other conveyance instrument, shall be recorded in the Official Records of Putnam County;
 - c. The grantee of the conveyance shall combine the conveyed Parcel with their original Parcel under a single Parcel identification number in the records of the Putnam County Property Appraiser; and
 - d. Upon completion of the conveyance transaction, the resulting adjoining Parcels shall conform to all dimensional and Frontage requirements of this Code, or shall result in greater conformance with this Code, as determined by the Director of Planning and Development Services.
 - (3) Any division of land for the purpose of conveyance to any Federal, State or local government entity or public utility provided the instrument is accepted by the grantee and recorded in the Official Records of Putnam County;
 - (4) Any conveyance (i.e. corrective deed) necessary to correct an error made in the language used in an earlier conveyance for the purpose of resolving land title issues;
 - (5) Any division of land by order of a court of competent jurisdiction; and
 - (6) Any Lot split done according to the requirements of article XII, division 8 of this Code.
 - (7) Any Parcel that contains 30 acres or greater and not intended for development with permanent structures as defined in the Florida Building Code. No permanent structures may be erected on the Parcel unless the access roads and drainage are determined to be acceptable by the Public Works Director. No such creation of a Lot 30 acres or greater in size shall be exempt under this section if it results in the remainder of the Parcel being subdivided having less than 30 acres.

-
- (b) *Submittals.* The Department shall consider a proposed Lot split upon the submittal of the following materials:
- (1) An application form provided by the Department;
 - (2) A Lot inquiry letter issued by the Department indicating that the parent Parcel is eligible for a Lot split;
 - (3) Five paper copies of the proposed Lot split;
 - (4) A statement indicating whether water and/or sanitary sewer service is available to the property; and
 - (5) Land descriptions and acreage or square footage of the original and proposed Parcels and a scaled drawing showing the intended division signed and sealed by a Florida licensed surveyor in accordance with minimal technical standards. The survey shall clearly describe the affected platted lots or Parcels of land and any existing principal or accessory structures. The planning and development services director may waive the requirement that the parent Parcel be surveyed in its entirety when such Parcel is of such size as to make a survey cost-prohibitive. The survey shall contain a notation in not less than 14 point type as follows: "Pursuant to County regulations, no further division of a Parcel created by the Lot split procedure is allowed unless a Type II, III or IV subdivision is approved, or a Type I subdivision is approved by the Board of County Commissioners."
- (c) *Review procedure.*
- (1) The Department shall transmit a copy of the proposed Lot split to the property appraiser, County surveyor, the health department and any other divisions of the State or local government deemed by the Department to be pertinent to the issues raised in the review and comments on the proposed split.
 - (2) If the proposed Lot split meets the conditions of section 45-1052 below and otherwise complies with all applicable laws and ordinances, the Department shall approve the Lot split in writing.
- (d) *Records.* Upon approval of the Lot split, the Department shall maintain an original signed and sealed survey of the division in the subdivision records maintained by the Department. Reference to the Lot split shall be noted in the property appraiser's legal description data.

Sec. 45-1052. Standards and restrictions.

- (a) *Standards.* All Lot splits shall conform to the following standards:
- (1) Each new Parcel shall conform to the requirements of this Code, including the applicable zoning district regulations.
 - (2) Each new Parcel shall abut a public or private street (except as may be otherwise provided by this Code) for the required minimum Lot width. If the original Parcel has sufficient Frontage on a road to provide the minimum Frontage and Lot width for two lots, both new Parcels shall take access from that road, unless otherwise approved by the Public Works Director.
 - (3) If any new Parcel abuts a street Right-of-way that does not conform to the design specifications provided in this Code, the Owner shall be required to dedicate to the County one-half the Right-of-way width necessary to meet the minimum design requirements unless otherwise waived by the Public Works Director.
 - (4) The division shall not increase the Density of the subdivision, unless it results in a Density that is allowed under the applicable future land Use designation or the division is done through a valid and previously approved Density exception.
- (b) *Restriction.* No further division of a Parcel created by a Lot split shall be permitted under this section unless one of the listed subdivisions in Article XII, Division 8 is approved by staff, or a Type I subdivision is approved by the Board of County Commissioners.

Secs. 45-1053—45-1060. Reserved.

***DIVISION 10. PROCEDURE FOR SUBMITTING SURFACE WATER AND STORMWATER
MANAGEMENT PLANS***

Sec. 45-1061. [Surface water and stormwater management plans.]

- (a) Applicability. No Class II, Class III or non-residential Class I development may occur without approval of a surface water and stormwater management plan by the County, and, where applicable, the appropriate water management district, the Florida Department of Environmental Protection or pertinent Federal agency (i.e. the Army Corp of Engineers or the Environmental Protection Agency).
- (b) Surface and stormwater management systems shall be reviewed in the context of the Development Permit and review process described in this article, which may include an application for a Development Permit for the sole purpose constructing a surface and stormwater management system. If the proposed development requires a Florida Department of Environmental Protection or water management district permit, a copy of the completed application package including backup information provided to the state or district shall be submitted to the County by the applicant. For development and redevelopment projects that are not regulated by the district, a stormwater management plan shall be submitted with all the Development Permit applications.
 - (1) Submittal requirements. A surface and stormwater management plan shall be submitted using appropriate forms as provided by the County. The following specific items are the minimum submittal requirements:
 - a. Most recent aerial photograph of the project vicinity, taken not more than three years before the application date, covering the project area and the total lands that contribute runoff.
 - b. Topographic map of the project area, showing the location and elevation of benchmarks, including at least one benchmark for each control Structure. Benchmark elevations shall be referenced to the mean sea level (msl).
 - c. Land Use map showing both current and proposed conditions for the total lands that contribute runoff.
 - d. Soils and vegetation map displaying the most recent U.S. Soil Conservation Service information and encompassing the project area and total drainage areas that contribute runoff to the project.
 - e. Proposed grading, drainage, paving, and building plan showing details of proposed grading, drainage, paving, improvements and buildings.
 - f. Erosion and sediment control plan, identifying the type, location, and schedule for implementing erosion and sediment control measures, including appropriate provisions for maintenance and disposition of temporary measures.
 - g. Technical report, prepared by an engineer, describing the assumptions, calculations, and procedures used for determining compliance with the 25-year frequency, 24-duration design requirements of policy D.1.2.3 of the Comprehensive Plan.
- (c) Sufficiency review. An application sufficiency review shall be conducted by the Director of Public Works, and within 30 days from the submittal date, written comments shall be provided to the Applicant regarding the completeness of the application and requesting additional information, if necessary.

-
- (d) Issuance. If the Director of Public Works determines that the submittals are in compliance with all provisions of this article, a permit may be issued. If the director of public works determines that the submittals do not conform with all provisions of this article, permit issuance shall be denied and a written statement as to the reasons for the denial shall be provided to the applicant.
 - (e) Permit posting. Activities requiring a surface and stormwater management plans shall not be commenced until the Development Permit card is posted in a conspicuous place in front of the Premises. The permit card shall be protected from weather and shall remain posted until final inspection approval has been issued.
 - (f) Plan duration. Unless revoked or otherwise modified, the duration of a surface and stormwater management plans approved pursuant to this article shall be three years or when construction of the permitted project discharge Structure is completed, whichever occurs first.
 - (g) Plan modification. If the surface water and stormwater management plan authorized by the permit is not completed according to the approved schedule and permit conditions, the Director of Public Works shall be notified. For schedule revisions resulting in an extension of more than 30 days results in deviations from the permit conditions, approval of a plan modification is required.
 - (h) Plan revocation. Approval of surface and stormwater management plan may be revoked if the approved schedule and permit conditions are violated without approval of a plan modification.

Secs. 45-1062—45-1070. Reserved.

DIVISION 11. PROCEDURE FOR REZONINGS

Sec. 45-1071. Amendments rezoning land.

- (a) The procedure for rezoning property in the County is as provided in this section.
- (b) Any property Owner or Owners desiring to rezone property must file an application with the planning and zoning department. The Board of County Commissioners may also initiate a rezoning of any property pursuant to this section.
- (c) Prior to submitting the application, the Applicant shall meet with the Department to discuss the purpose of the proposed rezoning and rezoning review process. No Person may rely upon any comment or expression of any nature about the proposal made by any participant at this pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.
- (d) No application can be accepted until after the Applicant attends a pre-application meeting with the Department required under paragraph (c) above.
- (e) Filing deadlines shall be established by the Department to provide sufficient time for required public notice and staff review of the application. Applications and a schedule of hearing dates and filing deadlines are available in the Department.
- (f) The Applicant or the duly designated and authorized agent for the Applicant shall appear before the Planning Commission to present the request, evidence in support thereof, and to answer questions that the commission may have. To be eligible to appear as an agent, an Applicant must have designated the agent as such in writing and under oath; such written designation must be submitted to the Department before the hearing.
- (g) All applications for rezoning shall include the following information:

-
- (1) Legal description of the property to be rezoned, including Lot and block numbers when the property is in a subdivision.
 - (2) Names and addresses of all Owners of the property to be rezoned.
 - (3) Existing and proposed zoning classification of the property.
 - (4) A statement of the applicant's interest in the property to be rezoned, including a recorded legal document conveying ownership of real property.
 - a. If joint or several Ownership, all Owners of record must sign the rezoning application, except as provided in paragraph d. below.
 - b. If an authorized agent for the property Owner, a copy of the agency agreement or the written consent of the Owner.
 - c. If a corporation or other business entity, the name of the officer or Person responsible for the presentation of the application and written proof that the representative has the delegated authority to represent the corporation or other business entity.
 - d. If a group of property Owners is requesting the rezoning of the area in which their property is located, the written consent of at least 51 percent of the people owning property in the area described in the application.
 - e. The Owner of the property must sign and file the application under oath.
 - (5) A vicinity map indicating the general location of the site, abutting streets and utilities, and boundary lines of the subject property and the surrounding area. (i.e. a quarter panel of the applicable Parcel map)
 - (6) A statement of the intended Use of the property.
 - (7) Additional information as deemed necessary by the Department to complete the review.
- (h) The Department shall review all applications for zoning changes for consistency with the Comprehensive Plan.
 - (i) The Planning Commission shall hold a public hearing, with due public notice by newspaper, posting and mail, to consider rezoning requests and to receive public input. The Planning Commission shall submit a written report to the Board of County Commissioners indicating whether the rezoning should be approved. The report shall address whether the proposed rezoning is consistent with the Comprehensive Plan, and whether the rezoning complies with the applicable procedures and requirements of the land development code. The report shall include meeting minutes and any physical evidence considered by the Planning Commission. The hearing held by the Planning Commission shall not be a formal quasi-judicial hearing, but rather a hearing designed to obtain public input in an informal way.
 - (j) The Board of County Commissioners shall schedule a de novo quasi-judicial hearing at which time the Board of County Commissioners shall consider the recommendations of the Planning Commission, including the record of the Planning Commission hearing and any evidence that may be presented at the board of County Commission hearing.
 - (k) Following the public hearings, the Board of County Commissioners shall determine whether: (1) the rezoning is consistent with Comprehensive Plan; and (2) the rezoning complies with the applicable procedures and requirements of the land development code. If the proposed rezoning meets the above requirements, the board may nevertheless deny the application if the board finds that the existing zoning serves a legitimate public purpose. The board shall either change the zoning map for the applicant's property through the adoption of an ordinance; or deny the application. Rezoning applications may be withdrawn at any time prior to the final action of the Board of County Commissioners. If the application is denied by final action of the

Board of County Commissioners, no further action shall be taken on another application for basically the same proposal, on the same property, until 12 months after the date the application was denied.

Sec. 45-1072. Required signs and published notices.

Rezoning hearings shall be noticed by newspaper, by the posting of signs and by mail in accordance with article XII, division 5 of this chapter. Dual notice of the Planning Commission and Board of County Commissioners hearings is acceptable.

Secs. 45-1073—45-1080. Reserved.

DIVISION 12. PROCEDURE FOR OBTAINING APPROVAL OF SPECIAL USE PERMITS

Sec. 45-1081. Generally.

- (a) The Zoning Board of Adjustment or Administrative Deviation Committee, when granting special use permits, may prescribe appropriate conditions and safeguards as deemed necessary in order to protect public health, safety and general welfare of County residents. Special use permits, along with all conditions and safeguards attached thereto, shall run with the land.
- (b) Special use permits granted by the Zoning Board of Adjustment or Administrative Deviation Committee shall allow only those uses specifically described in the application and are subject to the terms or conditions expressed therein. The expansion or extension of the special use beyond the scope or terms of the permit is unlawful and is in violation of this Code.
- (c) The Zoning Board of Adjustment or Administrative Deviation Committee may establish a reasonable time limit within which the action or use authorized by the special use permit must begin and end. If such action or Use is not commenced or completed within the established time limits the special use permit shall become invalid and all rights granted thereunder shall be terminated. If no specific time limit for commencement is established, the period for commencing the use or action shall be 545 days. The Board or Committee may extend such time limits for a reasonable length of time, if probable cause is shown. Time limits shall not be extended for more than one year.
- (d) If the Use or action authorized by a special use permit ceases for a period of 12 consecutive months, the Use shall terminate. Holders of a special use permit shall notify the Department if they terminate the Use or action authorized.
- (e) Any activity shall be carried out in accordance with the development plan approved with the special Use, including any conditions placed on the Use, and in accordance with standard land development code requirements. No changes shall be made to the development plan for the special use without the approval of the Department. If the Department determines that there is a major deviation from the approved site plan, the Owner or Applicant and their successors shall file another application and another public hearing may be conducted to review the proposed change pursuant to the criteria of section 45-1083. Failure to abide by any of the requirements herein, including, but not limited to, conditions placed on the Use by the Zoning Board of Adjustment or Administrative Deviation Committee, shall be grounds for revocation of the special use permit.

Sec. 45-1082. Application and issuance.

- (a) A Person requesting a special use permit shall submit an application to the Department on a form made available by staff. An application for a Special Use Permit shall be reviewed according to the procedures below
- (b) Prior to submitting the application, the Applicant may meet with the Department to discuss the nature of the proposed special Use permit and the review process. No Person may rely upon any comment concerning a proposed special Use, or any expression of any nature about the proposal made by any participant at this pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.
- (c) Filing deadlines shall be established by the Department to provide sufficient time for required public notice and staff review of the application. Applications and a schedule of hearing dates and filing deadlines are available in the Department. Department staff will submit the application to the Zoning Board of Adjustment or the Administrative Deviation Committee for review at the next available hearing date.
- (d) Upon completion and receipt of the application, the Department shall place the request on the agenda of the next available meeting of the Zoning Board of Adjustment or Administrative Deviation Committee. The Zoning Board of Adjustment or Administrative Deviation Committee shall hold a quasi-judicial public hearing to review requests for special use permits.
- (e) At conclusion of the hearing, the Zoning Board of Adjustment or Administrative Deviation Committee shall make a formal determination that the proposed Use meets the issuance criteria of this article and shall either grant the special Use permit with or without conditions; or determine that the special Use permit fails to meet one or more of the issuance criteria and deny the application, setting forth the criteria under which it failed and why it failed to meet them.
- (f) Applications may be withdrawn at any time prior to the final action of the Zoning Board of Adjustment or Administrative Deviation Committee. If the Zoning Board of Adjustment or Administrative Deviation Committee denies an application for a special use permit, the denied application may not be resubmitted nor may any action be taken on a new application for basically the same proposal within 12 months after the date the last application was denied. Appeals of Special Use Permits rendered by the Zoning Board of Adjustment shall be to the circuit court. Appeals of Special Use Permits rendered by the Administrative Deviation Committee shall be as provided in Section 45-836.

Sec. 45-1083. Issuance criteria.

When deciding requests for a special use permit, the Zoning Board of Adjustment or Administrative Deviation Committee shall not grant the special Use unless it makes written findings that the special Use satisfied the following criteria:

- (1) The Use is consistent with the Comprehensive Plan, and meets all concurrency requirements. A detailed statement of the facts and policies demonstrating compliance, or non-compliance, shall be included in the final order.
- (2) The Use is allowed as a special Use in the zoning district in which the property is located, and will conform to all applicable regulations of this Code and the zoning district in which it is proposed.
- (3) The special Use will not adversely impact nor unduly restrict the enjoyment of permitted uses in the surrounding area.
- (4) The special Use will not substantially diminish or impair property values in the area, nor impede the orderly development and improvement of the surrounding property for permitted uses.

-
- (5) Adequate access roads, on-site parking, on-site loading and unloading berths, and drainage have been or will be provided where required.
 - (6) Adequate measures have been taken to provide ingress and egress to the property that are designed in a manner to minimize traffic impacts on local roads.
 - (7) Adequate screening and buffering of the special Use will be provided, if needed.
 - (8) The special Use will not have signs or exterior lighting that will cause glare, adversely impact area traffic safety or have a negative effect on the area. Any signs or exterior lighting required by the special Use shall be compatible with development in the zoning district and shall, at a minimum, meet the requirements of article VIII.
 - (9) There will be no undue risks to Persons or property from Hazardous Substances.
 - (10) The proposed special Use will not adversely affect the general public health, safety and welfare of the residents of Putnam County. An application may not be denied on this basis unless the Zoning Board of Adjustment or Administrative Deviation Committee makes findings as to the specific manner in which the proposed Use would have such adverse effect.

Secs. 45-1084—45-1090. Reserved.

DIVISION 13. APPEALS

Sec. 45-1091. Appeals to the Zoning Board of Adjustment.

- (a) *Right to appeal.* Unless a different appeal procedure is specified elsewhere in this Code, any Aggrieved Person or any officer, board or bureau of the County affected by any final administrative determination made by the Department or any other Department working under the Board of County Commissioners that has been delegated final decision making authority in the administration of this Code may appeal the determination to the Zoning Board of Adjustment. If the final administrative determination is not otherwise reduced to writing and dated, any Aggrieved Person or County official may request that any final administrative determination, including an interpretation of the provisions of this land development code, be reduced to writing and dated for purposes of taking an appeal pursuant to this section. This section shall not apply to final decisions of the Board of County Commissioners, the Planning Commission, the Zoning Board of Adjustment or any other board formed and appointed under article XI of this Code.
- (b) *Notice of appeal.* A notice of appeal, stating the grounds for the appeal, along with the applicable filing fee established by resolution of the board, must be filed with the secretary to the Zoning Board of Adjustment within 30 days after the rendition of determination from which the appeal was filed. The Department, upon notification of the filing of the appeal, shall transmit to the Zoning Board of Adjustment all materials constituting the record upon which the action appealed was taken, along with a written report summarizing the determination made and the facts supporting the determination, including the applicable code and Comprehensive Plan provisions that were used in making the determination.
- (c) *Stay of action.* An appeal to the Zoning Board of Adjustment stays all work on the project and all proceedings in furtherance of the action being appealed, unless the Department certifies to the board of adjustment that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life and property. In such cases proceedings or work shall not be stayed except by a restraining order granted by a court of competent jurisdiction. If a stay is issued, the issuing body shall immediately notify the Department.
- (d) *Notice.* Filing deadlines shall be established by the Department to provide sufficient time for required public notice and Zoning Board of Adjustment review of the application. The Department shall ensure that due

notice is provided in accordance with article XII, division 5 of this chapter. At the review either party may appear in Person or be represented by his agent or attorney.

- (e) *Hearing.* The hearing shall be a de novo hearing, at which the Zoning Board of Adjustment will take evidence and testimony.
- (f) *Action.* The Zoning Board of Adjustment, by majority vote of its members, may reverse, affirm or modify the order, requirement, decision or determination being appealed. The ruling of the zoning board shall be in writing and state the findings of fact and conclusions of law that support the zoning board's decision.
- (g) *Judicial review.* Judicial review of a final decision or determination of the Board of County Commissioners or Zoning Board of Adjustment shall be to the circuit court in accordance with Florida law. It shall be the responsibility of the Person seeking review to provide or obtain a verbatim transcript if one is desired by such party or required by the circuit court.

Secs. 45-1092—45-1100. Reserved.

DIVISION 14. SPECIAL PROVISIONS RELATING TO ADMINISTRATIVE, QUASI-JUDICIAL AND APPELLATE DECISION-MAKERS

Sec. 45-1101. Challenges to impartiality.

A party to an administrative, quasi-judicial or appellate hearing may challenge the impartiality of any member of the hearing body. The challenge shall state by affidavit facts relating to a bias, prejudgment, Personal interest, or other facts from which the challenger has concluded that the decision-maker cannot participate in an impartial manner. Except for good cause shown, the challenge shall be delivered by Personal service to the Department no less than 48 hours prior to the time set for the hearing. The Department shall attempt to notify the Person whose qualifications are challenged prior to the hearing. The challenge shall be incorporated into the record of the hearing.

Sec. 45-1102. Disqualification.

No member of a hearing body shall hear or rule upon a proposal if:

- (1) Any of the following have a direct or substantial financial interest in the proposal: the decision-maker or the decision-maker's spouse, brother, sister, child, parent, father-in-law, mother-in-law; any business in which the decision-maker is then serving or has served within the previous two years; or any business with which the decision-maker is negotiating for or has an arrangement or understanding concerning prospective partnership or employment; or
- (2) The decision-maker has a direct private interest in the proposal; or
- (3) For any other valid reason, the decision-maker has determined that he cannot impartially participate in the hearing and decision.

Sec. 45-1103. Participation by interested officers or employees.

No officer or employee of the County who has a financial or other private interest in a proposal shall participate in discussions with or give an official opinion to the hearing body on the proposal without first declaring for the record the nature and extent of the interest.

Sec. 45-1104. Ex parte contacts.

All citizen board meetings are open to the public. All boards established under this section shall be subject to the ex parte disclosure requirements of this article.

Sec. 45-1105. Involuntary disqualification.

A majority of the members of a hearing body present and voting may for reasons prescribed by this article or other applicable law vote to disqualify a member who has refused to disqualify himself.

Sec. 45-1106. Rights of disqualified member of the hearing body.

- (a) An abstaining or disqualified member of a hearing body shall not be counted for purposes of forming a quorum.
- (b) A member who takes a position on the issue based upon personal interest may do so only by abstaining from voting on the proposal, vacating the seat on the hearing body, physically joining the audience, and making full disclosure of his status and position at the time of addressing the hearing body.
- (c) If the hearing body is reduced by abstentions or disqualifications to less than a quorum otherwise required by this article, the quorum requirement may be reduced. However, if only two or fewer members are voting, then the matter shall be tabled until the next regular or specially called meeting of the hearing body when such delay creates the opportunity for other members of the hearing body to participate in the decision. Where there is no opportunity for a larger quorum, the matter shall be heard and decided by the Putnam County Board of County Commissioners.
- (d) A member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

Secs. 45-1107—45-1110. Reserved.

DIVISION 15. ENFORCEMENT OF DEVELOPMENT PERMITS AND ORDERS

Sec. 45-1111. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Major deviation means a deviation other than a minor deviation from a final development plan.

Minor deviation means 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) Minor Alteration of the location of any road, walkway, landscaping or Structure as determined by the Planning and Development Services Director including any such Alteration in location that does not increase the Density or intensity of the Use, provided such changes meet the express conditions of the final development plan approval and the requirements of this Code.
- (2) Reduction of the total amount of Open Space by not more than five percent, or reduction of the Yard area or Open Space associated with any single Structure by not more than five percent; provided that

such reduction does not cause the required Yard area or Open Space to be less than that required by this Code.

Sec. 45-1112. On-going inspections.

(a) *Inspections of subdivisions.*

- (1) *Periodic inspections.* The County may inspect the construction of improvements periodically and without prior notice to the Developer or his designated representative. If at any time during construction, in the opinion of the County, construction is not proceeding according to the approved plans, the County shall immediately so notify the Developer or his designated representative, and if necessary, issue a stop work order until the issue(s) are addressed. All deficiencies so noted shall be corrected prior to inspection of completed construction by the County.
- (2) *Inspection of completed construction.* The Developer shall notify the County in writing upon completion of the construction of all improvements, and the Land Surveyor shall furnish the clerk of the circuit court his certificate that the "P.C.P.s" have been set and the date the "P.C.P.s" were set. Upon receipt of such notifications, the County shall conduct an inspection of the improvements and shall notify the Developer in writing of any deficiencies noted during the inspection. The construction of improvements shall not be considered satisfactorily completed until all deficiencies are corrected to the satisfaction of the County.
- (3) *Satisfactory completion of improvements.* When it is determined by the County's designated representative that all construction has been completed in accordance with the approved plans and all "P.C.P.s" have been properly set, said representative shall, in writing, so notify the Developer or the Developer's designated representative and the clerk of the circuit court. Such notification shall constitute proof of satisfactory completion. The date of inspection of the completed improvements shall be indicated in the written notification and shall constitute the date of satisfactory completion.
- (4) *One-year improvements maintenance period.* For a period of one year following the date of satisfactory completion, the Developer of a Type I subdivision shall perform maintenance, at his/her expense, on the improvements in the subdivision.
- (5) *Inspections during one-year improvements maintenance period.* The Putnam County Public Works Department shall conduct periodic inspections of the improvements in Type I subdivisions during the first year following the date of satisfactory completion. Following each inspection, all deficiencies in need of correction shall be reported in writing to the Developer or his designated representative. All such deficiencies shall be corrected in a timely manner so as to not result in additional damage to the improvements and so as not to result in a threat to the health, safety and welfare of the citizens of the County.
- (6) *Final inspection.* A final inspection of the improvements in Type I subdivisions shall be conducted by the Public Works Department just prior to the end of the improvements maintenance period. A written report describing the results of the inspection and listing all deficiencies, if any, shall be forwarded to the Developer or his designated representative and to the clerk of the circuit court. If the improvements are found to be in substantially the same condition as that which existed at the time of satisfactory completion, except for anticipated and acceptable wear, the one-year improvements maintenance period shall be considered satisfactorily completed.
- (7) *Stop work orders.* If at any time during the construction of improvements the Public Works Department or the Planning and Development Services Department determine that construction is not proceeding according to the approved plans for the improvements; the relevant department may order the construction to be stopped. Construction shall not resume except upon authorization of the Department issuing the stop work order.

-
- (8) *Tests.* The County may conduct tests of construction materials and workmanship any time during the construction without prior consent of the Developer or his designated representative.
- (9) *Cease and desist from sale orders.* If satisfactory completion of the construction of improvements is not achieved within the time limits set forth by the Board of County Commissioners, the County's designated representative shall so advise the clerk of the circuit court who shall so advise the Developer and the board, and shall cause an automatic cease and desist from sale order to be placed in the public records thereby notifying all prospective purchasers that the Developer has failed to construct the improvements according to the requirements of the board, thereby creating a caveat, and shall proceed under the board's guidance concerning the disposition of the collateral.
- (10) *Adjustments; correction of defects.* If a satisfactory one-year improvements maintenance period is not achieved, the clerk of the circuit court shall so advise the Developer and the Board of County Commissioners. The Board of County Commissioners may grant an extension of time during which all deficiencies must be corrected. If not corrected within the extended period, the County's designated representative shall so advise the clerk who shall so advise the Developer and the Board of County Commissioners, and shall proceed under the board's guidance concerning the fate of the retained collateral.
- (b) *Inspection of all other developments.* The Department shall implement a procedure for periodic inspection of development work in progress to ensure compliance with the Development Permit which authorized the activity. Inspections related to permits issued under the jurisdiction of the Florida Building Code are under the purview of the building official and are not governed by these provisions.
- (1) *Minor deviations.* If the work is found to have one or more minor deviations that do not pose a threat to the public health safety and welfare, the Department shall amend the Development Order to conform to actual development. The Department may, however, refer any deviation that significantly affects the development's compliance with the purposes of this Code to the Zoning Board of Adjustment for treatment as a major deviation.
- (2) *Major deviations.* If the work is found to have one or more major deviations, the Department shall:
- a. Where the development is a Class II or Class III development, place the matter on the next available agenda of the Zoning Board of Adjustment or Board of County Commissioners, as appropriate, allowing for adequate notice, and recommend appropriate action for the board to take.
 - b. In all cases, 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 Department determines that the deviations have been corrected or that work or Occupancy may proceed pursuant to the decision of the Zoning Board of Adjustment or Board of County Commissioners, as applicable.
 - c. Refer the matter to the building official if it appears that the Developer has committed violations within the jurisdiction of the Florida Building Code.
- (3) The Zoning Board of Adjustment or Board of County Commissioners, as appropriate, 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 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.
- (4) 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.

Sec. 45-1113. Application for certificate of occupancy.

Upon completion of work authorized by a Development Permit or Development Order, and before the development is Occupied, the Developer shall apply to the Department for a certificate of occupancy or final inspection, as applicable. The Department shall inspect the work to ensure it is in conformity with the permit or order. The Department may require that as-built drawings be provided to the Department as a condition of approval of final inspection or issuance of the certificate of occupancy as applicable.

Sec. 45-1114. Authority of the building official.

This article does not serve to define the manner in which the building official enforces the applicable building codes. The County building official shall carry out implementation of the applicable building codes and conduct inspections of on-going construction activities in accordance with his authority and the mandates of State law. The Department shall make every effort to achieve concurrent review by the building official in the administration and enforcement process outlined in this article.

Secs. 45-1115—45-1120. Reserved.

DIVISION 16. PROCEDURE FOR AMENDING THIS CODE AND THE COMPREHENSIVE PLAN

Sec. 45-1121. 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.

Sec. 45-1122. Application.

Any Person, board, or agency may apply to the Department to amend this Code or the Comprehensive Plan in compliance with procedures prescribed by the Department. Formal application is not required for amendments recommended at the direction of the Department, any one of the citizen boards appointed under article XI or the Board of County Commissioners.

Sec. 45-1123. Recommendation of Planning Commission.

The Planning Commission shall hold a hearing on each application to amend this Code or the Comprehensive Plan and thereafter submit to the Board of County Commissioners a written recommendation which:

-
- (1) Identifies any provisions of the code, Comprehensive Plan, or other law relating to the proposed change and describes how the proposal relates to them.
 - (2) States factual and policy considerations pertaining to the recommendation.

Sec. 45-1124. Decision by County commission.

The County commission shall hold a legislative hearing on the proposed amendment and may enact or reject the proposal, or enact a modified proposal that is within the scope of matters considered in the hearing.

Sec. 45-1125. Legislative hearing.

Each legislative hearing shall conform to the following requirements:

- (1) *Notice.* Notice that complies with the requirements of State law and article XII, division 6 of this Code shall be given. Where the proposed amendment is to the future land Use map, such notice shall be by newspaper and mail. Posting of signs shall not be required except in the case of "small scale" Comprehensive Plan amendments, as that term is defined by State law.
- (2) *Hearing.* The public hearings shall as a minimum:
 - a. Comply with the requirements of State law, including holding two hearings where required.
 - b. Present the Department's analysis of the proposed decision.
 - c. Present the Department's summary of reports by other agencies.
 - d. Permit any Person to submit written recommendations and comments before or during the hearing.
 - e. Permit a reasonable opportunity for interested Persons to make oral statements.
- (3) *Timing and scheduling.* Hearings for Comprehensive Plan amendments shall be scheduled as follows:
 - a. Small-scale Comprehensive Plan amendments shall be filed and heard in accordance with deadlines and timing requirements of a rezoning under article XII, division 11.
 - b. Large scale Comprehensive Plan amendments or text amendments shall be filed and heard in accordance with the deadlines and timing requirements of a rezoning under article XII, division 11, and implementation of any such amendments shall be subject to the following:
 1. Approval of the amendments by the Board of County Commissioners will not become final until final approval, if any, has occurred through the State.
 2. Filing deadlines shall be established by the Department to provide sufficient time for required public notice, staff review, review by other agencies, and board review of the application.

Secs. 45-1126—45-1130. Reserved.

DIVISION 17. FEES

Sec. 45-1131. Fees.

A schedule of fees shall be established by resolution of the Board of County Commissioners, and shall apply to all applications filed and actions taken under this Code. A receipt showing payment of the applicable fee shall accompany an application. Such fees are to offset costs incidental to administrative review and review by the various boards and do not include the cost of any signs required to post notice. Costs for signs shall be paid for by the Applicant for the action. The Applicant shall the County for the costs of signs, which costs shall be paid at the time of application.

Secs. 45-1132—45-1140. Reserved.

DIVISION 18. CODE ENFORCEMENT

Sec. 45-1141. Violations.

It is unlawful for any Person or Persons to violate any of the provisions of this Code and related codes and ordinances referenced in sections 45-4 and 45-942(a) of this Code, and any restrictions and limitations promulgated under the provisions of this Code and related codes and ordinances referenced in sections 45-4 and 45-942(a) of this Code.

Sec. 45-1142. Penalties.

Penalties shall be as allowed by Florida Law or as stated in this Code and related codes and ordinances referenced in sections 45-4 and 45-942(a) of this Code.

Sec. 45-1143. Enforcement procedures and remedies.

- (a) Upon determination by County staff responsible for enforcement that there is a violation, a written notice shall be sent to the Owner of the property and/or building involved and to the Person responsible for the violation. This notice shall include:
 - (1) The section of the code or ordinance being violated.
 - (2) An order to cease such violation.
 - (3) A list of remedial actions indicating the necessary steps to abate such violation.
 - (4) Information concerning penalties for violation of this article.
- (b) To determine violations, staff responsible for enforcement is authorized to conduct inspections and obtain inspection warrants as provided by F.S. ch. 933.
- (c) If violations are not corrected in the time specified, the Person or entity found to be in violation of this Code may be prosecuted for said violation in the same manner as misdemeanors are prosecuted, as provided in F.S. § 125.69. Alternatively, violations may also be prosecuted as provided in article XI, division 6 of this Code, cited as provided in section 45-1144 of this Code, or any other method provided by law.
- (d) Each day a violation continues after a notice shall constitute a separate violation and may be punished as set forth in the preceding paragraph.
- (e) Violations may be restricted by injunction, including a mandatory injunction, and otherwise abated in any manner provided by law, and such suit or action may be instituted and maintained by the Putnam County

Board of County Commissioners, or by any Person, firm or corporation, association or other group or body with standing to do so under the laws of Florida.

- (f) Reasonable costs, including attorney fees, incurred by the County or the court in an enforcement action may be assessed against the landowner, violator, or both.

Sec. 45-1144. Citations.

- (a) In addition to the proceedings before the Code Enforcement Board described article XI, a code inspector may issue a citation to a Person when, based upon personal investigation, the code inspector has reasonable cause to believe that the Person has committed a civil infraction in violation of the codes or ordinances described in subsection 45-942(a) of this Code, as follows:
- (1) Prior to issuing a citation, a code inspector shall provide notice to the Person that the Person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the Person must correct the violation. Such time period shall not exceed 30 days. If, upon personal investigation, the inspector finds that the Person has not corrected the violation within the time period or if the violation is corrected and then recurs, the inspector may issue a citation to the Person who has committed the violation. The inspector does not have to provide the Person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if a repeat violation is found or if the inspector has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.
 - (2) A citation shall be in a form prescribed by the County and shall contain:
 - a. The date and time of issuance.
 - b. The name and address of the Person to whom the citation is issued.
 - c. The date and time the civil infraction was committed.
 - d. The facts constituting reasonable cause.
 - e. The number or section of the code or ordinance violated.
 - f. The name and authority of the code inspector.
 - g. The procedure for the Person to follow in order to pay the civil penalty or to contest the citation.
 - h. The applicable civil penalty if the Person elects to contest the citation.
 - i. The applicable civil penalty if the Person elects not to contest the citation.
 - j. A conspicuous statement that if the Person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the Person shall be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the Person for an amount up to the maximum civil penalty.
 - (3) After issuing a citation to an alleged violator, a code inspector shall deposit the original citation (and one copy) with the County court, which shall hear the case.
- (b) It shall be unlawful for any Person to hinder or prevent the performance of any act or duty authorized or required hereunder. Violation of any provision of this article is a civil infraction with a maximum fine of \$500.00. Any Person charged who does not wish to contest the citation shall pay, within 20 days of the date of receiving the citation, the sum of \$250.00, either by mail or in Person to the clerk of the County court. If the Person cited follows the above procedure, he or she shall be deemed to have admitted the infraction and to have waived his or her right to a hearing.

-
- (c) Any Person who wishes to contest the citation must, within 30 days of the date of receiving the citation, appear in Person at the office of the clerk of County court and enter a not guilty plea. A hearing date will be set by the court and the clerk shall mail a notice of hearing. The County judge, after the hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven, the County judge may impose a fine not to exceed \$500.00 and may assess costs as appropriate.
 - (d) Failure to pay the fine or to timely contest the citation shall result in an order to show cause being issued by the court. Said order to show cause shall require the offender to appear before the County judge on a certain date to show cause why he should not be held in contempt of court for failure to respond. The court may fine the offender up to \$500.00 and may assess costs as appropriate.
 - (e) Any Person who willfully refuses to sign and accept a citation issued by a code inspector shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or § 775.083.
 - (f) The provisions of this section are additional and supplemental means of enforcement. Nothing contained in this section shall prohibit the County from enforcing its codes or ordinances by any other means, including, without limitation, a proceeding under article XI, division 6 hereof or a court action.

ARTICLE XIII. DEFINITIONS

For purposes of this Code, the following terms, words, phrases and their derivations, as listed in alphabetical order herein, shall have the meanings contained below, unless the context indicates otherwise. Words or terms not defined have their ordinarily accepted meaning or such meaning as the context may imply.

Aggrieved Person means the Applicant or any Person whose interests will be adversely affected by the decision to a degree that exceeds that of the general public.

Agriculture means the use of land for agricultural purposes, including farming, dairying, pasturage agriculture, silviculture, horticulture, floriculture, viticulture, and animal and Poultry husbandry and the necessary accessory uses for packing, treating, or storing of produce.

Airport means any runway, land area or other facility designed and used, either publicly or privately, by any Persons, for the landing and taking off of aircraft such as airplanes, seaplanes, ultra lights or helicopters, including all necessary taxi-ways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

Alley means a public or private Right-of-way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alteration, unless otherwise defined in context of a specific regulation, means any change in size, shape, character or Use of a building or Structure or land.

Antenna means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any Building or Structure.

Applicant means the Owner, or his authorized representative, of a tract of land which is the subject of a request for a change in zoning classification, development approval, a variance, a special exception, an appeal, or other land Use approval.

Building means any Structure designed or built for support, enclosure, shelter or protection of Persons, animals, chattels or property of any kind. "Building" does not include a temporary Structure such as a tent. It means a Structure created to shelter any form of human activity. This may refer to a house, barn, garage, church, hotel, or similar Structure. Buildings may refer to a historically or architecturally related complex, such as a courthouse and jail, or a house and barn. Parking garages are hereby deemed to be "Buildings."

Building Permit means an official document or certificate issued by the County authorizing the commencement of construction of any Structure.

Capital Improvements means land acquisition, site development, equipment or other facilities, used to provide Public Facilities.

Clearing means the removal of trees, brush or any other vegetation from the land, not including the ordinary mowing of grass.

Clinic means a medical facility which holds itself out to the public as a place where sick or injured persons may come to the facility for medical care without an appointment.

Commercial Use means an occupation, employment or enterprise associated with the sale, rental or distribution of products, or performance of service.

Comprehensive Plan means the Putnam County Comprehensive Plan, adopted pursuant to the "Community Planning Act", Chapter 163.3161 et. seq., Florida Statutes, as amended.

County means Putnam County, Florida.

County Road or County Road System means all roads designated as County Roads by F.S. ch. 336, including access easements.

Curb means a concrete or asphalt border forming part of Gutter along the edge of pavement.

Day Care Center means a day care facility where the number of children cared for on a fee basis exceeds the number allowed in a Family Day Care Home, or the number of adults served exceeds seven.

Deferred Tax Liability means an amount equal to the difference between the total amount of taxes which would have been due in March in each of the previous years in which the covenant was in effect if the property had been assessed under the provisions of F.S. § 193.011 and the total amount of taxes actually paid in those years when the property was assessed under the provisions of this subsection, plus six percent interest per year on the amount so established.

Density for the purpose of residential Density means an objective measurement of the number of residential units allowed per net acre of land. Net acreage is determined by subtracting the acreage of surface Water Bodies, as defined in Article XIII of this Code, from the total acreage of a Parcel of land.

Department means Planning and Development Services.

Developer means any Person undertaking any Development or Subdivision of land. Use or appearance of any Structure or and, or the dividing of land into three or more Parcels.

Development, also referred to as *Development activity*, 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 other modifications of the natural landscape above and below ground or water on a particular site. It includes the division of land into two or more Parcels, the construction, reconstruction, conversion, Structural Alteration, relocation, or enlargement of any Structure; any mining, excavation, Landfill, or land disturbance; and any Use or extension of the Use of land. Subparagraphs (1) and (2) provide more specific examples of what is and what is not "Development" for purposes of this Code. Reference to particular activities, Uses or operations is not intended to limit the generality of this subsection.

- a. The following activities or Uses shall be taken for the purposes of this act to involve "Development:"
 1. Any construction, reconstruction, Alteration of the size, or material change in the external appearance of a Structure on newly developed or existing Parcels.
 2. A change in the intensity of Use of Land, such as an increase in the number of Dwelling Units in a Structure or 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 wetland or the shore or bank of a river, stream, lake, pond, or canal.
 4. Commencement of drilling, except to obtain soil samples, mining, or excavation on a Parcel of land.
 5. Demolition of a Structure.
 6. Deposit of refuse, solid or liquid waste, or fill on a Parcel of land.
 7. Construction, filling, excavating, grading, paving, dredging, mining, drilling or related activities that otherwise significantly disturb the soil of a site.
 8. Building, installing, enlarging, replacing or substantially restoring an Impervious Surface, or water management system, and including the long-term storage of materials.
 9. Subdividing land into two or more Parcels.

-
10. Erection of a permanent Sign unless expressly exempted by article VIII of this Code.
 11. Alteration of a historic property for which authorization is required under this Code.
 12. Changing the Use of a site so that the need for parking is increased.
 13. Construction, elimination or Alteration of a Driveway onto a public street, or any Alteration of an existing Driveway connection a roadway to existing property included in subsection (1) above.
- b. The following operations or Uses shall not be taken for the purpose of this act to involve "Development:"
1. Work by a highway or road agency or railroad company for the maintenance or Improvement of a road or railroad track, if the work is carried out on Land within the boundaries of the Right-of-way.
 2. Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks or the like.
 3. Work for the maintenance, renewal, Improvement, or Alteration of any Structure, if the work affects only the interior or the color of the Structure or the decoration of the exterior of the Structure, except to the extent that such Alterations are regulated on a Structure designated as historic under article IV of this Code.
 4. The Use of any land for the purpose of growing plants, crops, trees, and other Agricultural or forestry products; raising livestock, or for other Agricultural purposes. Provided, however, that agriculture activities and agriculture related uses that may require a special Use permit or a commercial or industrial zoning shall be considered development. Examples of these types of uses may include commercial feedlots, concentrated dairy farms, rendering plants, livestock auction facilities and saw mills.
 5. A change in Use of Land or Structure from a Use within a class specified in an ordinance or rule to another Use in the same class, unless the original Use is the subject of a special Use permit, a PUD zoning or Development Agreement and the change in Use will represent a deviation from the conditions of the special use permit, the PUD or the Development Agreement.
 6. A change in the ownership or form of ownership of any existing Parcel (i.e. does not involve the division of land into two or more Parcels) or existing Structure.
 7. The creation or termination of riparian rights and private covenants concerning Development of land or other rights in land.
 8. Clearing vegetation without altering the topography of a single Lot or Parcel for purposes of building a single family home. All such clearing shall be in accord with the site design requirements and limitations in article VI of this Code.

Development Agreement means any agreement entered into by the County with any Person having a legal or equitable interest in real property located within its jurisdiction that may include, but is not limited to, Development Agreements created pursuant to article X of this Code, or an agreement or Development Order pursuant to F.S. ch. 163.3220-163.3243, as may be amended from time to time.

Development Order means an order granting, denying, or granting with conditions an application for approval of a Development project or activity. A distinction is made between Development Order, which

encompasses all orders and permits, and three distinct types of Development Orders—Preliminary Development Order, Final Development Order, and Development Permit, which are defined as follows:

- a. *Preliminary Development Order* means any preliminary approval that does not authorize actual construction, mining, or alterations to land and/or structures. A Preliminary Development Order may authorize a change in the allowable Use of Land or a Building, and may include conceptual and conditional approvals where a series of sequential approvals are required before the action authorizes commencement of construction or land Alteration. For purposes of this Code, Preliminary Development Orders include Future Land Use Map amendments, Comprehensive Plan amendments that affect Land Use or Development standards, Conceptual Plan approval, and master plan approval.
- b. *Final Development Order* means the final authorization of a development project; the authorization of which must be granted prior to issuance of a Development Permit as defined for purposes of this Code. The Final Development Order authorizes the project, whereas the Development Permit authorizes specific components of the project, such as building construction, parking lot installation, landscaping, and the like. For purposes of this Code, the Final Development Plan approval is the Final Development Order.
- c. *Development Permit* means, for purposes of this Code, an official County document which authorizes the commencement of construction or land Alteration without need for further application and approval. Development Permits include, but are not limited to: all types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the Building Permit itself), grading permits, septic tank permits, sign permits, etc.

Dock or Docking Facility means a fixed or floating Structure within a Water Body, including mooring pilings, tie poles, dolphins, boat lift, and other accessory structures, which has as its purpose the berthing of buoyant vessels or providing access to the water for the use or enjoyment of the Water Body.

Driveway means a prepared path for a vehicle giving ingress or egress from a roadway to an abutting property line.

Dwelling Unit means a single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Fair Share means the cost of Public Facilities needed to serve a proposed Development based on the impact of the Development to the Public Facilities. The Fair Share shall first be determined by the Director of the County Department responsible for maintaining the facilities and set forth in a Final Development Order or a separate Fair Share assessment contract. The property Owner or Developer may provide his own analysis of what should constitute a Fair Share cost, provided that such analysis is based on generally accepted criteria in this State for Fair Share assessments.

Family Day Care Home shall be as defined in F.S. § 402.302.

Floor Area means the sum of the gross horizontal areas of all floors in a Building, measured from exterior faces of exterior walls or from the centerline of walls separating two attached Buildings.

Floor Area Ratio means the ratio of Gross Floor Area of all Buildings on the Lot or Parcel to the total area of the Lot or Parcel.

Frontage means the length of the property line of any one Premises parallel to and along each public Right-of-Way it borders.

Future Land Use Map shall mean the Future Land Use Map series of the Putnam County Comprehensive Plan.

Gross Floor Area means 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 Buildings, but not including

interior parking spaces, Loading Space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

Groundwater means water occurring in the ground within the zone of saturation (the zone within which permeable soil and rock materials are saturated with water under hydrostatic pressure, Meinzer, 1949).

Group Residential Center means a residential facility where the primary purpose of the facility is to provide living quarters for eight or more Persons who reside in the facility due to neglect, disability or age.

Group Residential Home means a residential facility where the primary purpose of the facility is to provide living quarters for seven or fewer Persons who reside in the facility due to neglect, disability or age.

Group Treatment Center means a residential or non-residential facility where the primary purpose of the facility is to provide treatment or other services to eight or more Persons who reside in or use the facility due to drug use, past incarceration, mental illness, or the like.

Group Treatment Home means a residential facility where the primary purpose of the facility is to provide treatment or other services to seven or fewer Persons who reside in the facility due to drug use, past incarceration, mental illness, or the like.

Gutter means a man-made channel for draining of stormwater at the edge of a pavement.

Habitat means the place or type of site where a species naturally or normally nests, feeds, resides, or migrates, including for example, characteristic topography, soils, and vegetative cover.

Hazardous Substances means Hazardous Substances listed in Chapter 38F-41 of the Florida Administrative Code, sections 261 and 302.4 of Title 40 of the Code of Federal Regulations, and Part 355 Appendix A and B of Title 50 of the Code of Federal Regulations, including updates or amendments thereto. A Hazardous Substance, as defined herein, includes any solution, mixture, or formulation containing such materials, and also includes any material which, due to its chemical or physical characteristics as determined by the Director upon the advice of the Putnam County Environmental Services Director, poses a substantial threat to the life, health, or safety of Persons or property or to the environment.

Heavy Equipment means trucks with greater than six wheels and all off-road construction, mining, industrial, or farm vehicles or equipment.

Height, unless otherwise defined in this Code, means the vertical distance of a Structure measured from the average elevation of the finished grade within 20 feet of the Structure to the highest point of the Structure. See also Section 45-503(d) for measuring Building or Structure Height.

Highest Adjacent Grade means the highest natural elevation of the ground surface adjacent to the proposed walls of a Structure.

Historic District means a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, objects, or areas, which are united historically or aesthetically by plan or physical development. A district may be comprised of individual resources which are separated geographically but are linked by association or history.

Homeowners Association means a formally constituted, private, non-profit association or corporation made up of the property Owners and/or residents for the purpose of owning, operating and maintaining various common properties.

Hospital means an establishment that offers medical care and facilities and beds for use beyond 24 hours for individuals requiring diagnosis, treatment or cure for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy and which regularly makes available at least clinical laboratory services, diagnostic x-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. The term Hospital shall include the buildings themselves and any accessory uses such as Hospital maintenance and storage facilities, helistops for Hospital emergency services, parking and emergency facilities, related teaching and training

activities, accessory indoor auditoriums/conference rooms, accessory indoor minor retail, miscellaneous service, and Personal service uses, and incidental publishing and printing of Hospital related information.

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

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

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

Land means the earth, water, and air, above, below, or on the surface, and includes any Improvements or Structures customarily regarded as Land.

Land Surveyor means a Land Surveyor registered under F.S. ch. 472 who is in good standing with the State board of Land Surveyors.

Landfill means a Land site used primarily for the disposal by dumping, burial, burning, or other means and for whatever purposes, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, and other waste, scrap or discarded material of any kind.

Laundry, Retail means a business that provides either home-type clothes washing, drying or ironing machines and/or dry cleaning for hire to be used by customers on the Premises, or that provides clothes washing, dry cleaning, drying, and/or ironing for individual customers who leave their clothes for cleaning.

Level of Service means an indicator of the extent or degree of service provided by or proposed to be provided by a public facility based on and related to the operational characteristics of the public facility.

Loading Space, Off-Street means a designated space within, adjacent to, or in close proximity to the main building to be used expressly for loading and unloading cargo from trucks or other motor vehicles.

Local Street means a street which is used to serve adjacent properties by providing the initial access to collector and arterial streets.

Lot means the least fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified.

Lot of record means a lot, which is part of a subdivision, the plat of which has been recorded in the public records of Putnam County, Florida, or any parcel of land described by metes and bounds, the description of which has been recorded in the public records of Putnam County, Florida, provided such lot met the minimum lot requirements of the zoning district in which it was located at the time of recording and was recorded on or before December 19, 1991.

Manufactured Home means a Modular Home or Mobile Home.

Mean High Water Line (see also Ordinary High Water Line) means the jurisdictional line on the shore of tidal waters between privately owned lands and sovereignty lands established by a statistical average of the high tides over a period of many years. Precise determination of the line is established by survey with reference to the available tidal datum, preferably averaged over a period of 18.6 years; apparent Shoreline is determined by reference to physical markings, lines of vegetation, or changes in type of vegetation.

Mobile Home means a Manufactured Home that does not fall within the definition of "manufactured building" at F.S. § 553.36.

Mobile Sign means any sign which is manifestly designed to be transported by trailer or on its own wheels, including such signs even though the wheels may be removed and the remaining chassis or support Structure converted to an A or T frame sign and attached temporarily to the ground.

Modular Home means a Manufactured Home that falls within the definition of "manufactured building" at F.S. § 553.36.

Necessary Public Facilities means public facilities that may be required to maintain a Level of Service established in the Putnam County Comprehensive Plan.

Nightclub means a restaurant, dining room, bar or other similar establishment serving alcoholic beverages, in which paid floor shows, music or other forms of entertainment, other than adult entertainment as defined by Ordinance 2002-30, are provided for customers as a part of the commercial enterprise. Nightclubs selling alcoholic beverages are subject to the supplemental provisions governing the sale of alcoholic beverages for on-site consumption found in section 45-163.

Nonconforming Lot or Parcel is a Lot or Parcel that fails to meet the dimension requirements (i.e. area, width, depth and Frontage) of this Code, but was lawfully created prior to the effective date of this Code or any amendments thereto and has been determined to be vested to the Comprehensive Plan and this Code pursuant to article IX, division 2 of this Code.

Occupied or Occupancy means the use of a Building or Land for any purpose, including Occupancy for residential, commercial, industrial and public use. "Occupied" include the use of Land or Buildings for manufacturing and storing facilities. "Occupied" includes arranged, designed, built, altered, converted or intended to be used or Occupied.

Onsite Sewage Treatment and Disposal System means any domestic sewage treatment and disposal facility, including standard subsurface systems, gray water systems, laundry wastewater systems, alternative systems of experimental systems, installed or proposed to be installed on Land of the Owner or on other Land to which the Owner has the legal right to install a system.

Open Space means vegetated, pervious surface areas of Land set aside for Parks, Outdoor Recreation, Green Space or viable Agriculture, as these terms are defined herein. *Ordinary High Water Line (see also Mean High Water Line)* means the line on the shore established by the fluctuations of water and indicated by physical characteristics such as the clear natural line impressed on the bank, shelving changes in the character of soil, destruction of the terrestrial vegetation, the presence of litter and debris or other appropriate means that consider the characteristics of the surrounding areas.

Owner means a Person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, attorney, executor, personal representative or trustee) has legal or equitable title to any property in question.

Parapet means that portion of a building wall that rises above the roof level.

Parcel means 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 circumvent the requirements of this Code, a "Parcel" may be as designated for a particular site by the director.

Park, Outdoor Recreational or Green Space Uses includes boating, fishing, hunting, primitive camping, swimming, horseback riding, and historical, archaeological, scenic, or scientific sites.

Perpetual Covenant means a permanent recorded covenant running with the Land and acts as an encumbrance upon the title. *Person* means any individual, partnership, general or limited, firm, association, joint venture, estate, trust, business trust, syndicate, fiduciary, corporation, and all other groups or combinations. "Person" includes the State and any public body.

Pet, Household means any domestic animal normally owned or kept as a pet including any cat, dog, rabbit, parrot, pigeon, or other animal deemed by the director to be appropriate as a domestic pet, provided such animal is confined to the limits of the residential property Occupied by the Owner of such pet and does not constitute a public nuisance.

Present Use means the manner in which the Land is utilized on January 1 of the year in which the assessment is made.

Poultry means chickens, turkeys, ducks, geese, guineas, or other fowl.

Premises means an area of Land with its appurtenances and buildings with a unity of Use.

Principal Building or Use means a main Use of Land, as distinguished from an accessory Use, or the building housing the main or Principal Use of the Lot or Parcel.

Public Facilities means all sanitary sewer, solid waste, drainage, potable water, park, recreation and road facilities described in the Putnam County Comprehensive Plan.

Public Works Department means the Director of Public Works of Putnam County or his designated representative.

Residential Project Fence means a wall or fence erected around a residential subdivision (but not individual lots) or development of five or more Dwelling Units.

Right-of-Way means Land dedicated, deeded, used, or to be used, for a street, Alley, walkway, boulevard, drainage facility, access for ingress or egress, or other purpose by the public, certain designated individuals, or governing bodies.

Sawmill means a facility for the cutting, planning, shredding, or otherwise processing raw logs into lumber, mulch, or other unfinished wood products. This shall not be deemed to include the cutting, sanding or otherwise working with wood or lumber where such is part of the on-site process of creating a finished wood product such as furniture, cabinets, or the like.

Shoreline means the Land or water along the edge of a body of water that is 50 feet upland from the Ordinary High Water Line.

Shoreline Vegetation means vegetation that grows within the Shoreline area; included are terrestrial and aquatic plants associated with wetlands and both emergent (plants growing above the water surface) and non-emergent (vegetation below the water surface).

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.

State means the State of Florida.

Structural Alteration means any change, except for repair or replacement, in the supporting members of a Structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Structure, which includes a building, means a thing constructed or erected on the ground, attached to something having location on the ground or requiring construction or erection on the ground.

Successor Homeowners Association means an entity established for the purpose of coordinating the collection and expenditure of funds for the maintenance of certain designated Improvements or lands within a subdivision. For the purposes of this subsection, a Successor Homeowners Association may raise funds through the imposition of dues or other fund-raising, but may not charge a fee for the use of lands subject to a covenant.

Swale means a natural or man-made, open drainage depression in which stormwater may flow.

Temporary Sign means a Sign that is designed, constructed, and intended to be used on a short-term basis.

Truck Stop means an establishment principally used for refueling and servicing trucks and tractor-trailer rigs. A Truck Stop may include convenience stores, sleeping and shower facilities for drivers, restaurants, snack bars and facilities to repair, wash and maintain commercial trucks and tractor-trailers.

Under Canopy or Marquee Sign means a sign suspended below the ceiling or roof of a canopy or marquee.

Use means the purpose for which Land or water or a Structure thereon is designated, arranged, or intended to be Occupied or used or for which it is Occupied, used or maintained.

Veterinary Facilities: Large Animal means any commercial Use providing veterinary services for domesticated animals customarily raised on farms, including cows, horses, ponies, mules, donkeys, swine, goats, sheep, and the like.

Veterinary Facilities: Small Animal means any commercial Use providing veterinary services exclusively for small domesticated animals customarily kept as pets such as dogs, cats, birds, reptiles, monkeys, rabbits, and the like. The term shall not include uses where veterinary services are provided for large farm animals such as cows, horses, ponies, mules, donkeys, swine, goats, sheep, and the like.

Water Body is defined to include rivers, lakes, creeks or pond beds and any other permanently or historically water-covered Land that occurs naturally at the intended site, up to the Mean High Water level. Maintained drainage ditches and retention ponds are not considered water bodies.

Wildlife Pets means animals classified as Class I or Class II wildlife as defined by State Law (currently Section 68A-6.002, F.A.C), which are kept as pets and not for breeding or other commercial purposes.

Yard means a required Open Space unoccupied and unobstructed by any Structure or portion of a Structure from 30 inches above the general ground level of the graded Lot upward; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any Yard subject to Height limitations and requirements limiting obstruction of visibility.

List of Ordinances for the Land Development Code³

Article History								
Article	Description	Adoption of Entire Article	Adoption of Sections	Date of Adoption	Date Filed	Effective Date	Date of Repeal	Ordinance No.
1	General provisions of the LDC; giving the LDC precedence over conflicting existing County laws; providing for severability and effective date.	✓		04/09/02	04/22/02	04/22/02		2002-14
2	Permitted Uses	✓		04/26/05	05/02/05	05/02/05		2005-18
2	Amendment of Permitted Uses		45-71	12/12/06	12/21/06	12/21/06		2006-52
2	Set standards for temporary uses to be adopted into Article 2 when adopted			04/09/02	04/11/02	04/22/02		2002-17
2	Amendment Temporary Use Table and Mud Bogging Regulations		45-122 45-139	04/24/07	05/14/07	05/14/07		2007-07
2	Amendment Temporary Sales of Produce		45-133	10/23/07	11/02/07	11/02/07		2007-35
2	Amendment Mobile/Itinerant Vendors		45-122 45-136	10/23/07	11/02/07	11/02/07		2007-36
2	Amendment Outdoor Promotional Sales		45-130	10/23/07	11/02/07	11/02/07		2007-37
2	Amendment Boat Houses and Docks		45-110	09/23/08	09/30/08	09/30/08		2008-33
2	Minor or Higher		45-72(d)(4), (e)(5)	08/11/09	08/11/09	08/11/09		2009-32
2	Horses		45-74(d), 45-75(d), 45-105(d)	08/11/09	08/21/09	08/21/09		2009-33
2	Alcoholic Beverages		45-44(a) 45-81— 45-84	03/27/12	04/02/12	04/02/12		2012-05

³Editor's note(s)—This list of ordinances was added during Supplement 13 with the addition of ch. 45, Land Development Code, for historical purposes. Any future amendments to said chapter will be added as a history note to the sections amended and noted in the Code Comparative Table.

2	Size and number Accessory Structures 2 acres less Accessory Apartment Guest House, Cargo		45-107 45-110	05/28/13				2013-12
2	Tattoo Parlors		45-46(b)	07/23/13	08/06/13	07/23/13		2013-18
2	Permitted Uses	✓		5/24/2016	5/31/16	5/31/16		2016-11
2	Remove References to Business Tax Receipts		45-110(7) 45-123(b) 45-136	7/25/17				2017-15
2	Placing Accessory Structures Prior to Primary in AG Zoning and Number/Size Allowed on Small Residential Lots		45-106 45-107	7/25/17				2017-16
2	Amended to add Exempting Handicap Access Ramps from Required Setbacks from Certain Residential Property Lines		45-503(c)(6)c	11/14/17	11/16/17	11/16/17		2017-24
2	Removes requirement for a Special Use Permit for generators large than 22 Kw in residential zoning districts		45-110(1)	12/11/18	12/17/18			2018-27
3	Supplemental Use Regulations	✓		04/26/05	05/02/05	05/02/05		2005-18
3	Amendment Permanent Sales of Produce		45-198	10/23/07	11/02/07	11/02/07		2007-35
3	Religious Facilities		45-199(c)	08/11/09	08/17/09	08/17/09		2009-32
3	Livestock Residential/Horses and 4H Residential		45-185	08/11/09	8/21/09	8/21/09		2009-33
3	Borrow Areas		45-169	03/27/12	04/02/12	04/02/12		2012-06
3	Alcoholic Beverages		45-163	3/27/12	04/02/12	04/02/12		2012-05
3	Communication Towers and Facilities		45-171	06/26/12	07/3/12	07/03/12		2012-16
3	Supplemental Use Regulations	✓		5/24/16	5/31/16	5/31/16		2016-12
3	Remove References to Business Tax Receipts		45-171(b)(2)	7/25/17	7/27/17	7/25/17		2017-15
3	Remove Reference to ten-year borrow area;		45-169(a),	7/14/20		7/14/20		2020-04

	add permits w/FDEP and Water Management District./Revise definition of a Mine		(b)(3), (c)(1)— (5), (d)(7)e 45- 191(b)(1)					
4	Airport and Heliport Overlay Regulations, Historic Districts and Landmark Overlay	✓	45-211, 45-212 45-241— 45-245 45-251— 45-256	12/11/01	12/26/01	12/26/01		2001-30
4	Planned Unit Developments		45-221— 45-228	07/11/06	08/03/06	08/03/06		2006-25
4	Military Overlay		45-271— 45-273	11/13/12	11/19/12	11/19/12		2012-31
4	Remove Floating Add PUD		45-211, 45-212 45-221— 45-228 45-241— 45-245 45-251— 45-256 45-271— 45-273	03/25/14	03/25/14	03/25/14		2014-03
5	Facilities and Services: Concurrency and Development Exactions	✓		03/12/02	03/25/02	03/25/02		2002-09
5	Concurrency Requirement		45-361— 45-368	01/08/08	01/25/08	01/25/08		2008-02
6	Resource Protection Standards	✓		02/12/02	03/14/02	03/14/02		2002-06
6	Septage Spreading			12/14/04	12/19/04	01/03/05		2004-37
6	Amendment Flood Hazard Management		45-421— 45-441	09/11/07	09/18/07	09/18/07		2007-24A
6	FIRM		45-421— 45-441	12/13/11	12/16/11	12/16/11		2011-31
6	Flood Hazard Management Protection		45-421— 45-441	08/27/13	09/02/13	08/27/13		2013-16
6	Wetlands		45-391— 45-393 45-401— 45-403 45-411— 45-414 45-421—	09/24/13	09/26/13	09/24/13		2013-24

			45-441 45-451— 45-453 45-461— 45-466					
6	Define Modular Homes & Elevation Requirements		45-434(d) 45-435(b)	7/25/17				2017-19
6	Requires Frames of Manufactured homes placed, replaced or substantially improved to be above the Base Flood Elevation		45-438(e), (f)	12/11/18				2018-28
7	Development Design Improvement Standards	✓		01/27/04	02/06/04	02/06/04		2004-03
7	Amendment Development Design Improvement Standards		45-551	12/12/06	12/21/06	12/21/06		2006-52
7	Amendment PUD minimum area requirements		Table 7.02A	02/24/09	03/02/09	03/02/09		2009-04
7	Amendment Street Naming Regulations		45-653	04/14/09	04/24/09	04/24/09		2009-16
7	Parking, Handicap, Stacking, Repeal 45-563 Deferral, Modify requirements number of spaces and design standards		45-561— 45-566	10/27/09	10/30/09	10/30/09		2009-40
7	Development Design And Improvement Standards		45-481	05/28/13				2013-13
7	Amend permits for work in or on County Right-of-way, provide enforcement procedures, amend Use of easement for access to property		45-485(b) 45-612 45-633 45-636(a)(4)	11/14/17		11/14/17		2017-25
8	Sign Regulations	✓		04/09/02	04/18/02	04/18/02		2002-15
8	Amendment Sign Regulations(corrective modification)		45-738(8)	02/24/04	03/02/04	03/02/04		2004-05
8	Amendment Sign Regulations		45-695	10/25/05	11/07/05	11/07/05		2005-49

8	Amendment Special Event Signs		45-743	10/23/07	11/02/07	11/02/07		2007-37
8	Signs, Off Premises		45-713 45-737 45-752	10/27/09	10/30/09	10/30/09		2009-39
9	Vesting Determinations, Nonconformities and Variances	✓		03/12/02	03/25/02	03/25/02		2002-10
9	Amendment Vesting Determinations, Nonconformities...		45-796— 45-802	10/11/05	11/07/05	11/07/05		2005-50
9	Amendment Variances in General		45-831	12/12/06	12/21/06	12/21/06		2006-52
9	Clean Up and Ease Requirements		45-796— 45-802 45-811— 45-818	07/23/13		07/23/13		2013-17
9	Remove References to Business Tax Receipts		45-817	7/25/17				2017-15
9	Determination of Damage to Nonconforming Use Structures, Procedure for consideration of expansion, Site improvements, Taking of Right-of-way, Administrative Variances		45-811— 45-818 45-831— 45-836	7/25/17				2017-17
10	Development Agreements	✓		12/11/01	12/26/01	12/26/01		2001-30
11	Development Review and Enforcement Boards/Repeal 2002-6A	✓		11/26/02	12/16/02	02/01/03		2002-42
11	Amendment Special Use permits sent back to Zoning Board of Adjustment		45-922 45-932	08/12/03	09/05/03	09/05/03		2003-29
11	Amendment Establishing Special Master		45-941— 45-949	12/09/03	11/22/03	12/22/03		2003-36
11	Amendment Establishment and Membership		45-886 45-921	12/12/06	12/21/06	12/21/06		2006-52

11	Development Review and Enforcement Boards		45-886— 45-889 45-901— 45-913 45-921— 45-923 45-931— 45-933 45-941— 45-949	06/26/12	07/03/12	07/03/12		2012-17
11	Remove references to Business Tax Receipts		45-943	7/25/17				2017-15
12	Administration and Enforcement; provides for repeal of Article II of Zoning Ordinance 88-1; repeal of Article 11 of LDC; repeal of Parts I through VII of Ordinance 8309; repeal of Article I, § 1-3 through 1-11, Article II, Div. 1-4 and 6, Article XXIII, Div. 2 and 3 of Zoning Ordinance 88-1.	✓		11/26/02	12/16/02	02/01/03		2002-42
12	Amendment Administration and Enforcement		45-1081— 45-1083	08/12/03	09/05/03	09/05/03		2003-29
12	Citations		45-1144	10/12/04	10/12/04	10/18/04		2004-30
12	Vacation of Plats		45-1031— 45-1046	10/25/05	11/07/05	11/07/05		2005-50
12	Amendment to Administration and Enforcement		45-992 45-994 45-995	04/25/06	05/08/06	05/08/06		2006-15
12	Amendment Subdivisions, PUD's, Special Use Permits		45-1033 45-1035 12.11.03 [sic] 45-1081	12/12/06	12/21/06	12/21/06		2006-52
12	Amendment Preliminary and Final Development Review for Class III Developments, Lot Splits and Subdivisions		45-995 45-1032 45-1033 45-1051 45-1052	09/23/08	09/30/08	09/30/08		2008-34

12	Amendment Permit Required prior to undertaking any Development Activity—Compliance		45-973	05/26/09	05/28/09	05/28/09		2009-18
12	Subdivision and other Development Processes		45-961— 45-963 45-971— 45-973 45-981— 45-983 45-991— 45-997 45- 1001— 45-1006 45- 1011— 45-1014 45- 1021— 45-1024 45- 1031— 45-1046 45-1051, 45-1052 45-1061 45-1071, 45-1072 45- 1081— 45-1083 45-1091 45- 1101— 45-1106 45- 1111— 45-1114 45- 1121— 45-1125 45-1131	06/24/12	07/03/12	07/03/12		2012-15
Glossary	Adopt Glossary for LDC	✓		10/11/05	10/25/05	10/25/05		2005-48
Glossary	Adding definitions Curb, Gutter and Wildlife Pets		Glossary	12/12/06	12/21/06	12/21/06		2006-52

12	Delete PUD		12.11.03 [sic]	03/25/14				2014-03
12	Subdivisions		45-1033	05/26/15	05/26/15	05/26/15		2015-13
12	Amended to add Activities which constitute Development; Amending the Requirements for an Improvement Agreement Where Necessary in a Plat		45- 961(1)a.1, 13 45- 1043(a)	7/25/17	7/27/17	7/27/17		2017-18