

# **2017 LIBERTY COUNTY**

## **LAND DEVELOPMENT CODE**

**Adopted by**

**LIBERTY COUNTY ORDINANCE NO. 17-01**

**On**

**TUESDAY, MAY 9, 2017**

**2017 LIBERTY COUNTY  
LAND DEVELOPMENT CODE  
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**2017 LIBERTY COUNTY, FLORIDA**  
**LAND DEVELOPMENT CODE**  
**CHAPTER 1**  
**STATUS OF LAND DEVELOPMENT CODE**  
**AND PROCEDURES FOR AMENDMENTS**

**Section 1.1 Title**

This Code shall be known and may be cited as the "Liberty County Land Development Code." Except where otherwise indicated, references herein to "the Code" or "this Code" shall be taken as references to the entire Liberty County Land Development Code or to the specific provision which applies to the situation in question.

**Section 1.2 Authority**

The adoption of this Code is granted by the Florida Constitution and Laws. The Liberty County Commissioners hereby exercise the power to classify land within the jurisdiction of Liberty County into Land Use Categories consistent with the Liberty County Comprehensive Plan, and to review and approve or disapprove plats and plans for the subdivision and development of land.

**Section 1.3 Purpose**

The purpose of this Code is to provide for orderly growth; to encourage the most appropriate use of land; to discourage incompatible uses of adjacent properties; to preserve and protect the environment and natural resources and beauty of Liberty County; to protect and conserve the value of property; to prevent the overcrowding of land; to promote, protect and improve the health, safety, comfort, good order, appearance, convenience, and general welfare of the public and to help accomplish the goals and objectives of the Liberty County Comprehensive Plan. This Code is deemed by the County Commissioners of Liberty County, Florida to bring Liberty County into compliance with Sec. 163.3202, Florida Statutes.

## **Section 1.4 Interpretation and intent**

- (1) *Generally.* In the interpretation of these regulations, the following rules shall be observed unless such construction would be inconsistent with the Comprehensive Plan or with the manifest intent of the County Commissioners, or where the language of such section contains any express provisions excluding such construction.
  - (a) All provisions, terms, phrases and expressions contained in these regulations shall be liberally construed to follow the goals, objectives, and policies of the Comprehensive Plan in order for the true intent and meaning of the County Commissioners to be fully carried out. No provision shall be interpreted so as to limit or repeal any other powers granted to the County under state statutes.
  - (b) In the interpretation and application of these regulations, it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Where any provision of these regulations imposes a greater restriction upon the subject matter than a general provision imposed by another provision of these regulations, the most specific provision shall be deemed to be controlling.
- (2) *Effect of private agreements and other regulations.* This Code shall not interfere with, annul or abrogate any easements, covenants or other agreements between parties which are not inconsistent with this Code.
- (3) *Computation of time.* The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday or legal holiday recognized officially by Liberty County, that day shall be excluded.
- (4) *Delegation of authority.* Whenever a provision requires the head of a department or some other County officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to qualified subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.
- (5) *Gender, number and tense.* Words importing the masculine gender shall be construed to include the feminine and neuter. A word importing the singular number may extend and be applied to several persons and things as well as to one person and thing. The use of the plural

number shall be deemed to include any single person or thing. Words used in the past or present tense include the future as well as the past or present.

(6) *Non-technical and technical words.* Words or phrases shall be construed according to the common and approved usage of the language, except that technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning. Words and phrases which are defined in the Code shall be construed as so defined.

### **Section 1.5 Jurisdiction**

The provisions of this Code shall apply to all land, buildings, structures and uses in the unincorporated areas of Liberty County and to any other area authorized by law or interlocal agreement.

Except as specifically provided below, the provisions of this Code shall apply to all development in Liberty County, and no development shall be undertaken without prior authorization pursuant to this Code.

### **Sec. 1.5-1 Exceptions**

(1) *Previously Issued Development Permits.* The provisions of this Code and any amendments thereto shall not affect the validity of any lawfully issued and effective development permit lawfully issued prior to the effective date of this enactment or for which application has been made prior to such date and for which the permit is issued within 90 days.

(2) *Previously Approved Development Orders.* Projects with development orders that have not expired at the time this Code or an amendment thereto is adopted, and on which development activity has commenced or does commence and proceeds according to the time limits in the regulations under which the development was originally approved, must meet only the requirements of the regulations in effect when the development plan was approved. If the development plan expires or is otherwise invalidated, any further development on that site shall occur only in conformance with the requirements of this Code or amendment thereto.

### **Section 1.6 Compliance with provisions required**

(1) *Development activity.* No land, building or structure shall be erected, moved, added to, enlarged, altered or maintained after the effective date of this Code except in conformity and compliance with the provisions of this Code.

(2) *Development and building permits.* No development order or building permit shall be issued, and no site plan or subdivision plan or preliminary or final plat shall be approved, recorded or referenced to convey property after the effective date of this Code except in conformity and compliance with the procedural and substantive provisions of this Code.

### **Section 1.7 Maintenance of copies**

The original of this Code shall be maintained in the office of the Clerk of Court. Copies of the Code, including all current amendments, shall be maintained at the Liberty County Clerk's Office and shall be available for public inspection.

**2017 LIBERTY COUNTY, FLORIDA**  
**LAND DEVELOPMENT CODE**  
**CHAPTER 2**  
**LANGUAGE AND DEFINITIONS**

**Sec. 2.1 Construction of Language.**

The following rules of construction apply to the text of this Code:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this Code and any caption or illustrative table, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) Words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "maintained for" or "occupied for."
- (7) The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- (8) Unless the context clearly indicates a contrary meaning, where a regulation involves two (2) 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 items, conditions, provisions or events shall apply.
  - (b) "Or" indicates that 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.

- (9) The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

### **Sec. 2.2 References to other legislation.**

Any reference made in this Code to any other local, state or federal legislation, rule or regulation, including all state statues and local building and technical codes, shall be interpreted to mean the most recent version of said legislation, rule or regulation which is in effect at the time in question, including all amendments thereto.

### **Sec. 2.3 Variations in district symbols or names.**

Minor variations in the symbols or names established in this Code may be corrected by resolution of the County Commission and shall not be deemed to affect the validity of the regulations so long as the purpose and intent is clear.

### **Sec. 2.4 Definition of terms.**

- (1) Words used in this Code shall have their ordinary dictionary meaning unless otherwise defined in the Code.
- (2) Certain words and terms are specifically defined within the various chapters of this Code. Such definitions shall supersede the general definition or use of the word or term in this section and any other section where the subject is clearly related. Otherwise, generally accepted definitions or definitions herein shall prevail.
- (3) For the purposes of this Code, the following terms shall have the meanings set forth in this section unless otherwise indicated by the context:

***Abut:*** means to physically touch or border upon, or to share a common property line.

***Abutting property:*** Any property that is immediately adjacent to or contiguous to another property.

***Accessory uses:*** A use customarily incidental, appropriate and subordinate to the principal use of land or buildings and located upon the same lot therewith.

***Addition (to an existing building):*** means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a

fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

***Adult Congregate Living Facility (ACLF):*** means a type of residential care facility, defined in Chapter 400, Part 2, Florida Statutes. An ACLF shall not include a "Nursing Home". An ACLF housing fourteen or fewer residents shall be a "Community Residential Home".

***Aggrieved or Adversely affected person:*** Any person or local government which will suffer an adverse effect to an interest protected or furthered by the Comprehensive Plan, including interests related to health and safety; police and fire protection service systems; densities or intensities of development; transportation facilities; health care facilities, equipment or services; or environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large, but shall exceed in degree the general interest in community good shared by all persons.

***Agriculture:*** The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, silviculture, viticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

***Agricultural Processing:*** means a permanent industrial use specifically associated with producing, harvesting or processing of agricultural products, as opposed to the growing of such products or the incidental on-site processing of such products.

***Airport or airstrip:*** Any runway, landing area or other facility designed and used, either publicly or privately, by any person, for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tiedown areas, hangars and other necessary buildings and open spaces.

***Alcoholic beverage establishment:*** Any establishment devoted primarily to the retail sale of alcoholic beverages for consumption on and/or off the premises.

***Alley:*** A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

**Alteration:** Any change in the arrangement of a building; any work affecting the structural parts of a building; or any change in the wiring, plumbing, or heating or air conditioning systems of a building.

**Animal hospital:** See: Veterinary clinic or hospital.

**Apartment house:** See: Dwelling, multifamily.

**Appeal:** means a request for a review of the Development Administrator's interpretation of any provision of this Land Development Code or a request for a variance.

**Applicant:** The record owner of land which is the subject of a request for a change in zoning, a conditional use, a variance a home occupation permit or an appeal, or for approval of a subdivision plat or other land development approval, or the authorized agent of such owner.

**Area of Shallow Flooding:** means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**Area of Special Flood Hazard:** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**Automobile or automotive vehicle:** A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including, but not limited to the following: Passenger cars, trucks, buses, motor scooters and motor cycles, but not including construction equipment or machinery.

**Automobile Repair:** means a use providing for major repairs such as (but not limited to) body work, frame straightening, major mechanical repairs, painting, welding, or tire recapping, and may include towing services, and long term storage of operable or inoperable vehicles in an enclosed building. This category does not include junkyard. This category addresses servicing and repair of automobiles and light trucks, and does not include large trucks or other mechanical equipment.

**Automobile service station:** Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuel, oils or accessories, and in connection with which is performed general automotive servicing, as distinguished from automotive repairs.

Uses permissible at an automobile service station do not include body work, straightening of body parts, painting, welding, storage or automobiles not in operating condition, or other work involving undue noise, glare, fumes, or smoke.

***Automotive repair:*** The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles, and wherein an automobile service station may also operate.

***Automotive wrecking or salvage yards:*** The dismantling or wrecking of used motor vehicles, mobile homes or other vehicles, or the storage, sale or dumping of such wrecked or dismantled vehicles or parts.

***Bar:*** means an establishment having a bar and tables set up at all times and used for serving alcoholic beverages with or without food, and includes uses described as "lounges" or "taverns".

***Base Flood:*** means the flood having a one percent chance of being equalled or exceeded in any given year.

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

***Billboard:*** See: Signs

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

***Board:*** The Liberty County Board of County Commissioners.

***Board of Adjustment:*** The Liberty County Board of Adjustment (the County Commission serving in such capacity) hears administrative appeals and applications for variances and conditional uses under the provisions of this Code.

***Boarding house, rooming house or lodging house:*** A building where lodging only is provided for compensation to three (3) or more persons, but not exceeding twenty (20) persons shall be defined as a hotel under the terms of this ordinance.

***Boatyard:*** A commercial or nonprofit boat basin with facilities for the sale, construction, repair, launching, storing, berthing, securing, fueling or general servicing of marine craft of all types.

**Bond:** Any form of security, including cash deposit, instrument of credit, collateral bond, surety or property, in an amount and form satisfactory to and approved by the County Commission, used for the following:

- (a) *Maintenance bond:* Upon issuance of a certificate of completion or when required improvements are installed prior to recording a plat surety must be posted in the amount of twenty-five (25) percent of the professional engineer's estimate of the cost of improvements. The condition of this obligations is that the local government will be protected against any defect caused by faulty materials or workmanship in these improvements for a period of three (3) years.
- (b) *Performance bond:* When required improvements are installed after recording a plat, surety must be posted in the amount of one hundred ten (110) percent of the engineer's or building and zoning official's estimate of completion costs, including landfill, to ensure completion.

**Borrow pit:** An excavation from which natural materials are removed for commercial use elsewhere, leaving a hole (pit).

**Boundaries:** Where a map is incorporated into this Code and used in connection with its administration, boundaries on such map which are shown as following or approximately following a street, utility line, railroad, river or stream, or other similar linear feature shall be construed as following the centerline of that feature. Boundaries which are shown as following or approximately following any platted lot line or other property line, or a section line, half-section line, or quarter-section line shall be construed as following such line.

**Breakaway Wall:** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**Buffering:** See: Screening.

**Building:** means any building built for support, shelter, or enclosure for any occupancy or storage.

**Building, accessory:** A subordinate building or a portion of the main building located on the same lot as the main building, the use of which is incidental to that of the dominant use of the building or premises.

**Building official:** The Liberty County Building Director.

**Building coverage:** See: Lot coverage.

**Building height:** The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the declivity of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

**Building line:** A line establishing the minimum allowable distance between the nearest portion of any building and the street right-of-way line or street widening setback line, where applicable, when measured perpendicularly thereto.

**Building permit:** A permit authorizing the actual erection of a building or structure or component thereof. A building permit is also a "development permit" as defined below.

**Building, principal:** A building in which is conducted the main or principal use of the lot or parcel on which said building is situated. In a residential district, any dwelling shall be deemed the principal building on the lot on which the same is situated. An attached carport, shed or garage, or any other structure with one or more walls or a part of the principal building and structurally dependent, totally or in part, on the principal building, shall be deemed a part of the principal building, but a detached and structurally independent carport, garage or other structure shall be deemed an accessory building.

**Building setback line:** A line establishing the minimum allowable distances between the nearest portion of any building and the street right-of-way line or street widening setback line, where applicable, when measured perpendicularly thereto.

**Carport:** A private garage not completely enclosed by walls or doors.

**Car wash:** An area or land or a structure with machine- or hand-operated facilities, used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

**Cemetery:** Land used or intended to be used for the burial of the animal dead or human dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery.

***Centerline, street:*** A line running parallel with the right-of-way of a highway, which is half the distance between the extreme edges of the official right-of-way width.

***Certificate of Occupancy:*** The certificate issued by the Building Official subsequent to final inspection indicating that all improvements have been completed in conformity with the requirements of all building codes, the requirements of this Code or the subdivision regulations, if applicable, and the approved constructions plans and specifications.

***Certified survey:*** A survey, sketch, plan, map or other exhibit containing a sworn, written statement regarding its accuracy or conformity to specified standards certified and signed by the registered surveyor under whose supervision said survey was prepared.

***Change of occupancy:*** Discontinuance of an existing use and the substitution thereof of a use of a different land or class. This term does not include a change of tenants or proprietors unless accompanied by a change in type of use.

***Child care center:*** Any place, home or institution which receives three (3) or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within the institutional building.

***Church:*** A building used for nonprofit purposes by a recognized or established religion as its place of worship, including a residential area for the pastor or minister of a sect.

***County Commission:*** County Commission of Liberty County.

***Clerk:*** The Liberty County Clerk of the Court.

***Clinic, Dental or Medical:*** means a facility for the examination and treatment of ill and afflicted human out-patients, provided that patients are not kept overnight except under emergency conditions. This category includes a doctor's office, or the office of a group practice, as well as an emergency care facility. This category shall not include a hospital.

***Club or Community Use:*** means any lodge or club, facility for a fraternal or benevolent association, or community center or civic association facility.

**Club, night:** A restaurant, dining room, bar or other similar establishment providing food or refreshments wherein paid floor shows or other forms of paid entertainment are provided for customers as part of the commercial enterprise.

**Club, private:** Any lodge or club, as defined in Florida Statutes Section 561.20(7), which includes:

- a) Subordinate lodges or clubs of national, fraternal or benevolent associations.
- b) Golf Clubs and tennis clubs municipally owned or leased.
- c) Nonprofit corporations or clubs devoted to promoting community, municipal or county development or any phase of community.
- d) Clubs fostering and promoting the general welfare and prosperity of members of showmen and amusement enterprises.
- e) Clubs assisting, promoting and developing subordinate lodges or clubs of national fraternal or benevolent associations.
- f) Clubs promoting, developing and maintaining cultural relations of people of the same nationality.

**Cocktail Lounge:** A room having a bar and tables set up at all times and used for serving alcoholic beverages and/or food.

**Commercial Use:** means any use involving trade with the general public, as opposed to the manufacture or wholesale distribution of goods.

**Commercial Use, neighborhood:** Means commercial uses of a convenience commercial nature intended to serve the daily needs of the surrounding neighborhood, including retail commercial, professional, office, personal services, financial services, and the sale of automobile fuel.

**Community Residential Home, Major:** means a dwelling unit licensed by the State, which provides a living environment for seven (7) to fourteen (14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

**Community Residential Home, Minor:** means a community residential home designed to serve fewer than seven (7) residents.

**Community-based residential facilities:** The following uses:

- (a) *Emergency shelter:* Any residence, dwelling, building or other place providing room and board and protection, counseling or preplacement screening for three (3) or more abused adults, children or similar persons not related to the owner by law, blood, marriage or adoption, with the average stay per person less than thirty (30) days and provided that such services shall not include intensive treatment or therapy.

For the purposes of this Code, the term "emergency shelter" shall not be deemed to include group care homes, family care homes, residential treatment facilities, or recovery homes.

- (b) *Emergency home shelter:* Any dwelling providing room and board and protection, preplacement screening or counseling for one (1) or two (2) abused children, abused adults or similar persons not related to the owner of the premises by law, blood, marriage or adoption, for a period not to exceed an average stay of thirty (30) days per person, but such services shall not include either intensive treatment or therapy.

For the purposes of this Code, the term "emergency shelter home" shall not be deemed to include group care homes, family care homes, residential treatment facilities, or recovery homes.

- (c) *Family care home:* Any dwelling occupied by six (6) or fewer persons, including staff, whether operated for profit or not, which provides for a period exceeding twenty-four (24) hours, one (1) or more personal services for persons who require such services not related to the owner or administrator by law, blood, marriage or adoption, and not in foster care. The personal services, in addition to housing and food services, may include but not be limited to personal assistance with bathing, dressing, housekeeping, adult supervision, emotional security and other related services, but not including medical services.

For the purposes of this Code, the term "family care homes" shall not be deemed to include rooming or boarding homes, fraternities, sororities, clubs, monasteries or convents, hotels, emergency shelters, residential treatment facilities, recovery homes or nursing homes.

- (d) *Group care home:* Any dwelling, building or other place occupied by seven (7) or more persons, including staff, whether operated for profit or not, which provides for a period exceeding twenty-four (24) hours one (1) or more personal services for persons unrelated to the owner or administrator by law, blood, marriage or adoption, and not in foster care, who require such services. The personal services, in addition to food and housing services may include personal assistance with bathing, dressing, housekeeping, adult supervision, emotional security and other related services, but not including medical services.

For the purposes of this Code, group care homes shall not be deemed to include rooming or boarding homes, fraternities, sororities, clubs, monasteries or convents, hotels, emergency shelters, residential treatment facilities, recovery homes or nursing homes.

- (e) *Recovery home:* A group residential facility with one (1) or more supervisors living on-premises conducted as a family home with professional staff services as needed providing board, lodging, supervision, medication and other treatment and counseling for persons progressing from relatively intensive treatment for crime, mental or emotional illness, delinquency, alcoholism, drug addition or similar conditions in need of a structured environment to deal with such conditions.

For the purposes of this Code, a recovery home shall not be deemed to include a residential treatment facility, group care home, family care home, nursing home, hospital, emergency shelter or emergency shelter home.

- (f) *Residential treatment facility:* Any residential establishment, other than a hospital or nursing home, providing relatively intensive diagnostic or therapeutic services for its residents for alcoholism, drug abuse, mental illness, emotional problems, developmental disabilities or similar conditions.

For the purposes of this Code, a residential treatment facility shall not be deemed to include a nursing home, hospital, group care home, family care home or emergency shelter but it may have a recovery home component or outpatients.

**Comprehensive Plan or plan:** The Liberty County Comprehensive Plan, which was adopted by ordinance pursuant to Chapter 163, Florida Statutes and, as amended, serves as the legal guideline for the future development of property in Liberty County.

**Conditional use:** See Special Exception.

**Congregate living facility (adult):** Any institution, building or buildings, residence, private home, boarding home, home for the aged or other place, whether operated for profit or not, which undertakes through its ownership or management to provide for a period exceeding twenty-four (24) hours one (1) or more personal services for four (4) or more adults who require such services not related to the owner or administrator by blood or marriage. The term "personal services" means service in addition to housing and food service, and includes but is not limited to personal assistance with bathing, eating, dressing, housekeeping, supervision of self-administered medicines and assistance with securing health care from appropriate sources.

**Conservation Use:** means a use intended to preserve the natural condition of land or water, including buffering of natural areas from other uses. Conservation uses include, but are not limited to, preserves for vegetation and wildlife habitat, habitats for threatened and endangered species or species of special concern, wetlands, sensitive shorelines, and archaeological and historical sites. The definition includes certain activities and improvements which are consistent with the use and protection of conservation areas.

**Construction permit:** The permit to begin construction of improvements according to the construction plans and specifications approved by the local government.

**Construction plans:** the drawings and specifications accompanying a subdivision plat and showing the specific location and design of subdivision improvements to be installed in the subdivision. Construction plans shall be certified as being in compliance with the provisions of this ordinance by a licensed, professional engineer registered to practice in the State of Florida. The engineer shall sign and place his seal on the construction plans.

**Convalescent home:** See: Congregate living facility, adult.

**Convenience store:** A building or portion of a building occupied by an establishment primarily engaged in retail sales of new merchandise and goods in less than bulk quantities directly to ultimate consumers on the premises and not for resale, and further characterized

by the stocking and retail sale of merchandise, goods and items which are fairly inexpensive and which are purchased by the consumer on a frequent and often a daily basis.

**County Engineer:** A person or firm currently licensed and registered to practice engineering in the State of Florida and retained by Liberty County to oversee the appropriate provisions of this ordinance.

**Coverage, Lot:** Lot coverage shall be expressed as the percentage of the lot covered by all buildings located thereon, including the area covered by all overhanging roofs, divided by the gross lot area.

**Dedication:** The deliberate transfer of land by its owner for any general or public use, usually with an eventual view toward transfer of ownership and management to the County.

**Density:** The number of residential dwelling units permitted per acre of land including preserved wetlands and exclusive of dedicated public rights-of-way, canals, drainage ditches, lakes and rivers.

**Density, Gross:** The total number of dwelling units on a lot divided by the gross site area less all permanent water bodies.

**Density, Net:** The total number of dwelling units within the residential phase(s) of the Planned Unit Development project site divided by the Net Land Area of the phase(s).

**Development:** 1) 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 of land, or the dividing of land into three or more parcels.

2) The following activities or uses shall be taken for the purposes of this Code to involve development as defined in this Section:

- a) A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
- b) 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.
- c) Alteration of a shore of bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction" as defined in Section 161.021, F.S.

- d) Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.
  - e) Demolition of a structure.
  - f) Clearing of land as an adjunct of construction.
  - g) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
- 3) The following operations or uses shall not be taken for the purpose of this Chapter to involve "development" as defined in this section.
- a) 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.
  - b) 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, powerlines, towers, poles, tracks, or the like.
  - c) 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.
  - d) The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.
  - e) 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.
  - f) 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.
  - g) A change in the ownership or form of ownership of any parcel or structure.
  - h) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

(Chapter 380.04, Florida Statutes)

**Development Administrator:** Person or persons designated by the Liberty County Commission to enforce all or specific chapters of this Land Development Code.

***Developer:*** Any person, including a governmental agency, undertaking any development as defined in Chapter 380, Florida Statutes.

***Development agreement:*** An agreement entered into between the County and a developer specifying certain of the terms and conditions under which the development will proceed and executed pursuant to the provisions within such agreement.

***Development approval:*** See: Preliminary Development Approval.

***Development order:*** See: Final Development Order.

***Development rights:*** The number of residential dwelling units or the amount of commercial or industrial square footage which may be constructed on a particular parcel or lot as specified in the zoning district regulations.

***Development stage:*** A specified portion of a development that may be developed as an independent, freestanding entity with road access, drainage and utilities and other improvements required for a preliminary plat or site plan, whichever is applicable.

***District:*** Any section or sections of Liberty County for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform for each class or kind of building therein.

***Domestic Wastewater Facility:*** A wastewater collection, treatment, and disposal system approved by the Department of Environmental Regulation in accordance with Rule 17-6, F.A.C.

***Dormitory:*** A building containing sleeping accommodations for the use of students or instructors enrolled in or employed by a sponsoring education institution.

***Dwelling:*** Any building or portion thereof, including modular factory-built homes, which is designated for or used for residential purposes but not including a trailer coach or converted trailer, hotel, motel, lodging house or boarding house. Mobile homes are regulated separately from other single-family dwellings concerning the provisions this Code.

***Dwelling, attached:*** A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

***Dwelling, detached:*** A dwelling which is entirely surrounded by open space on the same lot.

***Dwelling, Mobile Home:*** A dwelling unit constructed off-site and transported to the site and meeting one of the following standards: (1) if the unit was constructed before January 11, 1968, it shall meet the American National Standards Institute (ANSI) standard as referenced by Section 320.823, Florida Statutes (1968), which became effective on January 11, 1968; (2) if the unit was constructed between January 11, 1968, and June 15, 1976, it shall meet the American National Standards Institute (ANSI) standard as referenced by Section 320.823, Florida Statutes (1968), in effect on the date of construction; or (3) if the unit was constructed on or after June 16, 1976, it shall meet the U.S. Department of Housing and Urban Development (HUD) standard pursuant to 42 U.S.C. 5401, et. seq., effective on the date of manufacture.

***Dwelling, multifamily:*** A residential building designed for or occupied exclusively by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

***Dwelling, single-family:*** A private residential building used or intended to be used as a home or residence in which the use and management of all sleeping quarters and appliances for sanitation, cooking, heating, ventilation, and lighting are designed primarily for the use of one (1) family unit, and with partitioning so that any substantial interior portion of the dwelling may be reached without resort to exterior access, and so that the building has one (1) kitchen and one (1) electrical meter.

***Dwelling, two-family (duplex):*** A residential building designed for or occupied by two (2) families, with the number of families in residence not exceeding the number of dwelling units provided.

***Dwelling unit:*** A dwelling unit consists of one or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit.

***Easement:*** Any strip of land created by a subdivider for public or private utilities, stormwater management, sanitation, or other specified uses having limitations, the titles to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.

***Eating and drinking establishments:*** A building, or portion of a building, occupied by an establishment in which a person or persons practice a vocation that performs a type of labor, act or work that primarily results in the preparation and retail sale of food or beverages directly to the ultimate consumer on the premises and not for resale.

- (a) ***Restaurant:*** An eating and drinking establishment designed to serve primarily walk-in or pedestrian-oriented customers. Such establishments normally contain a considerable amount of indoor eating space and tables and specialize in foods and/or beverages that are consumed on the premises within the principal building itself. While automobile off-street parking space is normally included on the premises, it does not constitute a major service factor in the function of the establishment.
- (b) ***Drive-thru restaurant:*** An eating and drinking establishment designed primarily to provide for the quick, efficient and convenient ordering and dispensing of food and beverages to automobile-oriented customers. Such establishments normally contain little indoor eating space and few tables and normally specialize in carry-out purchases often consumed outdoors on the premises, within automobiles or off the premises entirely. Off-street parking and automobile access to the premises normally constitute a major service factor in the function of the establishment.

***Educational Facility:*** A structure erected for the purpose of providing training and/or schooling.

***Elevated building:*** means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

***Emergency shelter:*** See: Community-based residential facilities.

***Emergency shelter homes:*** See: Community-based residential facilities.

***Emission:*** The act of passing into the atmosphere an air contaminant or gas stream which contains or may contain a contaminant or the material so passed into the atmosphere.

***Engineer:*** A civil engineer, registered and currently licensed to practice in the State of Florida, retained by the developer to prepare, supervise and certify the engineering work required by this Chapter.

***Environmentally Sensitive Lands:*** Lands located within the unincorporated boundaries of Liberty County which are characterized by one or more of the following:

- a) Specific designated areas located within the one-hundred year flood plain of a stream, river, lake or depression, and possibly including the boundary or shoreline area associated with such floodplain. For the purposes of this Code, the one-hundred year flood plain area shall be as shown on the Flood Insurance Rate Map issued under the National Flood Insurance Program administered by the Federal Emergency Management Agency, and boundary or shoreline areas shall be those areas located within fifty (50) feet of the one-hundred year flood plain.
- b) Located within a wetland (connected) and including wetland fringe areas which are essential for maintaining the hydro-period of the wetland.
- c) Located within a known or suspected archaeological site which is eligible for listing on the National register of Historic Places. For the purposes of this Code, a site will be considered eligible if it is listed on the National Register of Historic Places or if it is included on the Master Site File maintained by the Bureau of Historic Preservation, Florida Secretary of State.

***Essential Services:*** The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

***Existing Construction:*** means any building for which the "start of construction" commenced before (the effective date of the first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard) or (specific date).

***Existing manufactured home park or subdivision:*** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the

manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Expansion to an existing manufactured home park or subdivision:** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Family:** One or more persons occupying a single dwelling unit provided that unless all members are related by law, blood or marriage, no such family shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate or additional family or families.

**Family care home:** See Community-based residential facilities.

**Filling station:** See: Automobile service station.

**Final development order:** (Same as Final Development Permit) An order issued by the Development Administrator following preliminary development approval as set forth in this Code and which authorizes a specific land use or land development activity, and further authorizes the issuance of the necessary development permits.

**Flood or flooding:** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

**Flood frequency:** The statistically determined average for how often a specific flood level or discharge may be equaled or exceeded.

**Flood Hazard Boundary Map (FHBM):** means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined.

**Flood Insurance Rate Map (FIRM):** means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study:** is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

**Floodway:** means the channel of a river or other watercourse and the adjacent land areas needed to discharge flood waters. Adjacent areas are areas that are not normally covered with flowing water but have a discernible depression allowing excess water from the main watercourse to flow in the direction of the watercourse in times of above normal rainfall in the watershed.

**Floor:** means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**Floor area:** The sum of the gross horizontal areas of one (1) or more floors of a building measured from the exterior faces of exterior walls or from the center line of the wall separating two (2) attached buildings.

**Foster home:** Any establishment that provides care for fewer than five (5) children unrelated to the operator for a payment, fee or grant for any of the children receiving care, whether operated for profit or not.

**Frontage:** See: lot frontage.

**Functionally dependent facility:** means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities.

**Garage apartment:** A dwelling unit for one family erected above a private garage.

**Garage, private:** An accessory building or a portion of the principal building, used for storage of automobiles of the occupants of the principal building. A carport is a private garage.

**Garage, public or mechanical:** A building or portion thereof, other than a private or storage garage, designed or used for the sale, storage, servicing, repairing, equipping and hiring of motor-driven vehicles. Body work and painting shall be conducted within fully

enclosed buildings. Self-propelled vehicles not in safe operating condition shall be stored in fully enclosed buildings.

***Garage, repair:*** See: Automotive repair.

***Garage storage:*** A building or portion thereof designed or used exclusively for the storage or parking of automobiles; services other than storage at such storage garage shall be limited to refueling, lubrication, washing, waxing and polishing.

***Garden apartment:*** See: Dwelling, multifamily.

***Gas Station:*** See Automobile Service Station.

***Grade:*** The finished elevation of a site after all fill, land balancing or site preparation has been completed.

***Group care home:*** See: Community-based residential facilities.

***Guest cottage:*** Living quarters within a detached accessory building located on the same lot or parcel as the main building, used exclusively for housing members of the family occupying the main building and their nonpaying guests. Such quarters shall not be rented or otherwise used as a separate dwelling.

***Handicap requirements:*** Design criteria that respond to the special needs of the handicapped, as specified in the most recently published federal and state guidelines.

***Hazardous Substance:*** means any hazardous or toxic substance (including degradation and interaction products) which, because of quality, concentration, or physical, chemical (including ignitability, corrosivity, reactivity, and toxicity), and/or infectious characteristics, radioactivity, mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (non-degradability) in nature, or any other characteristic relevant to a particular material that may cause significant harm to human health or the environment (including surface and ground water, plants, or animals).

***Hazardous Waste:*** means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. (Section 403.703, F.S.)

**Hazardous Waste Facility:** means any building, site, structure, or equipment at or by which hazardous waste is disposed of, stored, or treated. (Section 403.703, F.S.)

**Hazardous Waste Management:** means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous wastes. (Section 403.703, F.S.)

**Height of buildings:** See: Building height.

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

**Historic Building:** means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register:

- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district:
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior:  
or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - 1. By an approved state program as determined by the Secretary of the Interior,  
or
  - 2. Directly by the Secretary of the Interior in states without approved programs.

***Historic Structure:*** A structure, portion of a structure, site, or archaeological location which is identified on the National Register of Historic Places maintained by the United States Department of the Interior, which is identified on the Florida Master Site File maintained by the Florida Department of State, or which would qualify for inclusion on either list.

***Home occupation:*** An occupation conducted entirely in a dwelling unit, provided that:

- a) No person other than members of the family residing on the premises shall be engaged in such occupation;
- b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof;
- c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area;
- d) No home occupation shall be conducted in any accessory building;
- e) No home occupation shall occupy more than twenty five (25) percent of the floor area of the residence, exclusive of the area of any open porch or attached garage or similar space not suited or intended for occupancy as living quarters;

- f) 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 and other than in required front yard;
- g) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. 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;
- h) The giving of individual instruction to one person, such as an art or piano teacher, shall be deemed a home occupation;
- i) Fabrication of articles such as are commonly classified under the terms "arts and handicrafts" may be deemed a home occupation, subject to the other terms and conditions of this definition;
- j) A home occupation shall be subject to all applicable County occupational license and other business taxes.

***Hotel, motel, motor lodge or tourist court:*** A building licensed by the Florida Department of Business Regulation containing individual guest rooms for which daily or weekly lodging is provided as the temporary residence (even for extended periods) of individuals.

***House trailer:*** See: Mobile home.

***Impervious Lot or Site Coverage:*** Limitations on allowable impervious lot or site coverage are established for the following purposes:

- a) to provide sufficient area on each building site for landscaping and open space.
- b) To protect existing vegetation including trees.
- c) Sufficient recharging of aquifer.

***Impervious surface coverage:*** shall be defined as the percentage of the lot land area that is covered with impervious materials such as buildings, swimming pool decks, decks, patios,

driveways, etc. Standard engineering coefficients of permeability may be utilized for mixed surfaces. (Also See Lot Coverage)

**Industrial Park:** A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations or government organizations.

**Industry, Light:** means an industrial activity which does not include outdoor storage or any industrial activity which is conducted outdoors.

**Industry, Heavy:** means an industrial activity which includes outdoor storage and/or any industrial activity which is conducted outdoors.

**Infrastructure:** means roads, potable water facilities; sanitary sewer facilities; drainage facilities; solid waste facilities; and park facilities.

**Junk:** Inoperative, dilapidated, and/or abandoned or wrecked materials including but not limited to automobiles, trucks, tractors, wagons, boats and other kinds of vehicles and parts thereof, scrap builders' materials, scrap contractors' equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery and the like.

**Junkyard:** A place where junk, waste or discarded or salvaged materials are brought, sold exchanged, stored, baled, packed, disassembled or handled. Junkyards shall include automobile wrecking, house wrecking, and structural steel material and equipment yards, but shall not include places for the purchase or storage of used furniture and household equipment, used cars in operating condition or used or salvaged materials for manufacturing. (See also: Automotive wrecking and salvage yards.)

**Kennel, pet:** Any lot or premises on which are kept four (4) or more dogs, more than six (6) months of age, for sale or for breeding, boarding or treatment purposes, including a veterinary clinic, animal grooming or pet shop. (Includes Racing Dog Kennels)

**Land Area, Gross:** The total acreage under private ownership within the perimeter boundaries of a Planned Unit Development site or general development site, excluding all conservation areas, jurisdictional wetland areas, natural water bodies below the mean high water elevation, and flood prone areas below a defined elevation of periodic inundation.

***Land Area, Net:*** The Gross Land Area within each phase of the Planned Unit Development excluding all lands between the 100-year flood elevation and the mean high water elevation of all natural water bodies and also excluding all fenced stormwater retention tracts.

***Land Development Code:*** For purposes of this Code, "land development regulations: or "regulations for the development of land" include any local government regulation concerning zoning, building and construction, subdivision of land or other regulations controlling the development of land. Some of these types of local government regulations controlling the development of land within a jurisdiction may be and have been combined into a single document known as the "Land Development Code." The term refers to individual provisions herein as well as the document as a whole.

***Landscaping:*** Any living plant materials such as trees, shrubs, vines, hedges, ground covers of palms, and nonliving durable materials commonly used in landscaping such as rocks, pebbles, sand, walls, fences, berms, sculptures and fountains, or any combination of the above, but excluding paving. Grass is not considered landscaping.

***Land Surveyor:*** A land surveyor registered in compliance with Chapter 472.007 F.S. who is in good standing with the Board of Land Surveyors.

***Laundry or dry cleaning, self-service:*** Any attended or unattended place, building or portion thereof, available to the general public for the purpose of washing, drying, extracting moisture from or dry cleaning wearing apparel, cloths, fabrics and textiles of any kind by means of a mechanical appliance which is operated primarily by the customer.

***Level of Service:*** An indicator of the degree of demand for a public facility compared to the amount of capacity provided by that public facility. For roadways, level of service is an indication of the operational characteristics of a facility such as vehicle density, operating speed, freedom to maneuver, and delay.

***Liquor store:*** An alcoholic beverage establishment that does not sell beverages for on-premises consumption.

***Live entertainment establishment:*** This includes establishments that have singers, pianists, musicians, musical groups, bands, vocal or instrumental performers, dancers, theatrical shows, magicians, comedians and all fashion, form and media of live entertainment carried

on and conducted in the presence of and for the entertainment of others, to be distinguished from records, tapes, pictures and other forms of reproduced or transmitted entertainment.

***Living area:*** The minimum floor area of a residential dwelling unit (as measured by its exterior dimensions) having access from within the main living area, exclusive of carports, porches, sheds, garages and utility rooms which are not within the walls of a dwelling.

***Loading space:*** An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

***Local government:*** The County Commissioners of Liberty County and its officers, agents, boards and commissions.

***Local planning agency (LPA):*** The County Commission, which has been designated by ordinance to prepare, monitor and update the Comprehensive Plan, as the Local Planning Agency.

***Lot:*** A parcel of land of a recorded subdivision intended as a unit for the purpose of transfer or ownership or development.

***Lot Coverage:*** See: Coverage, Lot.

***Lot or site area:*** The horizontal plane area within the lot lines expressed in these regulations in square feet or acres.

***Lot, corner:*** A lot abutting upon two (2) or more streets at their intersection or at a street corner having an interior angle not greater than one hundred thirty-five (135) degrees.

***Lot depth:*** The distance measured from the middle point of the front line to the middle point of the opposite rear line of the lot.

***Lot, double frontage:*** A lot that has frontage the foundation wall line, between the two (2) nonintersecting streets, also called a through lot.

***Lot, flag-type:*** A lot with a lot width which is extremely narrow and extended.

**Lot lines:**

- (a) Front: That property line which abuts or faces upon one or more streets, whether by single frontage or double frontage on a corner lot or a through lot.

- (b) Side: Any property line not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- (c) Rear: That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.

**Lot frontage:** The length of all the property fronting on one side of a street between the two (2) nearest intersecting streets, measured along the line of the street, or if dead ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

**Lot of record:** A lot which is part of a subdivision, the map or plat of which has been recorded in the office of the Clerk of Court of Liberty County, or a parcel of land, the deed of which has been recorded in that office.

**Lot, through:** Any lot having frontage on two parallel or approximately parallel streets on highways.

**Lot width:** The horizontal distance between the side lot lines, measured at the front setback line.

**Lot, zero:** Any residential development in which the required side or rear yards, or both, are reduced below the applicable minimum yard requirements for conventional development in the applicable zoning district, to permit more efficient and effective citing and orientation of homes and private open spaces on the lot.

**Manufactured home:** means a building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

**Marina:** See Boat yard.

**Mean Sea Level:** means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

**Medical facilities:**

- (a) Convalescent, rest or nursing home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.
- (b) Dental clinic or medical clinic: A facility for the examination and treatment of ill and afflicted human out-patients, provided that patients are not kept overnight except under emergency conditions.
- (c) Dental office or doctor's office: Same as dental or medical clinic, including osteopath, oculist, optometrist or chiropractor.
- (d) Hospital: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured, and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities and staff offices which are an integral part of the facilities.
- (e) Public health center: A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.
- (f) Sanatorium: An institution providing health facilities for in-patient medical treatment or treatment and recuperation making use of natural therapeutic agents.

**Mini-warehouse:** A building or group of buildings in a controlled-access compound that contains individual, compartmentalized access stalls or lockers of equal or varying sizes for the dead storage of a customer's goods or wares.

**Mining:** means surface mining, rock quarries, strip mining, commercial borrow pits, and any other natural resource extraction activities. Buildings and businesses for the refinement, processing, packaging, and transportation of extracted materials are included in this group of uses. Pre-production and exploratory drilling activities are not included.

**Mobile Home Development:** means a residential development designed for mobile home residential use, and arranged either as a mobile home park where mobile home units or spaces are rented, or conventional subdivisions where lots are sold for mobile home occupancy. This definition does not include recreational vehicle parks.

**Mobile home park:** Mobile home park shall mean any site or tract of land, of contiguous ownership, upon which mobile home spaces are provided for mobile home occupancy according to the requirements set forth in this ordinance for a charge.

**Mobile home space:** Mobile home space shall mean a plot of land within a mobile home park designed for the accommodation of one mobile home park designed for the accommodation of one mobile home in accordance with the requirements set forth in this ordinance.

**Mobile home subdivisions:** A subdivision of land recorded in the office of the Clerk of Court of Liberty County, designed solely for the parking of mobile homes, the lots of which are sold for individual ownership, and which provides dedicated streets, sewers, drainage, parks and other public use area and facilities.

**Modular factory-built home:** A modular unit residential building composed of one (1) or more dwelling units, or habitable rooms or component parts thereof, which is either wholly manufactured or in substantial part constructed in a central manufacturing facility and bears the approval of the Department of Community Affairs under the provisions of the Florida Housing Act of 1971. However, this term does not apply to mobile homes, as defined by Florida Statutes, Chapter 320. Modular homes are regulated by this Code as dwellings.

**Motel:** See: Hotel.

**Motor Home:** See Recreational Vehicle.

**National Geodetic Vertical Datum (NGVD):** as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**Natural Resource Management Area:** means an area located within Liberty County which area is characterized by one or more of the following:

1. A wetland (connected) and including wetland fringe areas which are essential for maintaining the hydro-period of the wetland.
2. A wetland or upland habitat for a species listed as either "threatened" or "endangered";  
OR
3. An area within five hundred (500) feet of a potable water wellfield; OR
4. An area within two hundred (200) feet of a historic structure or site or a known or suspected archaeological site which is eligible for listing on the National Register of Historic Places. For the purposes of this Chapter, a site will be considered eligible if it is listed on the National Register or if it is included on the Master Archaeological Site File maintained by the Bureau of Historic Preservation, Florida Secretary of State.

***Nonconforming building or structure:*** A nonconforming building or structure is any building or structure which:

- (a) Does not comply with all of the regulations of this ordinance or of any amendment hereto governing bulk or yards for the ~~zoning~~ district in which such building or structure is located; or
- (b) Is designed or intended for a nonconforming use.

***Nonconforming use:*** A nonconforming use is any use of land, buildings or structures, lawful at the time of the enactment of this ordinance which does not comply with all of the regulations of this ordinance or of any amendment hereto governing use for the ~~zoning~~ district in which such use is located.

***Noxious matter:*** Material which is capable of causing injury to living organisms by chemical reaction.

***Nursing Home:*** means a facility licensed and regulated by the State of Florida and designed for lodging and provision of extended medical care at a level of care less than that delivered in a hospital, but greater than is available in an adult congregate living facility (ACLF).

***Occupied:*** The term "occupied" includes "used," "designed," "built," "altered," "converted to" or "intended to be used or occupied."

***Office building, business or professional:*** A building providing office space for professional services in law, architecture, engineering, medicine, dentistry, osteopathy, chiropractic or optometry, or any related areas, or consultants in these professions.

***Onsite Sewage Disposal System:*** Any domestic sewage treatment and disposal facility, including standard subsurface systems, graywater systems, laundry wastewater systems, alternative systems or experimental systems, installed or proposed to be installed on land of the owner or on other land to which the owner or owners have the legal right to install a system, and which has been approved and permitted by the Department of Health.

***Open Space:*** A portion of the gross land area unencumbered with any structure, roadway, driveway, off-street parking, or other impervious surface, to include unfenced stormwater retention pond areas designed as site amenities, greenbelt/buffer areas, sodded or landscaped yards, and recreation areas.

***Outpatient care facilities:*** An establishment where patients who are not lodged overnight are admitted for examination and treatment by one (1) person or a group of persons practicing any form of healing or health-building services to individuals, whether such persons be medical doctors, optometrists, dentists or any such profession, the practice of which is lawful in the State of Florida.

***Owner:*** Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other entity having any ownership interest in land.

***Parcel:*** See: Lot.

***Parking, handicap:*** Parking spaces designed and provided in quantities consistent with handicap requirements.

***Parking lot, off-street:*** An area or plot of ground used for the storage or parking of motor vehicles either for compensation or to provide an accessory service to a business, industrial or residential use.

***Parking space:*** The storage space for one automobile of not less than nine (9) feet by nineteen (19) feet; plus the necessary access space not located in a dedicated right-of-way.

***Particulate matter:*** Material which is suspended in or discharged into the atmosphere in a finely divided form either as a liquid or a solid.

***Perceived noise level:*** A method of measuring complex sounds designated in the Journal of the Acoustical Society of America, No. 31, pages 1415-1429, 1959.

***Performance Guarantee/Improvement Security:*** Any security accepted in lieu of the requirement that certain subdivision improvements be made before the Board of County Commissioners authorizes the recording of a plat; including performance bonds, escrow agreements, and other similar collateral or surety agreements.

***Performance standard:*** A criteria established to control such matters as, but not limited to, noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare and heat generated by or inherent in uses of land or buildings.

***Person:*** Any individual, group of individuals, corporation, partnership, association, or any other entity, including state and local government agencies.

***Plat:*** A map or delineated representation of the subdivision of lands; being a complete exact representation of the subdivision and other information in compliance with Chapter

177, F.S. and this Chapter, and may include the terms "replat", "amended plat", or "revised plat."

- (a) Preliminary Plat: A preliminary map and accompanying material indicating the proposed layout of the subdivision in accordance with the requirements of Section 5.4 of this Chapter. The preliminary plat may encompass two or more phases of the project, each of which may be submitted for final plat approval separately and at different times.
- (b) Final Plat: A map or plan of a subdivision any accompanying material, prepared in accordance with this Chapter, indicating the subdivision of land and improvements thereto.

**Plat of consolidation:** A subdivision action for the purpose of consolidating several parcels into a single parcel of land.

**Plot:** See: Lot.

**Porch:** A roofed-over space, with the roof impervious to weather, attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior walls of such building. Open mesh screening shall not be considered an enclosure.

**Preliminary Development Approval:** (Same as Preliminary Development Permit) An action by an agency or agent of Liberty County authorizing an applicant for a land development or land use activity to proceed with further submittals and reviews for the purpose of obtaining a final development approval. Preliminary development approval does not confer approval or authorization sufficient to vest any particular land use of development activity.

**Principal building or use:** A main use of land, as distinguished from an accessory use; the building housing the main or principal use.

**Professional Service and Office:** means business and professional offices, medical clinics, government offices, and financial institutions without drive-through facilities.

**Property line:** See: Lot line.

**Protective covenants:** A private agreement that may be recorded in the public records that restricts the use of private property.

**Public improvements:** Those improvements required to be dedicated to the local government, including street pavements, curbs and gutters, sidewalks, alley and walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, parks, permanent reference monuments, permanent control points or any other improvement required by the County Commission relating to the development of land.

**Public Service/Utility Facility:** means those facilities from which essential or important public services are provided and include the following uses and uses similar thereto:

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

3. Utility facilities, such as water plants, wastewater treatment plants, electricity substations serving 230 KV or greater.
4. Maintenance facilities and storage yards for schools, government agencies, and telephone, electric, and cable companies.
5. LP gas storage and/or distribution facility for over one thousand (1000) gallons.
6. Airports, airfields, and passenger rail or bus terminals.
7. Solid waste transfer and recycling collection facilities.

**Public Service/Utility Facility, Essential:** means a component of the distribution or collection system for a utility or communication system, such as water and sewer lines, electric lines, telephone or cable television lines, but not including substations, switching stations, or treatment facilities which are defined as "public service/public utility facilities".

**Recovery home:** See: Community-based residential facilities.

**Recreation facility:** Public or private areas and facilities designed for passive or active recreational activities, including open spaces, community centers, environmental trails or centers, swimming pools, tennis courts, football/soccer/baseball fields, golf courses, boat ramps or docks without boat yard characteristics and other areas and facilities of a recreational nature.

**Recreational vehicle:** means a vehicle which is:

- a. built on a single chassis;
- b. 400 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.

**Recreational Vehicle Park:** A development designed specifically to allow temporary living accommodations for recreation, camping, or travel use. The definition does not include a mobile home development.

**Residential treatment facility:** See: Community-based residential facilities.

**Restaurant:** means an establishment where meals or prepared food, including beverages and confections, are served to customers, and including establishments with and without drive-through facilities.

**Resubdivision:** A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map, any area reserved thereon for public use, any lot line, or any map or plan legally recorded prior to the adoption of any regulations controlling the subdivision.

**Right-of-Way:** Land dedicated, deeded, used, or to be used for a street, alley, or other transportation purposes. Right-of-Way includes the paved street and any unpaved cleared strips on either side.

**Road Department:** The Liberty County Road and Bridge Department.

**Rowhouse:** See: Townhouse.

**Sanitary landfill, garbage:** Addition or deposit of any garbage or organic matter upon or within any lot or parcel as regulated by the Florida Department of Environmental Regulation.

**Sanitary landfill, nongarbage:** Addition or deposit of any dry trash, refuse or solid waste material, upon or within any lot or parcel. Allowed materials shall include tree, shrub and grass cuttings, metal items, construction materials, natural vegetation materials from land clearing and other similar items as regulated by the Florida Department of Environmental Regulation.

**School:** means a public or private preschool, elementary, middle, or secondary school, or community college or university, and other similar uses, but not commercial or trade schools.

**Screening:** Shall mean either of the following:

- a) A strip of land at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting of a type that will form a year-round dense screen at least six (6) feet high.
- b) A combination of an opaque wall or barrier or uniformly painted fence no more than three (3) feet high and the materials listed in subsection (a) which, together form a year round dense screen at least six (6) feet high.

**Seat:** For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews or space for loose chairs.

**Service station, automotive:** See: Automobile service station.

**Setback:** The minimum horizontal distance between the street setback line or street right-of-way line and the building line.

**Sewage system:** All of the equipment and property involved in the operation of a central sanitary sewer utility, including waste water lines and appurtenances, pumping stations, treatment works, disposal facilities and general property necessary for the operation of such a utility, which shall be fully installed, operable and providing service in compliance with applicable Florida laws and regulations.

**Shopping center:** A group of retail stores or service establishments, planned, developed, owned or managed as an integral unit, with off-street parking provided on the property, and related in location, size and type of shops to the trade area which the unit serves.

**Sight distance triangle:** An area kept clear for the purpose of enabling vehicles and pedestrians at an intersection of roads to see vehicles or pedestrians approaching the intersection on other roads. The area within the limits described by the two (2) intersecting right-of-way lines of a street or road and a line drawn between them from points on each right-of-way line that are a prescribed number of feet from the intersection of the center lines.

**Sign:** shall mean any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however, that the following shall not be included in the application of the regulations herein:

1. Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
2. Flags and insignia of any government except when displayed in connection with commercial promotion;
3. Legal notices; identification, informational, or directional signs erected or required by governmental bodies;
4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;

5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter;
6. Signs advertising the sale, lease or rental of the premises on which the sign is located. Each sign shall not exceed six (6) square feet in surface area for residential districts or twelve (12) square feet in surface area for other districts.

(See Chapter 4, Section 4.7 for additional information with regard to Signs.)

***Special Exception:*** A special exception is a use that would not be appropriate without restrictions throughout the zoning division or district. However, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare, such uses would be appropriate.

***Stable, private:*** A stable with a capacity for not more than two (2) horses or mules.

***Stable, public:*** A stable, other than a private stable, with a capacity for more than two (2) horses or mules.

***Standard industrial classification (SIC):*** A system for classifying business establishments by the type of activity they are engaged in. The classification system is reported in the Standard Industrial Classification Manual (1972) by the Executive Office of the President, U.S. Office of Management and Budget.

***Start of construction:*** (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual state of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or

not part of the main building. 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.

***Storm water management system:*** The designed features of an improvements to property which collect, channel, hold, store, inhibit or divert the movement of storm water to meet the requirements of the Florida Administrative Code and this Code.

***Story:*** That portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it.

***Story, half:*** A space under a sloping roof which as the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

***Street:*** Any access way such as a road, lane, highway, avenue, boulevard, alley, parkway, circle, court, terrace, place, or cul-de-sac and includes all of the land laying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved. This definition shall not include those access ways, such as easements, intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, drainage and sanitary sewers, and easements of ingress and egress.

***Street center line:*** The center line of the street which is located midway between the street right-of-way boundary lines, which may or may not represent the center point of a paved roadway surface.

***Street, Major:*** A street or road which is designed to carry large traffic volumes.

***Street, Minor:*** A street designed to serve only as access to the properties which front on it.

***Street, Private:*** A recorded street owned by the abutting property owners, over which there is no public right of access.

***Street right-of-way:*** The dividing line between a lot, tract or parcel of land and the abutting street right-of-way. The right-of-way line shall be considered a property line, and all front setback lines and requirements provided in these regulations shall be measured from the

street right-of-way line.**Structural addition:** An addition to an existing building which requires additional structural or supporting members.

**Structural alteration:** 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 of a structure.

**Structure:** means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

**Subdivision:** The division of a parcel of land, whether improved or unimproved, into three (3) or more lots or other division of land for the purpose, whether immediate or future, of transfer of ownership or, if the establishment of a new street is involved, any division of such parcel The term includes a re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

**Subdivision Improvements:** Any roadway, stormwater management facility, water or wastewater facility, sidewalk, off-street parking area, flood damage prevention or erosion control facility, easement, right-of-way, or other development for the creation of a subdivision.

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

**Substantial improvement:** means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during the life of a building (eighty (80) year period), in which the cumulative cost equals or exceeds fifty percent of the market value of the building. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project for improvement of a building required to comply with existing health,

sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

***Substantially improved existing manufactured home parks or subdivisions:*** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

***Survey, certified:*** See: Certified survey.

***Survey data:*** Information shown on the face of a plat that delineates the physical boundaries of the subdivision and any parts thereof.

***Swimming pool:*** Any constructed pool used for swimming or bathing having a depth exceeding twenty-four (24) inches or a surface area exceeding two hundred fifty (250) square feet.

***Theater:*** An establishment offering dramatic presentations or showing motion pictures to the general public.

***Tourist home:*** A dwelling in which sleeping accommodations in not more than four (4) rooms are provided or offered for transient guests for compensation.

***Townhouse:*** A group of two (2) or more single-family dwellings separated by a space of not more than one (1) inch. The walls or party wall separating the dwelling units of the townhouse shall extend to the roof line of the dwelling and shall have no openings therein. Each townhouse unit shall be constructed upon a separate lot and serviced with separate utilities and other facilities and shall otherwise be independent of one another. Townhouses are single-family dwelling units.

***Toxic materials:*** Materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

***Tract:*** See: Lot.

***Trailer (boat, horse, utility):*** A conveyance drawn by other motive power and used for transporting a boat, animal or general goods.

***Trailer coach:*** See: Recreation vehicle.

***Trailer, house:*** See: Mobile home.

***Travel trailer:*** See: Recreation vehicle.

**Travel trailer park or court:** A park or court licensed and approved by the applicable state agency and established to carry on the business of parking travel trailers and other recreational vehicles.

**Tree:** A self-supporting wood plant having one (1) or more well-defined trunk(s) capable of being maintained with a clear trunk and normally growing to an overall height at maturity of a minimum of fifteen (15) feet, including palms.

**Truck stop:** An establishment principally used for refueling and servicing trucks and tractor-trailer rigs, but which may include restaurants and snack bars and facilities for repair and maintenance of trucks and tractor-trailers, but not to include the storage of vehicles for the purpose of using parts of said vehicles for sale or repair.

**Use:** The purpose for which land or a structure thereon is designed, arranged, or intended to be occupied or utilized, or for which it is occupied or maintained.

- (a) Accessory use: (See accessory use or accessory building use).
- (b) Incompatible use: A use of service which is unsuitable for direct association with certain other uses because it is contradictory, incongruous or discordant.
- (c) Permitted use: A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and standards of such district.
- (d) Principal use: The main or primary purpose for which a building, other structure and/or lot is designed, arranged or intended or for which they may be used, occupied or maintained under this ordinance. The use of any other building, other structure and/or land on the same lot and incidental or supplementary thereto and permitted under this ordinance shall be considered an accessory use.
- (e) Transitional use: The use of a building or lot for permitted purposes in an area adjoining, adjacent or opposite from, but separated by a street or alley, from an area of a lower classification.

**Used car lot:** A lot or group of contiguous lots, used for the display and sale of used automobiles, and where no repair work is done except the necessary washing and polishing of the cars to be displayed and sold on the premises.

**Used or occupied:** As applied to any land or building, these terms shall also mean "intended," "arranged" or "designated to be used or occupied."

**Utility:** Includes publicly or privately-owned or operated water, sewer, stormwater management, gas, electric or telephone facilities, or cable television lines and facilities.

**Variance:** is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

**Vehicle and Equipment Sales:** means an establishment providing for the sale, rental, repair and servicing of boats, buses, farm and construction equipment, motorcycles, trucks, recreational vehicles, mobile homes, and similar equipment.

**Vested Project:** A project for which the three following conditions have been met:

- a) A development permit has been issued on or prior to ~~January 16~~ September, 1992;
- b) Development has commenced; and
- c) Development is continuing in good faith.

**Veterinary clinic or hospital:** Any building or portion thereof designed or used for the veterinary care, surgical procedures or treatment of animals, but not for the sale, breeding, grooming or boarding of well animals or for pet shops.

**Warehousing/Distribution:** means an activity involving the storage of goods or materials before or after manufacture and before final sale or use, and includes trans-shipment of such goods or materials (loading and unloading) but excludes manufacture and processing.

**Water system:** All or part of the equipment and property involved in the operation of a community water utility including, where applicable, water lines and appurtenances, pumping stations and treatment plants relating to such utility, which shall be fully installed, operable and providing service in compliance with applicable Florida laws and regulations.

**Wellfield:** means an area containing one or more wells used, whether on a continuous, intermittent, or occasional basis, for public water supply, and including any area designated for future development of such wells by the County Commission.

**Wetlands:** Land subject to regular inundation by water over a majority of time measured over a period of years or any land meeting the definition of wetlands found in Florida Statutes, or in Florida Administrative Code.

**Written or in writing:** The terms "written" or "in writing" shall be construed to include any representation of words, letters, or diagrams or figures, whether by printing or otherwise.

**Yard:** An open space at grade between main building and the adjoining lot lines. The front and rear setbacks shall be measure from where the minimum lot width or depth is attained.

**Yard, front:** A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the principal building or any projections thereof, other than the projections of uncovered steps, uncovered balconies or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension. For any lot adjacent to a body of water the "front yard" shall be considered as the yard extending across that part of the lot between the side lot lines which is adjacent to the body of water and is the minimum horizontal distance between the body of water and the principal building or any projection thereof.

**Yard, rear:** A yard extending across the rear of a lot between the rear of the principal building or any projections thereof, other than the projections of uncovered steps, balconies or porches. On all corner lots, the rear yard shall be at the opposite end of the lot from the front yard.

***Yard, side:*** A yard between the main building and the side line of the lot, extending from the front yard to the rear yard and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof.

***Zero lot line:*** See lot, zero.

**2017 LIBERTY COUNTY, FLORIDA**  
**LAND DEVELOPMENT CODE**  
**CHAPTER 3**  
**ADMINISTRATION OF CODE**

**Art. I. General Provisions, Subsec. 3.1 -- 3.3**

**Art.II. Administrative Powers and Duties, Subsec. 3.4 -- 3.6**

**Art.III. Administrative Procedures, Subsec. 3.7 -- 3.10**

**ARTICLE I. GENERAL PROVISIONS**

**Section 3.1 Scope of Chapter**

(1) The provisions of this Code shall be administered in accordance with the rules set forth in this chapter and the detailed regulations within other applicable chapters.

(2) Administrative procedures and standards unique to the subdivision approval process are found in Chapter 5.

(3) This chapter sets out the administrative provisions applicable to the general enforcement of this Code. The powers and duties of the officials and agencies charged with enforcing the Code are explained; however, nothing contained in this chapter shall be deemed to restrict the powers of said agencies and officials otherwise available under other local legislation and applicable state and federal law.

(4) All necessary administrative procedures for the matters governed by this chapter are set forth herein, including those regarding the general relationship of various departments, administrative agencies and governmental bodies; the method for public participation in the decision-making process; remedies for applicants; fees; and the filing or recording of documents and similar matters.

**Section 3.2 Standards for Due Public Notice and Hearings**

(1) *In general.* There are a number of provisions in this Code and in state land development legislation requiring that due public notice be given of the time, date, place, purpose and outcome of the hearing being held before a governmental commission or board to review and take action on a particular matter concerning land development. It is the purpose of this section to collect in one (1) place for easy reference a number of the provisions for such notice applicable to various land development issues governed by this Code. Accordingly, when the phrase "due public notice" is used in this Code in connection with the requirement for a public hearing on the matters listed below, it shall have the meaning set forth in the following subsections.

(2) *Notice of site plan application.* After the County Clerk has received for review and recommendation, by the Development Administrator, in accordance with this Code, an application for site plan approval encompassing more than single family or duplex developments the County Commission shall hold at least one (1) advertised public hearing on the proposal. Due public notice of hearings shall be consistent with Section 125.66, F.S., and shall be published as follows:

- (a) The County Clerk shall advertise the time, date, place and purpose of such hearing at least once in a newspaper of general circulation in Liberty County, Florida, with the first publication to be at least ten (10) days prior to the public hearing by the County Commission. The advertisement shall describe the property by reference to major streets or roads or other significant landmarks and by township, range and section numbers, and shall state the current and proposed use of the property.
- (b) In addition, at least fifteen (15) days prior to the date set for the public hearings, the County Clerk shall mail a notice setting forth the time, date, place and purpose of such

hearings to the applicant and to all property owners within 500 feet of the proposed development.

- (c) Notices containing the information published in the newspaper advertisement shall also be maintained at the Office of the Clerk, and posted in a conspicuous place or places in the Liberty County Courthouse.

(3) *Notice of subdivision plan and preliminary plat application.* After the LPA has received for its review an application for approval of a preliminary plat and subdivision plan, the LPA and the County Commission shall each hold at least one (1) advertised public hearing on the proposal. Due public notice of the hearings shall be consistent with Section 125.66, F.S., and shall be published as follows:

- (a) The County Clerk shall advertise the time, date, place and purpose of such hearings at least once in a newspaper of general circulation in Liberty County, Florida, at least ten (10) days prior to the public hearing by the County Commission, and at least ten (10) days prior to the public hearing by the LPA. The advertisement shall describe the property by reference to major streets or roads or other significant landmarks and by township, range and section numbers, and shall state the current and proposed use of the property.
- (b) In addition, at least fifteen (15) days prior to the date set for the public hearings, the County Clerk shall mail a notice setting forth the time, date, place and purpose of such hearings to the applicant and to all property owners within 500 feet of the proposed development.

(c) Notices containing the information published in the newspaper advertisement shall also be maintained at the Office of the Clerk, and posted in a conspicuous place or places in the Liberty County Courthouse.

(4) *Notice of application for approval of final plat.* After the Clerk has received for its review an application for approval of a final subdivision plat, the County Commission shall hold at least one (1) advertised public hearing on the proposal. Due public notice of the hearings shall be published as follows:

(a) *County Commission.* Notice of the County Commission's consideration of the final plat shall be consistent with Section 125.66, F.S., and shall advertise the time, date, place and purpose of such hearing at least once in a newspaper of general circulation in Liberty County, Florida, at least ten (10) days prior to the public hearing by the County Commission. The County Commission's final action on same shall be mailed to the applicant by the County Clerk.

(5) *Notice of application for administrative appeal.* After any application for an administrative appeal has been received by the County Commission, the Board shall hold at least one (1) public hearing with notice thereof published as follows:

(a) The County Clerk shall advertise the time, date, place and purpose of such hearing at least once in a newspaper of general circulation in Liberty County, Florida, at least ten (10) days prior to the date of the hearing. The notice shall describe the property which is the subject of the application by reference to major streets or other landmarks and by township, range and section number and describing the ~~Zoning~~ classification of the property and the nature of the application to be considered by the Board, including the specific relief requested.

- (b) In addition, at least fifteen (15) days prior to the public hearing, the County Clerk shall mail a notice of the time, date, place and purpose of such hearing to the applicant.
- (c) Notices containing the published information shall also be maintained at the Office of the Clerk, and posted in a conspicuous place or places in the Liberty County Courthouse.
- (6) *Proof of notice.* Proof by affidavit of the required publication, mailing and posting of the notices required in this section shall be presented at the public hearing prior to the taking of any action on the application in question.
- (7) *Effect of failure to receive notice.* Where notice of a hearing or matter is sent to a person by mail, that person's failure to receive the notice shall not affect the validity of any action taken at a public hearing, so long as the procedures for mailing the notice were followed.
- (8) *Notice and hearings on other matters.* The notice standards for public hearings on issues not mentioned in this section may be found in the particular provisions of this Code governing such issues.
- (9) *General standard for due public notice.* Unless otherwise provided in this Code, due public notice of a public hearing concerning any matter addressed in this Code shall be consistent with Section 125.66, F.S., and shall mean advertising the time, date, place and purpose of such hearing in a newspaper of general circulation in Liberty County at least once, at least ten (10) days prior to the date of the hearing, describing the subject matter of the hearing and inviting any interested persons to appear or submit comments in writing prior to the hearing. Notice of the hearing shall also be kept in the Office of the Clerk, as well as posted in a conspicuous place in the Liberty County Courthouse.

**Section 3.3 Time Limits; Scheduling and Continuation of Hearings.**

(1) *Time limits in general.* Except in extraordinary circumstances, the County Clerk shall forward all matters to be reviewed by the County Commission/LPA to that body within ten (10) business days after receipt of a completed application, and written notice of any action or recommendation by a board or commission hereunder shall be signed by the chairperson thereof and issued within five (5) business days of such action.

(2) *Scheduling of hearings.* The County Clerk shall promptly schedule before the appropriate board or commission all matters requiring a public hearing and promptly publish due public notice thereof. Wherever possible, the matter shall be scheduled for consideration at the next regular meeting of the board or commission, if sufficient time exists prior to the meeting to allow for study of the proposal and publication of due public notice. Otherwise, the matter shall be scheduled for the following regular meeting of the board or commission. Notwithstanding any other provision in this Code, no public hearing on any matter before any board or commission shall be held until proper due public notice of such matter has been published.

(3) *Continuation of hearings.* A board or commission hearing a matter pursuant to this Code may continue the public hearing held on the matter until the next regular meeting of the body.

## **ARTICLE II. ADMINISTRATIVE POWERS AND DUTIES**

### **Section 3.4 County Commission**

(1) *In general.* The County Commission of Liberty County shall exercise the following general powers and responsibilities, in addition to all others provided for in this Code, in accordance with this Code and other applicable laws and regulations.

(2) *Legislation.* Adopt this Code and other land development regulations consistent with, and based upon the adopted Comprehensive Plan.

(3) *Amendments.* Adopt appropriate amendments to this Code, as prescribed in this Code.

(4) *Final review.* Consider the recommendations from or hear appeals from the LPA, if applicable, on matters regulated by this Code in the manner provided by this Code, and render decisions on those matters in compliance with the provisions of this Code.

(5) *Hearings.* Hold public hearings as required in this Code.

### **Section 3.5 County Clerk**

(1) *Receive applications.* Act as the initial recipient on behalf of the County Commission, Planning Commission/LPA of all land development requests and applications for relief under this Code, including all applications for subdivision or sit plan approval, conditional use permits, variances, home occupation permits and planned unit developments.

(2) *Contents of applications.* Upon receipt of every said application, ensure that the application contains all information, materials, diagrams and fees required under this Code.

(3) *Creation of files.* Prepare a separate file for each said application labeled with the name of the applicant, the file number, the nature of the application and the date the file was opened, and secure in said file the papers received by his office in connection with said initial application and all further papers or documents related to such matter.

(4) *File index.* Maintain in his office an updated index of said files.

(5) *Agenda and notice.* Ensure that all applications or matters to be considered by the County Commission are promptly placed on the County Commission agenda and that due public notice of same is published, if required in the Code.

(6) *Referrals to LPA.* Forward promptly to the ~~County Clerk for Planning~~ Commission/LPA consideration all applications for site plan and subdivision approval, and all applications for home occupation permits. Unless extraordinary circumstances exist, all such

referrals shall be made within five (5) business days of the receipt of all materials required to be included in said applications under this Code.

(7) *Referrals from LPA.* Receive on behalf of the County Commission all recommendations from the LPA and present same, with his comments, to the County Commission for final action.

(8) *Maintenance of files.* Maintain all files regarding pending and finalized land development matters in his office for safekeeping.

(9) *Administrative actions.* Accomplish all administrative actions required by these regulations, including giving notices, receiving and processing of appeals and the acceptance of and accounting for fees.

(10) *Maintenance of code and files.* Maintain and keep current these regulations, and all records relating to the administration of these regulations.

(11) *Referrals to and liaison with other agencies.* Refer to the LPA, County Commission, local municipalities and other departments or agencies for review all applications for which such reviews are specified in this Code or other laws and regulations; provide liaison with other agencies as needed; and provide copies of reports, decisions or records to other agencies as requested or as directed in this Code or other applicable laws.

(12) *Compliance with Code.* Review all applications for any development activity regulated by this Code, including building permits, to ensure the conformity of the proposed activity with the provisions of this Code.

(13) *Advice to applicants.* Provide advice to all applicants of the content and requirements of applicable sections of the Code.

(14) *Fees.* Account for and turn over all fees received from whatever source in the manner provided by the County Commission.

### Section 3.6 Building Official

(1) *Permits.* Issue temporary use permits, sign permits and any other similar permits that may be required by these regulations.

(2) *Conditional use inspections.* Make determinations on fulfillment of requirements for conditional uses and issue approvals thereof as required by this Code.

(3) *Suggestions as to Code.* Suggest to the LPA and the County Commission changes in these regulations, with a written statement, if desired, as to the need for such change.

(4) *Inspections and technical advice.* Make all required inspections necessary to make decisions on matters within his power to decide and with approval of the County Commission obtain expert opinions on such matters.

(5) *Recommendations as to applications.* Issue recommendations regarding applications for Code amendments, ~~Zoning changes~~, permits or other relief under this Code to the board or commission responsible for same.

### **Section. 3.7 Local Planning Agency**

(1) *In general.* The Liberty County LPA shall act in an advisory capacity to the County Commission. (The County Commission currently serves the Local Planning Agency for Liberty County.)

(2) *Powers and duties.* It shall be the responsibility of the LPA to exercise the following powers and duties in addition to those specifically provided for in this Code and other legislation:

- (a) *Review of matters and hearings.* Review those matters referred to the LPA and hold meetings and public hearings for purposes of reviewing said matters and making recommendations thereon to the County Commission.
- (b) *Issuance of written recommendations.* Transmit to the proper governmental bodies or agencies its written recommendations, where said recommendations are provided for in this Code.
- (c) *Changes in code, and internal procedures.* Recommend to the County Commission for approval, internal procedures and changes in this Code.
- (d) *Ensure compliance with Code.* Ensure that the applications that come before it shall not be approved until all requirements of this Code have been met.
- (e) *Books and records.* Keep a properly bound and indexed public record of its resolutions, transactions, findings and determinations.
- (f) *Other duties.* Perform any other duties lawfully assigned to it.

### **ARTICLE III. ADMINISTRATIVE PROCEDURES**

#### **Section 3.8 Application for Conditional Use**

- (1) *In general.* The following steps are to be followed to request a conditional use permit for property under the provisions of this Code.
  - (2) *Application.* An application for such conditional use shall be submitted to the County
    - (a) *Description.* The legal description and acreage of the premises for which the conditional use is requested.
    - (b) *Owner.* The names and addresses of the owners, occupants and tenants of such property, and adjacent owners of property within five hundred (500) feet of the subject

property if it is a residential use or within one thousand (1,000) feet if a commercial use.

- (c) *Description of use.* A description of the conditional use desired, specifically and particularly describing the type, character and extent of the proposed conditional use.
  - (d) *Authorization.* A citation to the provision in this Code which allows such conditional use.
  - (e) *Conditions.* A detailed statement of the proposed conditions on such use, and as to how those conditions are to be fulfilled.
  - (f) *Reason and existing use.* A statement as to the existing use of the property and the reason for requesting the conditional use.
  - (g) *Site plan.* A proposed site plan for said parcel prepared in compliance with the development review requirements within this Code.
  - (h) *Fee.* A filing fee for advertising and other administrative costs, in an amount set by the County Commission.
  - (i) *Signature.* The applicant's signature under penalty of perjury that the materials submitted are true and correct.
- (3) *LPA notice and agenda.* The County Clerk shall set the matter on the agenda for the LPA/County Commission.
- (4) *Site plan.* Any review of any application for a conditional use shall include a site plan prepared by the applicant in accordance with the development review requirements within this Code. The site plan, as submitted or revised, shall be approved as a part of any approved conditional use.

(5) *Finding.* The County shall grant no conditional use hereunder unless it finds that such use will not adversely affect the public interest.

(6) *Conditions.* The County may as a condition to granting of any application for a conditional use permit, impose such conditions restrictions or limitations as the Commission may deem appropriate and in the best interests of the public, taking into account matters of health, safety and welfare of the citizens, the protection of property values and other considerations material to good planning concepts, with the exercise of said discretion to be in accordance with the terms of this Code.

(7) *Time limits for use.* The County may prescribe a reasonable time limit within which the action for which the conditional use is required shall be commenced or completed or both.

(8) *Permitted use.* Any conditional use permit granted shall permit no use other than the specific use or uses described in the permit. Any expansion or extension of the use of such premises beyond the terms of the conditional use permit shall be unlawful and in violation of this Code, and shall render the conditional use permit subject to suspension or revocation by the County Commission.

(9) *Revocation.* The County Commission may suspend or revoke any permit allowing a conditional use at any time it determines that such conditional use has become a public or private nuisance because of an unauthorized, improper or other unlawful use of such premises. The original applicant for the permit shall be notified by mail of the hearing at which said action will be considered and of the outcome of said hearing.

(10) *Denial.* If an application for a conditional use permit is denied, the Commission shall take no further action on another application for substantially the same conditional use on the same premises until after twelve (12) months from the date of the prior denial.

### **Section 3.9 Application for Variance**

(1) *In general.* The following steps are to be followed to request a variance for property from the particular regulations of this Code.

(2) *Application.* An application shall be filed with the County with the following items or information:

- (a) *Owner.* If the applicant is other than the owner of the entire parcel in question, written consent for such application signed by all the owners of the property.
- (b) *Description.* A complete legal description of the premises for which a variance is requested.
- (c) *Survey.* A survey or plot diagram indicating applicable setback lines and the location of the proposed construction.
- (d) *Nature of variance.* A statement as to the exact nature of the proposed variance and the physical nature of the premises which makes the variance necessary.
- (e) *Hardship.* A statement as to the hardship imposed by these regulations in the event no variance is granted.
- (f) *Land Use.* The Land Use classification of the premises.
- (g) *Impact.* A statement as the impact of granting the variance on contiguous property owners.
- (h) *Fee.* A filing fee set by the County Commission to cover advertising and other administrative costs.
- (i) *Adjacent owners.* The names and addresses of all contiguous property owners within five hundred 500 feet of the boundary of the property if its use is residential or one thousand (1,000) feet if its use is commercial.

(j) *Signature.* A statement signed by the applicant under penalty of perjury that the materials submitted are true and correct to the best of the applicant's knowledge and belief.

(3) *Specific findings.* The County Commission shall not grant a variance unless it finds that:

(a) Special conditions and circumstances exist relating to the physical aspects of the property in question which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

(b) The special conditions and circumstances do not result from the actions of the applicant.

(c) Granting the variance will not confer on the applicant any special privilege that is denied by this Code to other lands, buildings or structures in the same Land Use Category.

(d) Literal interpretation of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same Land Use Category under the terms of this Code and would work unnecessary hardship on the applicant.

(e) The variance granted is the minimum variance that will make the reasonable use of the land, building or structure possible.

(f) Granting the variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the area involved or otherwise detrimental to the public welfare.

(4) *Conditions.* In granting any variance, the County Commission may prescribe appropriate conditions and safeguards in conformity with this Code and any ordinance enacted

under its authority. Violation of such conditions and safeguards, which shall be made a part of the terms under which the variance is granted, shall be a violation of this Code.

(5) *Limits on variances.* Under no circumstances shall the County Commission grant a variance allowing a deviation of more than thirty-five (35) percent from the applicable district regulations in question, nor shall a variance be granted as to density or to permit a use not generally or conditionally permitted in the Land Use Category. No nonconforming use of neighboring lands, structures or buildings, and no permitted use of lands, structures or buildings in other Land Use Category. shall be considered grounds for the authorization of a variance.

(6) *Denial.* If an application for variance is disapproved, the County Commission shall take no further action on another application for substantially the same proposal on the same premises for twelve (12) months after such denial.

### **Section 3.10 Administrative Appeals to the County Commission**

(1) *In general.* When the review of an administrative matter is not otherwise provided in this Code, a person aggrieved by any decision of an administrative official under this Code may appeal such decision to the County Commission. Also, an officer, board or department of Liberty County that is affected by such decision may appeal the decision to the County Commission.

(2) *Filing within thirty (30) days.* Such appeal shall be taken within thirty (30) days after the order, requirement or decision is rendered, by filing with the officer who rendered the decision and with the County Commission a notice of appeal on a form provided by the County. All documents regarding the appeal shall be forwarded to the Board.

(3) *Effect of appeal.* An appeal to the County Commission stays all work on the premises and all proceedings in furtherance of the action appealed from, unless the official from whom the appeal is taken certifies that by reason of facts cited in the certificate a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed unless the Board or a court of competent jurisdiction issues a restraining order for good cause shown after notice to the party and officer affected.

(4) *Hearing.* The County Commission shall fix a reasonable time for the hearing of the appeal and give due public notice thereof in accordance with section 3-2(7), and decide the matter appealed within sixty (60) days of the filing of the notice. At the hearing, any party may appear in person, by agent or attorney.

(5) *Decision by the County Commission.* In exercising the powers granted by these regulations, the County Commission, by the concurring vote of a majority of the membership of the Commission, may reverse or affirm, whole or in part, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made; and to that end shall have all the power of the official from whom the appeal is taken. However, the Commission may not issue any order that contravenes the provisions of this Code.

(6) *Appeal to courts.* Any person aggrieved by any decision of the Board of County Commissioners or any County officer, department or agency affected thereby, may apply to a court of competent jurisdiction within thirty (30) days after the effective date of the decision for review of same in accordance with Florida Statutes, ~~Section 163.3215, F.S.~~ and applicable court rules.

LIBERTY COUNTY, FLORIDA  
LAND DEVELOPMENT CODE

**CHAPTER 4**

**(LAND USE DISTRICTS AND DEVELOPMENT STANDARDS)**

**Section 4.1 Purpose and Intent**

This Article sets forth a complete description of each land use category (district) as shown on the adopted Future Land Use Map consistent with the policy provisions of the adopted Liberty County 2000—2010 Comprehensive Plan classifications.

**Section 4.2 Land Use Districts**

**Section 4.2-1 Generally**

Land use districts of Liberty County are established in the Comprehensive Plan, Future Land Use Element. The land use districts and classifications defined in the Future Land Use Element of the Liberty County Comprehensive Plan and delineated on the Future Land Use Map shall be the determinants of permissible activities on any parcel in the jurisdiction.

**Section 4.2-2 List of Land Use Categories or Districts**

For purposes of this development code, Liberty County is hereby divided into land use categories or districts as follows:

**Map Categories:**

The categories on the Future Land Use Map are defined as follows:

Four types of mixed use areas are shown on the Future Land Use Map, and are defined below. For all mixed use areas, Land Development Regulations will ensure the following: protection of environmental resources consistent with the Conservation Element; adherence to the concurrency requirement; harmonious and functional site design with minimum standards established for access, circulation, parking, landscaping, drainage, tree protection, land coverage, and building placement. Where residential development can be provided with central water and sewer, densities may not exceed 8 dwelling units/acre; where only central water is provided, densities shall not exceed four dwelling units/acre; where no central water or sewer is provided, densities

shall not exceed two dwelling units/acre. Development standards will also provide for buffering, building orientation, or other measures to ensure compatibility and proper function of the entire area as well as individual sites.

**Town Center:** A mixed use category which recognizes historical town centers and provides for a variety of business types, including offices, retail, lodging, restaurants, services, commerce parks, shopping centers, or other similar business activities. Other uses may be allowed, consistent with the more intense development characteristics of this mixed use category, such as: multi-family or single family residential, medical facilities such as clinics, hospital, nursing homes, public or private schools, churches or other similar uses; parks, and recreation. The mix would allow for approximately a 50-50 split between business and residential use for the entire area. Intensity of business use, as measured by land coverage, should not exceed 65%. Density of development shall be limited to 8 dwelling units per acre if central water and sewer are available; 4 dwelling units per acre if central water is available; and 2 dwelling units if no central sewer or water is available.

**Rural Village:** A mixed use category where suburban or exurban residential is the predominant type of use. All housing types will be allowed at a variety of densities, from as low as one unit per five acres. Density of development shall be limited to 4 dwelling units/acre if central water is available; and 2 dwelling units if no central sewer or water is available. However, density shall not exceed four dwelling units per acre even if central water and sewer are available. While single-family will be the predominant residential use, attached or multi-family is allowed, along with community or neighborhood scale businesses, public uses such as churches or schools, so long as the non-residential uses are at a scale both in harmony with and compatible with the suburban residential scale and character of the area. Parks and recreation uses are also appropriate. Non-residential use should not exceed 30 percent of the total area; intensity of such development, as measured by land coverage, should not exceed 65 percent.

**Mixed Use; Rural Residential:** A mixed use category where rural residential is the predominant type of use. All housing types will be allowed at a gross density not to exceed one (1) unit one (1) per 1 acre. While single family will be the predominant use, community or

neighborhood scale business, public uses such as schools or churches are allowed, so long as the non-residential uses are at a scale both in harmony with and compatible with the rural residential scale and character of the area. Parks and recreational uses including fish ponds are also appropriate. Non-residential use should not exceed 20 percent of the total area; intensity of such development, as measured by land coverage, should not exceed 65 percent.

**Mixed Use; Suburban Residential:** Areas characterized by existing development, and areas so located as to insure compact growth in close proximity to Rural Villages. Residential densities of up to two dwelling units per acre shall be allowed, consistent with Florida DHRS rules for densities of development using private wells and septic tanks. Commercial uses, such as neighborhood convenience and public uses shall be allowed, subject to an intensity of use limited by a maximum lot coverage (including parking) of 50%.

The maximum percentage of land that can be developed for commercial and public uses in the mixed-use-suburban residential category shall be five (5) percent.

**Commercial Use :** Areas characterized by primarily small and medium sized retail commercial development, providing for new commercial enterprises within the County. These commercial uses could consist of activities such as: small retail shops and offices, medium sized buildings for restaurants and stores such as gas stations and mini-markets or professional office buildings, and larger buildings for hardware or furniture stores, feed stores, and/or community grocery stores. The maximum intensity of development as measured by land coverage, shall not exceed 80 percent. If the commercial use is immediately adjacent to residential uses, the maximum intensity of development as measured by land coverage shall not exceed 65 percent. Public infrastructure and Institutional facilities are also allowed within this land use category, at the same maximum intensity of development. Limited Residential development is allowed at a variety of densities, from as low as one unit per five acres, up to one unit per acre. Residential development should not exceed more than 30 percent of the total area.

Commercial land uses shall be located within the following areas:

1) Commercial land uses may be located on land shown within the boundaries of the mixed-use

categories on the Future Land Use Map consistent with the policy provisions for Town Center, Rural Village, Mixed Use Rural residential and Mixed Use Suburban Residential Land Use Categories;

2) Commercial land uses may be located in areas that are located adjacent to existing mixed-use development areas by amending the Future Land Use Map to designate these areas as Commercial Use. These new land use activities must have direct access to existing transportation facilities depicted on the ~~2000-2010~~ Future Land Use and Future Traffic Circulation Maps. These commercial land uses must provide for all needed water, waste water, and drainage facilities and are limited to commercial uses which are compatible with adjacent land uses.

3) Small scale retail commercial uses (10 acres or less) may be located within 1,320 feet (1/4 mile radius) of the intersection of either Arterial Roadway (Highway 20 or Highway 12) within the County and any Collector Roadway (Highways 270, 271, 1641, 2224 or 267), as depicted on the Future Land Use and Future Traffic Circulation Maps, by amending the Future Land Use Map to designate these areas as Commercial Use.

The uses permitted by this policy shall be consistent with all other policies of this Plan ensuring that the sites are exclusive of wetland areas and/or other environmental incompatibilities, such that sufficient developable area is available for the proposed use.

**Industrial:** Areas devoted exclusively to industrial development, allowing a mix of light and/or heavy manufacturing, storage, distribution, or other typical industrial uses. Hazardous waste disposal facilities are prohibited. Intensity of development, as measured by land coverage, should not exceed 90%. There are four (4) Industrial sites designated on the Future Land Use Map:

- 1) North Florida Lumber Company Pole and Sawmill, on Hwy. 12 South of Bristol, consisting of approximately 60 acres;
- 2) The Telogia Industrial Park, on S.R. 65 South, consisting of approximately 30 acres;
- 3) The old Odom Sawmill site, on S.R. 65 South of Hosford, consisting of 10 acres;

4) The Foley Chip Mill (60 acres) and the Sunshine State Cypress Plant (65 acres) sites, off of S.R. 65 North of Hosford, consisting of 125 acres.

**Agriculture:** Activities within land areas which are predominantly used for the cultivation of crops and livestock including; cropland; pasture land; orchards; vineyards; nurseries; ornamental horticulture areas; groves; confined feeding operations; specialty farms; and silviculture areas.

**Conservation:** Area with extremely limited development potential due to environmental sensitivity, wetlands, or other lands identified on the Future Land Use Map and in Policy 1-4 for such protective treatment. Limited use for recreation is appropriate, only as may be consistent with protection of the area. Silviculture practices conducted in conservation areas shall be limited, as appropriate, to those practices which adhere to the best management practices.

**Public Institutional:** Land devoted to the Liberty Correctional Institution and other public infrastructure facilities serving areas outside of the mixed use land use categories.

**Public Resource Management:** Lands in public ownership designated for resource management including timber harvesting and hunting activities.

**Public Preservation:** Lands in public ownership limited to passive recreation.

## **Section 4.3 Development Uses Allowed in Land Use Category Districts**

### **Section 4.3-1 Generally**

This section defines and prescribes the specific development uses allowed within each land use category district described in the Liberty County/City of Bristol Comprehensive Plan and this Code.

#### **4.3.1.1 Conditional or Special Exception Uses**

##### **Conditional Use or Special Exception**

A use that would not be appropriate generally or without restriction throughout any land use division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote, the public health, safety, welfare, morals, order, comfort,

convenience, appearance, prosperity, or the general welfare.

Conditional uses or Special Exceptions include all uses that are not listed as permitted uses, accessory uses or restricted uses in these Land Development Regulations. The following uses shall always be Conditional Uses.

Commercial Establishments that sell Alcoholic Beverages, Cocktail Lounges, Bars, Pubs.

Junkyards

Communications Towers

Night clubs, Social clubs which include adult entertainment and/or which sell adult materials

Retail establishments that sell adult materials and/or medical marijuana or cannabis.

A. The Liberty County Commission shall hear and decide those applications for Conditional Uses as identified in these Land Use regulations. The Liberty County Commission shall decide such questions as are pertinent and necessary when determining whether restricted use exceptions shall be granted, determining appropriate conditions and safeguards or denying special exceptions when not in harmony with the purpose and intent of these Land Development Regulations and/or when not a benefit to the health, safety and welfare of the Community as a whole.

#### Procedure

Upon receipt of an application for a Conditional use, the Office of the Clerk and/or the Building Department shall examine such application and make a recommendation thereon together with all supporting documentation, and shall transmit a copy of the application, together with supporting and explanatory information, to the Liberty County Commission.

#### B. Decision

Prior to rendering a decision on an application for a conditional use, the Liberty County Commission shall hold a public hearing on the application. The Liberty County Commission shall fix a reasonable time of day for the hearing and give public notice thereof as well as due notice to the parties involved. The hearing shall be advertised 7 to 10 days prior to the meeting, in a newspaper of general circulation. Certified letters shall be sent to all property owners within 500 feet of the application site, informing them of the date, time and purpose of the hearing.

#### C. Conditions

The Liberty County Commission may require appropriate conditions and safeguards in conformity with these Land Development Regulations.

D. Specific Conditions

1. Retail Alcohol sales establishments. Only retail package sells of alcohol products shall be allowed in Liberty County, except for the sale of beer and wine for consumption on the premises, at restaurant establishments that are permitted by the State to prepare and serve complete meals on site. Businesses that sell alcohol products are only allowed in Town Center, Rural Village and Mixed Use Rural Residential Land Use areas designated on the adopted Liberty County Future Land Use Map consistent with the following conditions:

(a) Retail Package Liquors, Wine and/or Beer sales establishments must be at least 1000 feet from the nearest property line of an established residential use or district, church, school or public playground and the nearest property line of the establishment.

(b) Restaurant establishments, as defined and governed by the State, that are permitted by the State to prepare and serve complete meals on site, which sell beer and/or wine for consumption on the premises, must be at least 1000 feet from the nearest property line of an established residential use or district, church, school or public playground and the nearest property line of the establishment. The sale of beer and/or wine for consumption on the premises is prohibited from 12:00 A.M (mid-night) until 10:00 A.M. the next morning.

2. Junkyards, Mechanical and Chemical Waste collection and recycling facilities and any Hazardous Materials collection and recycling facilities are only allowed in the Industrial District and must be at least 1000 feet from the nearest property line of an established residential use or district, church, school or public playground and the nearest property line of the establishment.

3. Communications Towers are allowed in all Land Use Districts, except Conservation areas and must have an engineered design fall zone that does not include any existing residential structures consistent with the Tower Siting provisions of this Code.

4. Night clubs, Social clubs which include adult entertainment and/or which sell adult materials are only allowed in the Industrial District and must be at least 1000 feet from the nearest property line of an established residential district, church, school or public playground and the nearest property line of the establishment.

5. Gambling and/or Gaming Establishments that provide onsite and/or electronic services, systems and/or products which include games of chance for public use, are only allowed in the Industrial District and must be at least 1000 feet from the nearest property line of an established residential district, church, school or public playground and the nearest property line of the establishment.

6. Retail or wholesale establishments that sell medical marijuana or cannabis must be at least 1000 feet from the nearest property line of an established residential district, church, school or public playground and the nearest property line of the establishment.

### **Section 4.3-2 Types of Uses**

#### **A. Residential**

1. The category of residential uses includes single-family dwellings, accessory apartments, multi-family dwellings in a variety of housing types, modular and manufactured housing, but specifically excludes recreational vehicles.
2. While a district may be designated for residential use, not every housing type (i.e. single-family, apartment, townhouses) is necessarily allowed. Certain areas are limited to one or more housing types in order to preserve the established character of the area.
3. New residential subdivisions that include wetlands and/or floodplains must cluster the development in upland areas and cannot create any new lots which do not have enough uplands for development of the footprint of all structures and roadways plus a minimum 50 foot natural vegetated upland buffer. Any new lots which contain wetlands or floodplains must be at least 5 acres in size, with adequate uplands to accommodate all development. Upland areas are defined as lands which do not include any wetlands or floodplains. The wetlands and floodplains areas must be shown on the plat as undevelopable areas. A seventy-five (75) foot buffer of native vegetation for development shall be required adjacent to the Apalachicola River, the Ochlockonee River, Telogia Creek, and the New River. This buffer shall be measured from the ordinary high water line of these surface waters. Buffer zones shall consist of preserved native vegetation, including canopy, understory, and groundcover.

No new tracts, lots or parcels of land shall be created after adoption of this Plan which do not have enough (5 acres) of uplands for development. If

individual lots contain wetlands and/or floodplains, they must be at least 5 acres in size and must benchmark the required upland buffer on the plat.

B. Institutional

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

C. Outdoor Recreational

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

D. Professional Service and Office

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

E. General Commercial

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

1. Arcades, billiards/pool parlors, bowling alleys, indoor recreation centers and gymnasiums/spas/health clubs.
2. Community centers and fraternal lodges.
3. Commercial or trade schools such as dance and martial arts studios, adult education centers, but not vocational-technical schools.
4. Department stores and other retail sales stores, such as shoe stores, clothing stores, pharmacies, florists, and book stores.
5. Funeral homes, cemeteries, and mortuaries.
6. Farm and garden supply, building supply, and vehicle parts and accessories (but specifically excluding vehicle sales/service/repair).
7. Grocery stores, supermarkets convenience stores, and specialty food stores (such as meat markets, and bakeries).
8. Hospitals.
9. Hotels or motels.
10. Service businesses such as blueprint, printing, catering, tailoring, travel agencies, upholstery shops, laundries/dry cleaners, and light mechanical repair stores (such as camera, TV, or bicycle repair shops).
11. Restaurants (standard sit-down, and high-turnover sit-down, but excluding all restaurants with drive-up facilities) including open air cafes.
12. Shopping centers, excluding regional malls or centers, not to exceed one-hundred thousand (100,000) square feet of gross leasable area (GLA).
13. Theaters and auditoriums.
14. Marinas.
15. Miniature golf, golf driving ranges.

16. Point-of-Sale retail plant nurseries.
  17. Veterinary offices and animal hospital, provided the facility has no outside kennels.
  18. Gasoline sales and service, combination gasoline sale and food marts.\*
- Neighborhood scale general commercial uses

F. High Intensity Commercial

High Intensity Commercial uses shall be permitted as Conditional Uses pursuant to the applicable sections of this Code. The uses in this group include those activities which require outdoor storage, have higher trip generations than general commercial listed above, or have the potential for greater nuisance to adjacent properties due to noise, light and glare, or typical hours of operation

G. Public Service/Utility

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

1. Emergency service activities such as buildings, garages, parking, and/or dispatch centers for ambulances, fire, police and rescue.
2. Broadcasting stations, transmission towers.
3. Utility facilities, such as water plants, wastewater treatment plants, electricity substations serving 230 KV or greater.
4. Maintenance facilities and storage yards for schools, government agencies, and telephone and cable companies.
5. LP gas storage and/or distribution facility for up to one thousand (1000) gallons. This shall not be construed to prevent retail sales of LP gas in canisters or similar pre-filled containers.

6. Airports, airfields, and truck or bus terminals.
7. Publicly operated hazardous waste collection and handling centers and publicly operated recycling centers.

H. Agricultural

Agricultural uses include activities within land areas which are predominantly used for the cultivation of crops and livestock including: cropland; pastureland; orchards; vineyards; nurseries; ornamental horticulture areas; groves; confined feeding operations; specialty farms; aquaculture areas; and silviculture areas.

Residential use may be allowed.

I. Industrial

This type of use includes those wholesale and retail businesses for manufacturing, processing, storing, or distributing goods. Included in this category are uses which require primarily outdoor storage or the industrial activity itself is conducted outdoors. Such uses include, for example., LP gas storage and/or distribution exceeding one thousand (1000) gallons, junkyards, or salvage yards, recycling collection centers, and borrow pits (but not excavation which requires blasting).

J. Mining

The types of uses in this group include surface mining, rock quarries, strip mining, and any extraction activities. Buildings and businesses for the refinement, processing, packaging, and transportation of extracted materials are included in this group of uses.

**Section 4.4 Land Use District Requirements**

(A) Agriculture

1. Purpose and Intent

These areas are predominantly in agricultural or silvicultural use.

2. Allowable uses

- (a) Agricultural.

- (b) Residential, subject to the density standards in the Plan or code.
- (c) Institutional, excluding residential care facilities and nursing homes.
- (d) Outdoor Recreational.
- (e) Public Service/Utility
- (f) Special Exception Uses: Borrow Pits intended for use exceeding 60 days.

3. Density

The density in Agriculture Land Use Categories shall not exceed one (1) dwelling unit per ten (10) acres. Clustering down to 1 acre lots shall be encourage.

(B) Town Center

1. Purpose and Intent

This is a mixed use category which recognize historical town centers and provides for a variety of business types as well as public and residential uses.

2. Allowable Uses

- (a) Residential.
- (b) Institutional.
- (c) Outdoor Recreational.
- (d) Professional Service and Office.
- (e) General Commercial.
- (f) High Intensity Commercial.
- (g) Public Service/Utility.
- (h) Agricultural.

3. Density

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

Development without central water and sewer	2 units/acre
Development without central sewer	3 units/acre
"Standard" subdivision	4 units/acre

Mobile Home Development and Multi-Family

8 units/acre

4. Intensity

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

(C) Rural Village

1. Purpose and Intent

These are mixed-use areas where higher density and intensity of land use have historically been located. Suburban-type residential is the predominant land use category.

2. Allowable Uses

- (a) Residential.
- (b) Institutional.
- (c) Outdoor Recreational.
- (d) Professional Service and Office.
- (e) General Commercial.
- (f) High Intensity Commercial.
- (g) Public Service/Utility.
- (h) Agricultural.

3. Density

Multi-family residential, where allowed is not to exceed 4 units per acre. However, this density is to be granted according to the following guidelines:

Development without central water or sewer	2 units/acre
Development without central sewer	3 units/acre
"Standard" subdivision	4 units/acre
Mobile Home Development and Multi-Family	4 units/acre

4. Intensity

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

(D) Mixed Use - Suburban/Residential

1. Purpose and Intent

This is a mixed use category where Suburban/Residential is the predominant type of use.

2. Allowable Uses

- (a) Residential.
- (b) Institutional.
- (c) Outdoor Recreational.
- (d) Professional Service and Office.
- (e) General Commercial (neighborhood commercial only).
- (f) Public Service/Utility.
- (g) Agricultural.

3. Density

A variety of densities not exceeding two (2) units per acre.

4. Intensity

Intensity of non-residential uses, as measured by land coverage, should not exceed fifty (50%) percent.

(E) Mixed Use - Rural Residential

1. Purpose and Intent

This is a mixed use category where rural residential is the predominant type of use.

2. Allowable Uses

- (a) Residential.
- (b) Institutional.
- (c) Outdoor Recreational.
- (d) Professional Service and Office.
- (e) General Commercial (neighborhood commercial only).
- (f) Public Service/Utility.
- (g) Agricultural.

3. Density

All housing types are allowed at a gross density not to exceed one (1) unit per acre.

4. Intensity

Intensity of non-residential uses, as measured by land coverage, should not exceed sixty five (65%) percent.

(F) Public Institutional

1. Purpose and Intent

This is a land area devoted to Liberty Correctional Institution and other public facilities.

2. Allowable uses

- (a) Land devoted to the Liberty Correctional Institution.
- (b) Governmental buildings, and other approved public facilities.
- (c) Public landfills and similar facilities.

3. Density

This development standard is not applicable to the Public Institutional Use District.

4. Intensity

Intensity of use, as measured by land coverage, should not exceed sixty five (65%) percent.

(G) Industrial

1. Purpose and Intent

There are areas devoted exclusively to Industrial Development, allowing a mix of light or heavy manufacturing, storage, and distribution activities.

2. Allowable Uses

- (a) Industrial (hazardous waste disposal facilities are prohibited. (Unless approved by special exception.)
- (b) Mining.

3. Density

This development standard is not applicable to the Industrial Use District.

4. Intensity

Intensity of development, as measured by impervious surface coverage, should not exceed ninety (90%) percent.

(H) Public Resource Management

1. Purpose and Intent

These are public lands where silvicultural activities and hunting are the predominant uses.

2. Allowable Uses

- (a) Agricultural (silviculture only, subject to Best Management Practices).
- (b) Outdoor Recreational (hunting, passive recreational only, consistent with area protection).

3. Density

This development standard is not applicable to the Public Resource Management Use District.

4. Intensity

This development standard is not applicable to the Public Resource Management Use District.

(I) Public Preservation

1. Purpose and Intent

These are publicly owned areas where passive recreational and preservation activities are the predominant uses.

2. Allowable Uses

- (a) Outdoor recreational (passive recreational only).
- (b) Public facilities consistent with resource preservation.

3. Density

This development standard is not applicable to the Public Preservation Use District.

4. Intensity

This development standard is not applicable to the Public Preservation Use District.

(J) Conservation

1. Purpose and Intent

These are areas with limited development potential due to environmental sensitivity, alluvial soils, or other lands identified for protective treatment.

2. Allowable Uses

- (a) Agricultural (silviculture only, subject to Best Management Practices).
- (b) Outdoor Recreational (Consistent with protection of the area).

3. Density

This development standard is not applicable to the Conservation Use District.

4. Intensity

This development standard is not applicable to the Conservation Use District.

**Section 4.5                      Development Standards**

(A)    Table of Development Standards

Required development standards for building setback and height are included in Schedule 1.0, below.

**SCHEDULE 1.0**  
**MINIMUM DEVELOPMENT STANDARDS**

	Type of Use		
	Low Density Industrial Residential (0-6 units per acre (gross))	Medium-High Density  Residential (Over 6 units per acre)	Commercial, Office
<b>Minimum Requirements (Feet)</b>			
<b>Setbacks</b>			
<b>Front Yard</b>			
<b>Building</b>	20	20	20
<b>Parking</b>	--	20	20
<b>Corner Yard</b>			
<b>Building</b>	20	20	20
<b>Parking</b>	--	20	20
<b>Side Yard</b>			
<b>Building</b>	5	5	10
<b>Parking</b>	--	5	10
<b>Rear Yard</b>			
<b>Building</b>	20	20	20
<b>Parking</b>	--	10	10
<b>Maximum Requirements (Feet)</b>			
<b>Height</b>	35	45	45

**(B) Locational Requirements**

Locational requirements are applicable only for the following land use districts:

1. Conservation. All development shall maintain a minimum twenty-five (25) foot buffer from known archaeological and historical sites.
2. Industrial. All industrial land use shall be directed away from residential areas.

3. Town Center, Rural Village, Mixed Use-Suburban/Residential, Mixed Use-Rural Residential.

In order to ensure protection of residential development, only residential uses shall be allowed on interior subdivision and local streets;

(C) Access Management

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

1. Number of Access Points

- a. The number of access points shall be as follows:

**ACCESS POINTS**

Type of Development	Number of Access Points	Preferred Type of Access
<b>Residential, &lt;75 units</b>	<b>1</b>	<b>Residential or Minor Collector</b>
<b>Residential, 75+ units</b>	<b>2</b>	<b>Minor Collector</b>
<b>Non-residential, &lt;300 required parking spaces</b>	<b>1</b>	<b>Collector</b>
<b>Non-residential, 300-999 required parking spaces</b>	<b>2</b>	<b>Major Collector or Arterial</b>
<b>Non-residential, 1,000+ required parking spaces</b>	<b>2 or more</b>	<b>Major Collector or Arterial</b>

2. Separation of Access Points

- a. The separation between access points onto arterial and collector roadways, or between an access point and an intersection of an arterial or collector with another road, shall be consistent with FDOT standards. ~~as shown in the following table:~~
- b. The distance between access points shall be measured from the centerline

of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.

3. Alternative Designs

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

4. Access to Residential Lots

- a. Access to non-residential uses shall not be through an area designed, approved, or developed solely for residential use.
- b. All lots in a proposed residential subdivision shall have frontage on and access from an existing street meeting the requirements of this Code

**Section 4.6 Special Land Development Requirements**

**Section 4.6-1 Mobile Home Park Requirements**

A) Lot Size/Density

Mobile home parks shall be developed consistent with the densities in the Plan and this Code.

B) Fees

A fee of \$1,000.00 or \$25.00 per mobile home space, whichever is greater, is required to be paid at the time plans for a mobile home park are submitted to the County.

**Section 4.6-2 Non-Conforming Uses and Structures**

(1) Intent.

It is the intent of these land development regulations to permit existing uses and structures which would be prohibited under the terms of this Chapter to continue until they are voluntarily removed. It is further the intent of these zoning regulations that non-conformities may be enlarged upon, expanded, intensified, or extended, so long as the type of use is not changed. To avoid undue hardship, nothing in these land development regulations shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction has been carried on diligently. Where excavation or demolition or

removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, or demolition, or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

(2) **Discontinuance of Non-Conforming Use.**

If any non-conforming use of a structure, or structure and premises in combination, ceases for any reason (except where governmental action prevents use of the premises) for a period of more than six (6) consecutive months, any subsequent use shall conform to the regulations for the district in which the use is located.

(3) **Uses Under Special Exception Provisions Not Non-Conforming Uses.**

Any use which is permitted as a special exception under the terms of these land development regulations shall not be deemed a non-conforming use.

**Section 4.6-3 Site Plan Review**

**(A) Development and Uses Requiring Site Plan Review**

The following uses of land and development shall require a site plan for review and approval:

1. **Permitted Uses.** All permitted uses within all districts, except single-family detached dwellings, two-family dwellings, and their accessory uses and structures.
2. **Special Exception Uses.** All special exception uses within all districts.
3. **Alterations or Remodeling.** All building or structural alterations or remodeling, except single-family detached dwellings and two family dwellings, where said alterations or remodeling affect fifty percent (50%) or more of the floor area of the principal building or use; or the cost of said alterations or remodeling exceeds fifty percent (50%) of the assessed value of the improvements on the site prior to the alterations or improvements.

**(B) Preapplication Conference**

In order to expedite the review of a Site Plan, coordinate its local review in

respect to the provisions of all applicable County Ordinances, and to inform the County of a Site Plan in preparation; one or more preapplication conferences between the applicant and representative of the County's Administrative Staff is encouraged.

The preapplication conference(s), while informal, will serve several purposes and focus on the following items:

1. To inform the County of any Site Plans in progress together with the scale and character of the plan so that the County may recognize the proposed development in any of its physical or facility planning for the entire County.
2. To inform the applicant of the County's informal response as to the scale and character of the proposed development and to alert the applicant to all applicable ordinances and regulations as well as any specific areas of concern that the County may have for that specific site or proposed plan.
3. To clarify and inform both the applicant and the County with respect to the Site Plan Review Procedure.

**(C) Development Review**

The County may, if in its opinion it is necessary, retain consultants to assist in the review of an application for site plan review which meets one or more of the following criteria:

1. Encompasses two (2) or more acres of land within the application.
2. Proposes twenty (20) or more dwelling or motel units or fifty thousand (50,000) square feet of non-residential building area.
3. Requires, by the nature and content of the application, professional expertise in one or more professions not available on the administrative staff of the County.

- (a) Types of Review.** The types of review to be conducted under the major development review procedures may be classified in either of the following categories:

- 1) Consideration of development issues or impacts arising from the physical aspects of project development including environmental, traffic, land use, density and similar impacts.
  - 2) Consideration of fiscal impacts identifying the cost of providing public services to the development and the tax revenues expected to be generated by the project.
- (b) **Review Costs.** The cost of retaining said consultants shall be borne by the applicant.

**(D) Submission Requirements**

Any applications for site plan review shall be accompanied by the following information:

1. A site plan containing the title of the project, its date and scale, a north arrow and illustrations of the locations of all proposed buildings and structures, access and traffic flow, off-street parking and off-street loading areas, recreational facilities, landscaped buffer areas, refuse collection areas, and proposed utilities.
2. The location, size, and character of any common open space, and the form of organization proposed to own and maintain any common open space.
3. Location, type, size, and height of fencing, retaining wall, and screen planting where required under the provisions or this ordinance.
4. All off-street parking, loading space, and walkways, indication type of surfacing, size, angle and width of stalls and aisles, together with schedule showing the number of parking spaces provided and the number required by the provisions of this ordinance.
5. Provisions for the adequate disposition of natural and stormwater in accordance with the adopted design criteria and standards of the County, indicating the location, size, type and grade of ditches, catch basins, and pipes and connections to the existing drainage system.
6. Provisions for the adequate control of erosion and sedimentation,

indication the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading, and construction.

7. A landscape plan indicating the location, type, size, and description of all proposed landscape materials, including the limits and/or extent of tree removal and/or tree protection.

8. Any additional data, plans, or specification which the applicant believes is pertinent and will assist in clarifying the application.

**(E) Review Procedures**

1. **Acceptance.** Upon receipt of a site plan application, the County shall have ten (10) working days to determine its appropriateness and completeness and accept or reject the application.

2. **Administrative Review.** Upon acceptance, the development administrator shall prepare a report for the County Commission indicating the degree of conformance of the site plan with all applicable codes and ordinances.

3. **County Commission Review.** An application for site plan approval shall be presented to the County Commission at a regular meeting no later than forty-five (45) days after the acceptance of the site plan. The Commission shall, within sixty (60) days, take action either approving, approving with modifications, or denying the plan.

4. **Modified Site Plan Approval.** A site plan approved with modifications shall be revised and resubmitted to the Development Administrator before any development permit may be issued based on the plan.

**(F) Modification of a Site Plan**

Any changes or amendments to a site plan approved by the County Commission shall require a resubmission in accordance with the provisions of this ordinance, except that minor alterations and/or adjustments may be permitted by the Development Administrator provided that such alterations and/or adjustments do not:

1. Affect more than fifty percent (50%) of the square footage of the

approved site plan.

2. Alter the use or uses of the approved site plan.
3. Significantly change the concept intent or arrangement of the approved site plan.
4. Result from a proposal to change the approved site plan but rather are a result of refinement and detailing of the site plan as approved.

(a) **Intent of Minor Alterations.** In all cases where the Development Administrator acts in accordance with this section of the ordinance, he must and shall find before granting approval to the requested alterations that:

- 1) The granting of the alterations would be in the best interest of the County.
- 2) In the case of alterations to an approved site plan for a condominium, a majority of the owners in the affected condominium association have consented to the alterations and any applicable rules of said association have been met.

(b) **Appeal of Development Administrator's Action.** The applicant or any directly interested party shall have the right to appeal any decision of the Development Administrator with respect to permitting alterations and/or adjustments to an approved site plan. Any such appeal shall be made to the County Commission within ten (10) days of the Development Administrator's action upon which said appeal is based.

(G) **Time Limit**

1. An approved site plan shall be effective for a period of twelve (12) months from the date of approval by the County Commission. If a development order is not issued within such period, the approval for the site plan shall be null and void.
2. Failure to comply with this Section shall negate the approval of the subject site plan and modifications.

#### **Section 4.6-4 Special Exception Uses.**

Special exception uses shall be permitted only upon authorization by the County Commission subsequent to a review and ~~written~~ advisory opinion by the Development Administrator, provided that such uses shall be found by the County Commission to comply with the following requirements and other applicable requirements as set forth in this Code:

- (A) That the use is a permitted special use ;
- (B) That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected;
- (C) That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located;
- (D) That the use will be compatible with adjoining development and the proposed character of the district where it is to be located;
- (E) That adequate landscaping and screening is provided as required herein, or otherwise required;
- (F) That adequate off-street parking and loading is provided, that ingress and egress are so designed as to cause minimum interference with traffic on abutting streets and that the use has adequate frontage on a public or approved private street;
- (G) That the use conforms with all applicable regulations governing the district where it is located.

#### **Section 4.6-5 Landscaped Buffers**

##### **(A) Landscaped Buffers Required**

Landscaped buffers shall be provided and maintained when certain land uses are adjacent to or directly across from each other in order to protect uses from the traffic, noise, glare, trash, vibration and odor likely to be associated with a more intensive land use.

The installation and maintenance of landscaped buffers shall be the responsibility of the development being proposed, not the existing use.

##### **(B) Determination of Landscaped Buffer Requirements**

Landscaped buffers shall be located at the perimeter of the building site for any given use, and shall not be located in any portion of a public right-of-way. Buffers shall be determined by the County during the site plan review and approval process.

#### **Section 4.7 Signs**

A. Sign shall mean any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however, that the following shall not be included in the application of the regulations herein:

1. Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
2. Flags and insignia of any government except when displayed in connection with commercial promotion;
3. Legal notices; identification, informational, or directional signs erected or required by governmental bodies;
4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter;
6. Signs advertising the sale, lease or rental of the premises on which the sign is located. Each sign shall not exceed six (6) square feet in surface area for residential districts or twelve (12) square feet in surface area for other districts.

B.1. Signs, number and surface area. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms constituting all of the display area of the sign and

including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

B. 2. Commercial on-site signs:

1. Signs in the General Commercial areas adjacent to Highway 20 and Highway 12, shall not exceed seventy (70) square feet;
2. Signs in other Commercial areas shall not exceed fifty (50) square feet;
3. Signs in residential neighborhoods shall not exceed twenty (20) square feet;
4. Signs within residential subdivisions shall not exceed twelve (12) square feet.

B. 3. Commercial Off-site signs:

1. Bill Board signs in the General Commercial areas adjacent to Highway 20 and Highway 12, shall be consistent with and permitted by the State as a condition of being approved by the City. Non Bill Board signs in the General Commercial areas shall not exceed seventy (70) square feet;
2. Signs in other Commercial areas shall not exceed fifty (50) square feet;
3. Signs in residential neighborhoods shall not exceed twenty (20) square feet;
4. Signs within residential subdivisions shall not exceed twelve (12) square feet.

B. 4. Approval of signs:

1. Replacement of existing permitted signs may be approved by the Clerk/Code Administrator. Replacement signs must be in the same general location, cannot expand the size of the sign and cannot include any additional characteristics such as new lighting or expanded illumination.
2. All new signs and/or expanded signs must be approved to the site-plan approval process, by the City Council.

C. Signs Prohibited.

1. Signs, on or overhanging public right of way or within one hundred (100) feet of traffic control lights, that contain red or green lights that might be confused with traffic control lights.
2. Signs that are in violation of the building or electrical code adopted by the City.
3. Signs or sign structures that interfere in any way with free use of any fire

escape or emergency exit.

D. Existing Signs. All signs, advertising devices, structures or systems which exist at the date of adoption of this Section shall be permitted to continue until the use of such sign is discontinued for a period of six (6) months. Thereafter, such signs, if in conflict herewith, shall be removed at the owner's cost.

## **Section 4.8 Off-Street Parking, Loading and Unloading Regulations**

### **Section 4.8-1 Off-Street Parking**

A. *Area and Dimensions.* For the purposes of this Regulation, an "off-street parking space" shall have dimensions of nine (9) feet in width and nineteen (19) feet in depth, exclusive of the area required for access drives or aisles. A "parallel parking space" shall have dimensions of seven (7) feet in width and nineteen (19) feet in depth. Each parking space shall have four (4) feet of additional depth for maneuvering purposes. These areas are exclusive of the area required for access drives or aisles.

B. *General Requirements and Specifications.*

1. *Entrance and exits:* Each parking space shall be directly accessible from a street, alley, or other public right-of-way. Except for one or two family dwellings, all off-street parking facilities shall be so arranged that no automobile shall have to back into any street. No entrance and exit driveways shall be permitted closer than twenty-five (25) feet from a street intersection, and no parking area containing more than ten (10) spaces shall have more than one (1) access way to any adjacent street for every one hundred (100) total linear feet of the boundary line (adjacent to said street) with a maximum of two driveways per street frontage.
2. *Adequate Traffic Areas for Vehicles Entering From or Waiting to Exit to Adjacent Streets:* Each off-street parking area shall provide adequate traffic areas for vehicles entering from or waiting to exit adjacent streets and adequate storage areas for any drive-in facilities located on the premises. The traffic and storage areas provided herein shall be so designed that vehicles waiting or maneuvering in these areas will not interfere with or hinder traffic into or out of the area or

vehicles pulling into or out of spaces within the area.

3. **Aisle Widths:** All off-street parking areas providing four (4) or more parking spaces shall be constructed with aisle widths with the following minimum dimensions, based upon the angle of the parking stall to the access aisle.

<b>Parking Stall Angle</b>	<b>Aisle Width</b>
30 degree	11 feet
45 degree	13 feet
50 degree	14.5 feet
60 degree	16 feet
90 degree	22 feet

Aisles shall be twenty-two (22) feet in width when not designed to serve a particular parking configuration or when designed to serve parallel parking. The minimum width for a one-way driveway aisle within the parking area shall be eleven (11) feet, and twenty-two (22) feet for a two-way driveway aisle.

4. **Surface Material and Drainage:** Except for one and two family dwellings, all off-street parking facilities including access aisles, driveways, and maneuvering areas shall be either paved or surfaced with a hard, dustless material. Such surfacing shall be maintained in good condition at all times. All off-street parking facilities shall be suitable sloped and drained to eliminate surface water.
5. **Location:** The following locational standards shall be used in providing required off-street parking facilities:
  - a. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve measured from the nearest point of the off-street parking lot, without crossing any major thoroughfare; provided, however, churches may establish joint parking facilities not to exceed fifty (50) percent of the required spaces, with institutions and agencies that do not have a time conflict in parking demand. The joint parking facilities shall be located not to exceed four hundred (400) feet from the church sanctuary.

- b. Residential off-street parking space shall consist of a parking lot, driveway, garage, or combination thereof and shall be located on the lot they are intended to serve.
  - c. For uses not specifically mentioned herein, off-street parking requirements shall be interpreted by the County Commission.
  - d. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
  - e. Off-street parking existing at the effective date of these regulations in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.
  - f. Two or more buildings or uses may collectively provide the required off-street parking, in which case, the required number of parking spaces shall be not less than the sum of the requirements for the several individual uses computed separately.
  - g. The required off-street parking shall be for occupants, employees, visitors, patrons and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited.
  - h. Every company car, truck, tractor and trailer normally stored at the plant site shall be provided with off-street parking space in an area reserved for the use as determined by the County Commission.
  - i. In cases of dual functioning of off-street parking where operating hours do not overlap, the County Commission may grant an exception.
6. *Setbacks:* All off-street parking areas shall be set back a minimum of ten (10) feet from the front property line and five (5) feet from the side and rear property lines.
7. *Handicap Parking Space Requirements:* Handicap parking spaces shall be reserved and posted in all commercial and professional districts and in any other

district which has a principal, accessory or conditional use of a building or structure open to the public. Handicap parking spaces shall be conveniently located with respect to main and secondary entrances, and ramps to sidewalks shall be provided and conveniently located in relationship to the handicap spaces. Handicap parking spaces shall be properly maintained to ensure that such spaces are clearly identified to the public. The required number of handicap spaces, with respect to the total number of spaces required, shall be:

- a. *Zero (0) to twenty (20) required spaces:* One (1) handicap space.
- b. *Twenty-one (21) to fifty (50) required spaces:* Two (2) handicap spaces.
- c. *More than fifty (50) required spaces:* Four (4) percent as handicap spaces.

Handicap parking spaces shall have a minimum width of twelve (12) feet.

C. Exceptions or Modifications.

*Mixed Uses:* In 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 for use shall not be considered as providing the required off-street parking for any other use. Where a greater number is not elsewhere required in this Regulation, each and every separate and individual store, office or other business shall be provided with at least one (1) off-street parking space.

D. Table of Parking Spaces Required

<b>Type of Business</b>	<b>Parking Space Requirement</b>
Automobile wrecking, junk, or salvage yard which offers for sale to the public any new or used merchandise	One (1) space for each two (2) employees, plus one (1) space for each ten thousand (10,000) square feet of lot area, or two (2) spaces for each one thousand (1,000) square feet of floor area, whichever is greater.
Automobile Service Stations	One (1) parking space for each employee, plus two (2) for each service bay.
Banks, business or professional offices	One (1) per three hundred (300) square feet of usable floor area, plus one (1) per each three (3) employees.
Barber shop or beauty parlor	Two (2) per barber or three (3) beauticians

Boarding or rooming house	<p>based on the design capacity of the structure.</p> <p>One (1) space for each three boarders not rooming on the premises. One (1) for each two (2) guests provided overnight accommodations.</p>
Bowling alleys	Five (5) per alley
Churches	<p>One (1) per four (4) seats; or one (1) per thirty (30) square feet of usable floor area of auditorium, whichever is greater.</p>
Commercial Recreation Uses	<p>One (1) per three (3) patrons, based on the design capacity of the facility.</p>
Country Club	One (1) per five (5) members.
Dwellings (single and two-family)	Two (2) per dwelling unit.
Dwellings (multiple-family)	<p>One and one-half (1 1/2) spaces per dwelling unit for the first twenty (20) units, plus one (1) space for each dwelling unit exceeding twenty (20) units.</p>
<p>Establishments for sale and consumption, on the premises, of beverages, food, or refreshment</p>	<p>One (1) per three (3) employees, plus one (1) per two hundred (200) square feet of usable floor space, or one (1) per three (3) fixed seats, whichever is the greater.</p>
Governmental Office Building	<p>One (1) per three hundred (300) square feet of usable floor area, plus one (1) per each three (3) employees. Every governmental vehicle shall be provided with a reserved off-street parking space.</p>
<p>Homes for the aged, sanitariums, convalescent or nursing homes</p>	<p>One (1) per three employees, plus one (1) per two hundred (200) square feet of usable floor space, or one (1) per three (3) fixed seats, whichever is the greater.</p>
Hospitals	<p>One (1) per three (3) patient beds, exclusive of bassinets, plus one (1) space for each staff doctor, plus one (1) space for each two (2) employees including nurses on the maximum working shift, plus adequate area for parking emergency vehicles.</p>

Hotels	One (1) per two (2) rooms or suites, plus two (2) per three (3) employees.
Hotels (apartments)	One (1) parking space for each two (2) individual rooms or apartments is required.
Industrial establishments, mechanical garages	Two (2) per three (3) employees on the combined two largest successive shifts, plus adequate parking space for customer and visitor vehicles as determined by the County Commission.
Library	One (1) for each four hundred (400) square feet of floor area.
Medical Clinics	Three (3) patient's parking spaces per staff doctor, plus two (2) per three (3) employees, plus one (1) per staff doctor.
Mortuaries or funeral parlors	Five (5) spaces per parlor or chapel unit, or one (1) per four (4) seats, whichever is greater.
Motels and tourist courts	One (1) per guest bedroom.
Private Clubs, lodge, or Union headquarters	One (1) per three (3) members based on the design capacity of the facility.
Retail stores and personal service establishments except as otherwise specified herein	One (1) per two hundred (200) square feet of retail floor space.
Schools shall be provided with parking spaces under the following schedule: elementary, junior high and the equivalent private or parochial schools	Two (2) spaces per three (3) teachers and employees normally engaged in or about the building or grounds, plus one (1) space for each one hundred fifty (150) square feet of seating area, including aisles in any auditorium.
Senior High schools and the equivalent private or parochial schools	Two (2) spaces per three (3) teachers and employees normally engaged in or about the building or grounds, plus one (1) space per five (5) students, or one (1) space for each one hundred fifty (150) feet of seating area, including aisles, in any auditorium, gymnasium or a cafeteria intended to be used as an auditorium, whichever is greater.
Kindergartens, day schools, and the	Two (2) parking spaces per three (3)

equivalent private or parochial schools

employees normally engaged in or about the building or grounds, plus one (1) off-street loading space per eight (8) pupils.

Stadiums and sports arenas

One (1) per thirty (30) seats or twelve (12) feet of benches.

Swimming pools

One (1) per thirty (30) square feet of water area.

Theaters, auditoriums, and places of assembly without fixed seats

One (1) per three (3) people based on the seating capacity of the structure.

Wholesale establishments and business services, cold storage and frozen food lockers, laundromat and other self service activities

One (1) for every fifty (50) square feet of customer service area, plus two (2) per three (3) employees based on the design capacity of the largest shift.

The inclusion of on-street parking spaces shall not be allowed in meeting parking space requirements for the uses listed in this Section.

## **Section 4.8-2 Off-Street Loading and Unloading Requirements**

In all districts, and on the same premises, with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse goods, a wholesale store, a market, a hotel, a hospital, or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services adjacent to the opening used for loading and unloading in order to avoid undue interference with public use of the streets or alleys.

Off-street loading and unloading space shall be provided as follows:

1. One (1) off-street loading and unloading space shall be provided for buildings up to and including twenty thousand (20,000) square feet of floor area, plus one additional off-street loading and unloading space for each additional twenty thousand (20,000) square feet of floor area up to and including one hundred thousand (100,000) square feet.
2. Where trailer trucks are involved such loading and unloading space shall be an area twelve (12) feet by forty-five (45) feet with a fourteen (14) foot height clearance and shall be designed with appropriate means of truck access to a street or alley as well as adequate maneuvering area.
3. All areas devoted to permanent off-street loading and unloading as required under this Section shall be either paved or surfaced with a hard, dustless material and maintained in such a manner that no dust will result from continuous use.

**LIBERTY COUNTY, FLORIDA**  
**SUBDIVISION AND LAND DEVELOPMENT REGULATIONS**  
**CHAPTER 5**

**Section 5.1 Purpose; Jurisdiction; Comprehensive Plan and Violation**

**(A) Purpose**

To provide such standards by regulation:

1. To insure the best physical use of available land;
2. To insure that improvements will be of such quality as to require minimum long term maintenance and will harmonize with the future expansion in the area;
3. To create, by design, planning and development, an area which is competitive and attractive to our existing population, and to those seeking a community in which to live or invest;
4. To set forth in clear, concise unambiguous and orderly manner, the chronological steps that a land developer must follow in order to subdivide land;
5. To facilitate the subdivision of land by coordinating the efforts of the land developer and the regulating agency.

The intent of these regulations is to provide for the harmonious development of the County; to secure a coordinated layout and adequate provision for traffic and also to secure adequate provisions for light, air, recreation, transportation, potable water, flood prevention, drainage, sewers and other sanitary facilities.

The standards set forth in these regulations require good design, be practiced in subdivision planning, and conservation of valuable and scenic natural features. Subdivision developers should utilize the skills of experienced land planners as well as surveyors and engineers. Subdivision design should be adapted to the peculiarities and opportunities of the site, should utilize contemporary imaginative design, should avoid monotonous repetition of pattern, wasteful gridiron patterns, and long straight minor or collector streets. Size, shape and orientation of lots and blocks should be carefully considered with relation to future use of the

various lots to be created.

(B) Jurisdiction. These regulations shall govern all subdivisions of land within all unincorporated areas of Liberty County as now or hereafter established.

The singular usage includes the plural and the plural the singular.

(C) Comprehensive Plan. The subdivision of land and the subsequent development of a subdivided plat shall be consistent with the Liberty County Comprehensive Plan.

(D) Violation. Where a violation of the Subdivision Regulations has been brought to the attention of the Board of County Commissioners, said Board, upon being made aware of said violation and verification of same, shall file in the office of the Clerk of Circuit Court, in the Official Record Books, an instrument in recordable form setting for the legal description of said property which was divided or sold in violation of the Subdivision Regulations, and stating that no building permit shall be issued for construction upon said premises, said instrument to be executed in the name of the Board of County Commissioners of Liberty County, Florida, by the Chairman and attested by the Clerk.

**NOTE:** The laws of the State of Florida require the subdivider to utilize the services of registered professional engineers and land surveyors. It is suggested that the subdivider engage professional assistance as early as possible to obtain maximum value from these services.

## **Section 5.2 Definitions**

### **A. General**

Terms not defined below shall have the same meaning as given in the Definitions Chapter of this Code. The following terms or words, whenever used or referred to herein, shall have the following meaning:

**Abutting Property:** Any property that is immediately adjacent or contiguous to another property.

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

**Board:** The Liberty County Board of County Commissioners.

**Clerk:** The Liberty County Clerk of the Court.

Construction Plans: The drawings and specifications accompanying a subdivision plat and showing the specific location and design of subdivision improvements to be installed in the subdivision. Construction plans shall be certified as being in compliance with the provisions of this ordinance by a licensed, professional engineer registered to practice in the State of Florida. The engineer shall sign and place his seal on the construction plans.

**County Engineer:** A person or firm currently licensed and registered to practice engineering in the State of Florida and retained by Liberty County to oversee the appropriate provisions of this ordinance.

**Developer:** The person or legal entity that applies for approval of a plat of a subdivision pursuant to this ordinance.

**Domestic Wastewater Facility:** A wastewater collection, treatment, and disposal system approved by the Department of Environmental Regulation in accordance with Rule 17-6, F.A.C.

**Engineer:** A civil engineer, registered and currently licensed to practice in the State of Florida, retained by the developer to prepare, supervise and certify the engineering work required by this Chapter.

**Easement:** Any strip of land created by a subdivider for public or private utilities, stormwater management, sanitation, or other specified uses having limitations, the titles to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.

**Land Surveyor:** A land surveyor registered in compliance with Chapter 472.007 F.S. who is in good standing with the Board of Land Surveyors.

**Lot:** A parcel of land of a recorded subdivision intended as a unit for the purpose of transfer or ownership or development.

**Lot, Through:** Any lot having frontage on two parallel or approximately parallel streets on highways.

**Onsite Sewage Disposal System:** Any domestic sewage treatment and disposal facility, including standard subsurface systems, graywater systems, laundry wastewater systems, alternative systems or experimental systems, installed or proposed to be installed on land of the owner or on other land to which the owner or owners have the legal right to install a system, and which has been approved and permitted by the Department of Health and Rehabilitative Service pursuant to Rule 10D-6, F.A.C.

**Owner:** Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other entity having any ownership interest in land.

**Performance Guarantee/Improvement Security:** Any security accepted in lieu of the requirement that certain subdivision improvements be made before the Board of County

Commissioners authorizes the recording of a plat; including performance bonds, escrow agreements, and other similar collateral or surety agreements.

Plat: A map or delineated representation of the subdivision of lands; being a complete exact representation of the subdivision and other information in compliance with Chapter 177, F.S. and this Chapter, and may include the terms "replat", "amended plat", or "revised plat."

- (a) Preliminary Plat: A preliminary map and accompanying material indicating the proposed layout of the subdivision in accordance with the requirements of Section 5.4 of this Chapter. The preliminary plat may encompass two or more phases of the project, each of which may be submitted for final plat approval separately and at different times.
- (b) Final Plat: A map or plan of a subdivision any accompanying material, prepared in accordance with this Chapter, indicating the subdivision of land and improvements thereto.

Right-of-Way: Land dedicated, deeded, used, or to be used for a street, alley, or other transportation purposes. Right-of-Way includes the paved street and any unpaved cleared strips on either side.

Road Department: The Liberty County Road and Bridge Department.

Street: Any access way such as a road, lane, highway, avenue, boulevard, alley, parkway, circle, court, terrace, place, or cul-de-sac and includes all of the land laying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved. This definition shall not include those access ways, such as easements, intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, drainage and sanitary sewers, and easements of ingress and egress.

Street, Major: A street or road which is designed to carry large traffic volumes.

Street, Minor: A street designed to serve only as access to the properties which front on it.

Street, Private: A recorded street and/or roadway, owned by the abutting property owners, or which is owned and maintained by the owner of property that uses the private street/road for access, over which there is no public right of access.

Subdivision: The division of a parcel of land, whether improved or unimproved, into

three (3) or more lots or other division of land for the purpose, whether immediate or future, of transfer of ownership or, if the establishment of a new street and/or road is involved, any division of such parcel. The division of land into no more than 15 parcels, of ten (10) acres or more, exclusive of street right-of-way, not involving the establishment or change in public street lines or public street easements and which meets the definition of a Minor Subdivision, shall not be subject to the plat review, approval and recording requirements of this regulation. The term includes a resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. Minor Subdivisions must be approved by the Board of County Commissioners.

(a) Minor Subdivision: Any subdivision of land into less than fifteen (15) lots of ten (10) acres or more, that does not establish, create and/or change any public roads or streets, establish, create and/or change any public right-of-way and/or utility easement. Minor Subdivisions are not subject to the plat review, approval and recording requirements of this regulation. Minor Subdivisions shall be approved by the Board of County Commissioners, after review and recommendation by the Local Planning Agency. Minor Subdivisions shall require a to scale drawing depicting all lots, lot lines, natural resources (wetlands and floodplains) and all subdivision improvements including private streets/roadways. The drawing shall provide the name of the Minor Subdivision, the name of any public or private roadway and a certification by the applicant/developer that the subdivision meets all applicable State and Regional regulations and the requirements of the Liberty County Comprehensive Plan and this Code. After approval of the Minor Subdivision, the developer shall record the signed and certified Minor Subdivision Drawing with the Clerk of Liberty County.

(b) Major Subdivision: Any subdivision of land into three (3) lots or more which does not qualify as a Minor Subdivision, or any subdivision of land which establishes, creates and/or changes any public roadway or streets, or which establishes, creates and/or changes any public right-of-way and/or utility easement. Major Subdivisions are subject to the plat review, approval and recording requirements of this regulation.

Survey data: Information shown on the face of a plat that delineates the physical

boundaries of the subdivision and any parts thereof.

Utility: Includes publicly or privately-owned or operated water, sewer, stormwater management, gas, electric or telephone facilities, or cable television lines and facilities.

### **Section 5.3                    Subdivision Plat Approval Procedure**

#### **(A)    Pre-Plan Application**

The developer is encouraged to consult with the Clerk to become familiarized with the County's subdivision requirements. The developer may purchase copies of the Land Development Code and any other applicable County regulations from the Clerk. The developer should also consult with any and all other applicable federal, state, county and/or municipal agencies having jurisdiction over land use, water use, sanitation facilities and other natural resources. This will, undoubtedly, save him time and money when the developer begins detailed workings with his engineers.

#### **(B)    Application for Preliminary Plat Approval**

Step No. 1     Developer submits three (3) copies of preliminary or master plat; a fee established by Resolution of the County Commission to help offset administrative processing costs; and a statement describing the impact of the proposed development on the Level of service (LOS) standards contained in Ch. 7 of this Code.

Step No. 2     Clerk schedules the matter for the next available meeting of the Board of County Commissioners for a determination as to whether it they conforms with the subdivision standards.

Step No. 3     The Board of County Commissioners shall approve, disapprove or request modifications to the preliminary plat. The Board may wish to have recommendations from the County Engineer to assist in making a decision.

NOTE: Preliminary plat approval by the Board of County Commissioners in no way constitutes approval of construction plans of final plat.

If subdivision activity and development ceases for a period of two years, the plats shall require review and reapproval as a preliminary plat. Plats thus submitted for review and reapproval shall comply with all current regulations. Except when activity and development has ceased for two years, subdivision receiving preliminary plat approval may proceed with

preparation of final plans in accordance with the standards which were in effect at the time of preliminary approval.

(C) Application for Final Plat Approval

- Step No. 1 Developer submits a final record plat to the Board of County Commissioners for approval. When a final record plat is submitted to the Board of County Commissioners a fee of \$1,000.00 or \$25.00 pr lot, whichever is greater, is required to be paid. (See Section 5.7 for required information to be submitted with the final record plat.)
- Step No. 2 Developer proceeds with construction and makes improvements in accordance with the construction plat, or posts security acceptable to the Board of County Commissioners covering improvements, to insure completion of said improvements.
- Step No. 3 When acceptable security is posted, the County Commission grants final approval to the record plat.
- Step No. 4 If the developer elects to construct improvements rather than post security, the procedure is as follows:
- (1.) No work shall proceed until the developer has notified the County Commissioners requesting permission to construct all improvements in accordance with approved plans.
  - (2.) The contractor or developer shall request inspections on the following phases of construction:
    - (a) Sub-grade and curb
    - (b) Base Material
      - (1) All required tests shall be made by a reputable testing laboratory with a certified copy furnished to the County Commissioners.
    - (c) Finished base before and after priming.
    - (d) Approval of related appurtenances, such as curbs, drainage pipe, underdrains, drainage structures and sidewalks.
    - (e) When construction is approved by the Board of County

Commissioners, subdivider records his plat.

**Section 5.4                    General Requirements and Minimum Standards of Design**

(A) Streets and/or Roads, Public or Private

1. The proposed street shall recognize and extend suitable existing streets, and shall make possible the future extension of streets into adjacent undeveloped land where feasible.
2. Intersections shall be as nearly at right angles as possible.
3. In residential areas "T" intersections are preferable to four-way intersections.
4. Private streets shall normally be prohibited, however, in certain instances, they may be approved when the following conditions exist:
  - (a) Only minor streets, in Minor Subdivisions, serving fifteen or fewer lots, all of which must be 10 acres or larger, may be private streets.
  - (b) Subdivisions containing private streets shall not block logical access to adjoining lands.
  - (c) Private streets shall have a stabilized travel width of a minimum of nine feet per travel lane.
  - (d) Private streets may be paved or unpaved, at the approval of the Board of County Commissioners.
5. The minimum width of right-of-way shall be sixty feet.
6. Dead end streets shall be provided with a paved turn around diameter of 80' minimum and a right-of-way diameter of at least 100'. A landscaped cut-out in the center of the turn-around is permitted. Pavement widths around the turn-around shall be consistent with the pavement width leading up to the turn-around.
7. All public and/or private streets (or roadways) shall be paved, except private unpaved roadways approved by the Board of County Commissioners as part of a Minor Subdivision.
8. The developer or subdivider shall maintain the streets for
  - (a) a period 12 months from plate approval, or
  - (b) until 15% of the lots have been built on.

9. Prior to final acceptance, the streets, ditches and drainage structures must be brought up to standards according to the subdivision regulations or these streets shall revert to the developer or subdivider.
10. All streets shall be cleared, grubbed, and graded to the full width of the right-of-way and provided with a property prepared subgrade, base and pavement in compliance with the following minimum specifications.
11. All material used in the construction and paving of the streets are t be as specified in the most recent edition of the Florida Department of Transportation Standard Specifications for road and Bridge Construction.
12. Grading will be in accordance with the typical cross-section shown on the plat.
13. The subgrade will be compacted until it is firm and unyielding and shall have a Limerock Bearing Ration (LBR) value of at least 30.
14. The base material shall be one of the following: Sand clay, limerock, shell or soil-cement. The base must be one foot wider (six inches each side) than the pavement surface and have a compacted thickness of six inches (6").
15. The pavement shall be Florida Department of Transportation type S-1 Asphaltic Concrete with a minimum compacted thickness of one and one fourth inches (1-1/4"@) and a minimum width of twenty feet (20').
16. The subdivider, in preparing the streets within the subdivision, shall also acquire the necessary right-of-way and improve said right-of-way in accordance with these regulations for sufficient access roads for adequate ingress and egress to and from the mobile home park.
17. All alleys shall be cleared, grubbed and graded to the full width of the right-or-way and in accordance with the typical cross-section shown on the approved preliminary plat.
18. All new subdivisions adjoining existing public roads with rights-of-way less than that specified in these Regulations shall dedicate land sufficient to meet the right-of-way requirements. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing road, and one-half of the right-of-way as measured from the centerline shall be provided where any part of the subdivision is on only one side of a public road.

(B) Blocks

1. Block length shall not exceed 1800 feet in any development other than estates or rural development, blocks bordering major streets or water front, or other design situations which warrant approval of longer blocks.
2. Pedestrian crosswalks, not less than ten (1) feet wide, shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities. Lots adjoining a pedestrian cross-walk shall not be considered corner lots.

(C) Lots

1. Lots shall front on a street for at least 60'.
2. Corner lots shall be 15% wider than the minimum width planned in the subdivision in which they are located.
3. Through lots shall be avoided except where essential to provide separation of residential development from major roads or to overcome specific disadvantages of topography and orientation.
4. Side lot lines shall be substantially at right angles or radial to the street where practicable.
5. Lots containing 15,000 square feet or more shall have a minimum average lot width of 100 feet. Lots containing less than 15,000 square feet but more than 10,000 square feet shall have a minimum average width of 80 feet. Minimum lot size for single family dwelling units shall be 10,000 square feet.

(D) Access

No subdivision will be approved unless its street system is connected to a county or state road which has been approved for county maintenance.

(E) Improvement Security

Prior to action on a final plat, the Board of County Commissioners shall require that all improvements be satisfactorily completed by the developer, or in lieu thereof, a surety or performance bond be posted payable to Liberty County, Florida, to insure satisfactory completion of said improvements within two years, except that a period up to seven years shall be permitted for a subdivision or a portion thereof of lots being sold on installment sales

contracts, provided that proof of installment contract is submitted. The Board of County Commissioners shall have no obligation to allow developers to post surety or performance bonds in lieu of actually completing physical improvements, but may permit such bonds if deemed desirable based on past performance of the developer. Where bonds are permitted, the developer shall submit his cost estimate to the Board of County Commissioners who shall review and adjust such cost estimate to the extent necessary to cover the full cost of said improvements, which bond shall be an amount of 110% of the total estimated cost of the improvements. The developer shall submit his bond in the form approved by the County Attorney. Any extension of the time limit for installation of improvements must be approved by the Board of County Commissioners. The Board of County Commissioners may release the subdivider of that portion of the surety or performance bond, or other security for required improvements when completed and improved by the Board of County Commissioners; however, such release shall not constitute acceptance of any improvements by the County. At the discretion of the Board of County Commissioners, the requirements of a surety bond as heretofore outlined may be waived and the Board may require such other manner or form of security as to the Board seems advisable, including, but not limited to assignments, mortgages, and pledges or other transfer or encumbrances of real and personal property, where provided by law.

(F) Maintenance Security:

Upon release of the improvement security, a maintenance security for public improvements shall take effect and shall continue for a period of three (3) years or until the County Engineer recommends release of the maintenance security. At that time the County Commissioners shall release the security and assume maintenance of the public improvements. The amount of the security shall be twenty-five (25) percent of the County Engineer's estimate of the cost of improvements.

(G) Easements Required

Each plat shall have described thereon utility and drainage easements in substantially the following terms:

- (a) Lot Line Easements: Easements of 8 feet in width along each rear lot line and 5 feet in width along each side lot line are hereby created and provided for the purpose of accommodating overhead, surface and underground utilities and

drainage. Where an area is greater than one lot is used as a building site, the outside boundary of said site shall be subject to the lot line easements.

## **Section 5.5 Required Improvements**

### **(A) Monuments**

Permanent reference monuments, at least four in number and not more than 1,000 feet apart shall be placed within the trace and/or the exterior boundaries thereof so as to provide definite reference points from which may be located any points, lines or lots shown on the plat. The monuments shall be 4" x 4" concrete, at least 24" long, said monuments having a reference point marked thereon. They shall have their position in reference to each other indicated by distance and angles, and not less than one of said monuments shall have its location indicated on the plat in reference to the nearest government corner or any well established recorded corner. The position of said monument shall be indicated on the plat by a small circle and shall be marked "PERMANENT REFERENCE MONUMENT" or the initials "P.R.M." to designate the same.

After completion of construction and prior to final acceptance by the Board of County Commissioners, additional monuments shall be placed at all block corners, points of curvature, points of reverse curvature, points of tangency.

Security, acceptable to the Board of County Commissioners shall be posted in the amount of 110% of the estimated cost of placing additional required monuments, which estimate shall be prepared by the Florida Registered Land Surveyor whose name appears on the record plat. Upon completion and acceptance by the County, the posted security will be released.

### **(B) Traffic Circulation**

#### **2. Parking, Loading and Unloading**

All requirements in Chapter 4.8 of this Code shall be met.

#### **3. Building Setbacks**

- a. Future Four-Laning - 75' from the centerline of existing right-of-way, or 25' from the existing property line, whichever is greater.

### **(C) Stormwater Drainage Improvements**

- A. All areas within the subdivision, including lots, streets, alleys and other areas, must be suitably drained. In addition, where drainage runoff from outside the

subdivision on passes over or through areas of the subdivision, such runoff shall be included in the drainage system design. The system should be designed for long life and shall be suitable for low cost maintenance by normal methods. The drainage system shall meet the level of service (LOS) standards, established in the Comprehensive Plan ~~and required in Chapter 8 of this Code for quantity and quality.~~

- B. Underground drainage: Underground drainage through storm sewers, where employed, shall conform to good accepted engineering practices.
- C. Drainage Pipe Specifications: Drainage pipes shall conform to the State Department of Transportation Specifications now existing or as hereinafter modified.
- D. Design of Drainage Structure: Drainage structure such as bridges, culverts, headwalls, dams, spillways, bulkheads or other structures shall be designed hydraulically and structurally in accordance with good and accepted engineering practices. Foundations or other support or anchoring methods shall be adequate.
- E. Dedications: All necessary right-of-way, easement, and drainage structure shall be dedicated to Liberty County at no expense to the County. Dedication of drainage ditches shall include a suitable shoulder width for maintenance operations which shall be cleared of trees, shrubs, and other obstructions. All drainage by open ditch shall be located in rights-of-ways.

(D) Potable Water and Sanitary Sewer Facility Improvements

The Liberty County Board of County Commissioners, the Florida Department of Health and Rehabilitative Services oppose the wide and indiscriminate use of individual wells and/or septic tanks in subdivisions and urbanized areas, and as septic tanks eventually endanger public health in almost every area where widely used, all proposed subdivisions shall comply with this Chapter, the LOS standards in Chapter 7, other applicable Chapters within the Code and any and all governmental regulatory agencies which have jurisdiction in the matter requirements for water supply and sewage treatment facilities. Written proof of compliance shall be furnished to the Board of County Commissioners prior to final approval of a plat.

(E) Recreation and Open Space

Residential and non-residential subdivisions shall meet the LOS standards contained in Chapter 7 for required recreation facilities and provision of open space areas.

(F) Street Names

Street names shall be approved by the Board of County Commissioners prior to final plat approval.

(G) Street Sign Names

Street Names shall be placed at each street intersection on metal posts. Top of sign shall be 7' above centerline grade of road. All signs shall be uniform and conform to the following specifications: Green reflected background, baked on 6" wide aluminum bands. Name letters shall be 4" silver reflectorized letters. Abbreviations are permissible as follows:

RD for Road	PL for Place	S for South
ST for Street	CT for Court	E for East
AVE for Avenue	N for North	W for West

All prefixes and suffixes shall be 2" silver reflectorized letters. Street name signs shall be installed prior to request for final inspection and release of 90% of surety. If no security is posted, street name signs shall be installed as a prerequisite for final plat approval.

(H) Sidewalks

Sidewalks are to be 4" reinforced concrete.

(I) Commercial Subdivisions, Industrial Subdivisions, Planned Unit Developments and Condominiums

The preceding design and improvement standards are primarily geared to typical residential subdivision needs. Commercial and industrial subdivisions normally require thicker and wider pavements, and have other peculiar design requirements. Planned Unit Developments and Condominiums may also be quite different from typical subdivisions, and as such their design and improvement needs may vary to some degree. In the case of Commercial and Industrial Subdivisions, Planned Unit Developments and Condominiums and other non-typical subdivision developments, the Board of County Commissioners may approve modification of such portions of these regulations as they determine to be inapplicable. In granting such modifications, the Board of County Commissioners will require such conditions and safeguards as will secure substantially the objective of the standards of requirements so modified, and in no

case, reduce the minimum requirements set forth in these regulations or be inconsistent with the Comprehensive Plan.

**Section 5.6 Required Certificates on Final Plat**

- (1) Certificates of Ownership and Dedication shall be properly executed and acknowledged in form and substance as approved by the County Attorney.
- (2) Certificate of Approval of County Commission shall be in form and substance as approved by the County Attorney.
- (3) Subdivider's Completion Bond shall be in form and substance as approved by the County Attorney.

**Section 5.7 Requirements for Final Record Plat**

- (A) The following information shall appear on the record plat:
  1. The government corner, 40 acre corner, or other recorded permanent reference monument, or description and ties to such control point, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
  2. Tract boundary lines, right-of-way lines of streets, easements and other right-of-way and property lines or residential lots or other sites, with accurate dimensions, bearings or deflection angles, and radius, arcs and central angles of all curves.
  3. Name and right-of-way width of each street or other right-of-way.
  4. Location, dimensions and purposes of any easements.
  5. Lots shall be numbered progressively, or if in blocks, progressively numbered in each block, and the blocks progressively lettered.
  6. Location and description of permanent reference monuments.
  7. Names of record owners of adjoining unplatted land.
  8. Reference to recorded subdivision plats of adjoining platted land by record name, plat book and page number.
  9. Title, scale (1" = 100') north arrow, and date.
  10. Area of each non-rectangular lot. This may be on a tabulated sheet

certified by the surveyor.

11. Name of subdivision.
12. All land within the boundaries of the plat must be accounted for either by blocks, lots, parks, streets, alleys or accepted parcels.
13. Required certificates.

(B) Title Opinion:

An opinion of title must be furnished showing ownership and encumbrances if any by:

1. Attorney at Law, or
2. Licensed Title Company

All individuals and/or corporations having any interest in property within the area to be platted must sign appropriate certificate on plat.

**LAND DEVELOPMENT CODE**  
**CHAPTER 6**  
**NATURAL RESOURCE MANAGEMENT**  
**PART I**

**Section 6.1           General Provisions**

**Section 6.1-1 Authority, Purpose, and Intent**

A. This Chapter is adopted pursuant to Chapter 163, Florida Statutes, and pursuant to the adopted Comprehensive Plan of Liberty County, with specific reference to the Conservation Element.

B. The purposes of this Chapter shall be:

1. to protect areas designated in the adopted Comprehensive Plan as being environmentally sensitive through the establishment of appropriate land use and development regulations;
2. to protect significant wildlife habitat and prevent the further net loss of areas essential for the well-being and survival of native and endangered wildlife species;
3. to protect wellfields through the establishment of appropriate land use and development regulations and standards; and
4. to protect historical and archeological resources through appropriate land use and development controls.

C. It is intended that this Chapter be considered to present minimum standards and be interpreted strictly to ensure protection of the public health, safety, and welfare of the inhabitants of Liberty County. It is further intended, however, that this Chapter shall not be applied so strictly as to deny the reasonable and beneficial use of land by property owners within the community.

**Section 6-2           Definitions**

**Environmentally Sensitive Lands** - Lands located within the corporate boundaries of Liberty County which are characterized by one or more of the following:

1. Specific designated areas located within the one-hundred year flood plain of a stream, river, lake, or depression, and possibly including the boundary or shoreline area associated with such floodplain. For the purposes of this Ordinance, the one-hundred year flood plain area shall be as shown on the Flood Insurance Rate Map issued under the National Flood Insurance Program administered by the Federal Emergency Management Agency, and boundary or shoreline areas shall be those areas located within fifty (50) feet of the one-hundred year flood plain.
2. Located within a wetland (connected or isolated) and including wetland fringe areas which are essential for maintaining the hydro-period of the wetland.
3. Located within a known or suspected archaeological site which is eligible for listing on the National Register of Historic Places. For the purposes of this Code, a site will be considered eligible if it is listed on the National Register of Historic Places or if it is included on the Master Site File maintained by the Bureau of Historic Preservation, Florida Secretary of State.

#### **Section 6.2-1 Incorporation by Reference**

A. Unless clearly indicated by the context or unless specifically defined below, all words and terms used in this Chapter shall have the meaning given in Chapter 2 (Definitions).

B. Where appropriate to the context, words and terms defined in the Comprehensive Plan shall have the same definitions herein.

#### **Section 6.2-2 Specific Definitions**

***Adverse Impact*** means any impact which would be counter to the purpose and intent or to the specific provisions of this Chapter. For the purposes of this Chapter, the following are examples of adverse impacts:

1. any significant reduction in the quality of surface water reaching a wetland, a body of water (other than a body of water specifically created to treat runoff), including increases in suspended sediments, pesticide residues, or other pollutants which would

- affect the ability of the wetland or other water body to continue to function in its natural state; OR
2. any significant increase or reduction in the quantity of surface water reaching a wetland or other body of water, such that the increase or reduction would affect the ability of native plant and/or animal species to continue to thrive; OR
  3. introduction of incompatible land uses in close proximity to a Natural Resource Management Area, such that the activities associated with the adjoining land uses would threaten the natural operation of the Natural Resource Management Area.
  4. operation of activities and/or handling of hazardous materials in such a way as to increase the potential for pollution of aquifers supplying potable water; OR
  5. introduction of incompatible land uses and/or structures or disturbance of historically significant structures in such a way as to reduce the cultural, historical, aesthetic, and/or educational value of such structures or of archeological sites.

The nature and extent of what constitutes an "adverse impact" is a function of the nature and extent of the Natural Resource Management Area in question. Generally, all development activities located within five hundred (500) feet of a Natural Resource Management Area shall be reviewed to determine if they create an adverse impact.

## **Section 6.3 Development Review in Resource Management Areas**

### **Section 6.3-1 Applicability to Development; Exceptions**

- A. This Chapter shall apply to any approval of any subdivision plan, any site plan, and/or any final development order for a development
- B. Unless excepted below, the provisions of this Chapter shall also apply to the initiation of construction on any public construction or maintenance after the effective date.
- C. This Chapter shall not be construed to prohibit any activity by Liberty County or other unit of government, undertaken by that unit or on its behalf and under its direction, which activity is undertaken to address an immediate threat to the public health and safety or to protect and maintain operation of public facilities and services in the face of an immediate threat to the continued proper operation of such facilities.

### **Section 6.4-3 Critical Habitats**

A. Habitats for threatened or endangered species shall be protected to ensure the viability of the habitat to support the continued functioning of the species. This shall be done by preserving the habitat itself from change, including reduction in size, destruction of major features or vegetation within the habitat, changes in surface water flow patterns, and/or introduction of pollutants.

**Section 6.4-4 Wellfield Protection**

A. Areas within two hundred (200) feet of a potable water supply well (but not individual private wells) shall be designated as the zone of exclusion. Within such areas, no land development activity shall be permitted.

B. Areas within five hundred (500) feet of a well shall be subject to land use restrictions. Uses which are characterized by hazardous or toxic materials handling or storage (including, but not limited to: landfills, gasoline stations, petroleum storage, and pesticide storage and handling) shall not be permitted. C. When locations for new wells are established, the County Commission shall impose these standards prior to the actual construction of the wells.

**Section 6.4-5 Historic and/or Archaeological Sites.**

A. Where a historic structure or area has been identified on the Natural Resource Management Areas Map, no structure shall be constructed or

B. Archaeological sites which are known or suspected shall be protected. This shall be done by avoiding excavation and disturbance activities in areas known to have sites

**LIBERTY COUNTY, FLORIDA**  
**LAND DEVELOPMENT CODE**  
**CHAPTER 6**  
**PART IA**  
**FLOOD PROTECTION**

Section 6.1 Liberty County shall implement Ordinance 2013-03, Liberty County Floodplain Protection Ordinance.

**LAND DEVELOPMENT CODE**  
**CHAPTER 6**  
**PART IB**  
**STORMWATER MANAGEMENT REGULATIONS**

**Generally: Applicability**

All Developments in the Liberty County for which a County permit or authorization is required are subject to the provisions of this Part, except that single family or two family residential structures and mobile homes shall be subject only to Section 6.IB-2.

**Section 6.IB-2 Submission and Review of Plan**

An applicant for any development for which a County permit or authorization is required shall submit with his application, or at such other time designated by the Development Administrator, a stormwater management plan for the site, subdivision, or other area for which the application is sought. The stormwater management plan shall clearly show the elevations, facilities, detention areas, and other data and features that will allow an analysis of the plan to ascertain its compliance with the following section. The stormwater management plan shall bear the certificate of a registered professional engineer that states that the plan meets all the requirements of this Code.

**Section 6.IB-3 Stormwater Management Plans and Facilities**

Stormwater management facilities shall be designed and constructed for each development that is subject to this Part to accommodate the run-off from a 25 year design storm of 24 hour duration. The detention and retention facilities shall be designed and constructed so that in such a storm the post-development run-off rates are essentially the same as the pre-development run-off would have been from the site. In addition the facilities must be designed and

constructed in a manner that insures compliance with applicable federal, state and regional regulations for drainage and water quality.

**Section 6.IB-4 Protection of Natural Features**

No land use activity within the Liberty County shall be permitted which disrupts, significantly alters, or destroys the functioning of a major natural or preexisting man-made drainage feature or facility. To the extent that such will not impair the overall drainage capability of a site and is otherwise feasible, natural drainage features should be maintained during the development process.

**Section 6.IB-5 Financial Guarantee**

The Board of County Commissioners responsible for final approval of any development plan or permit issued under this Code may require that the applicant submit a bond or other financial guarantee to insure that the development will comply with the provisions of this Part.

## **LAND DEVELOPMENT REGULATIONS**

### **Liberty County, Florida**

#### **CHAPTER 7**

#### **CONCURRENCY**

##### **Section 7.1: Purpose**

The purpose of the Concurrency Management System is to establish the procedures and/or process that Liberty County will utilize to assure that development orders and permits, when issued, will not result in a reduction of the adopted level of service standards at the time that the impact of development occurs. Public facilities and services which must be available concurrent with the impacts of development are roads, sanitary sewer, solid waste, drainage, potable water and recreation.

The system will consist of four primary components: an inventory of existing public facilities for which concurrency is to be determined; an inventory of the applicable LOS standards for each public facility; a concurrency assessment of each application for a final development order or permit; and a schedule of deficiencies. Under this system, no development orders or permits may be issued which will cause a public facility to operate below its adopted level of service standard. However, development orders may be conditioned such that needed public facility improvements will be in place concurrent with the impacts of the proposed development.

In order to ensure that all public facilities included within this system are available concurrent with the impacts of development, concurrency will be determined during the final site plan or final subdivision plan approval process. All development orders and permits will specify any needed improvements and a schedule for their implementation. Thus, while some required improvements may not have to be completed until a certificate of occupancy is applied for, the requirements for the certificate of occupancy will have already been specified as a condition of approval of the original development order. If a development proposal cannot meet the test for concurrency, then it may not proceed under any circumstances and no development orders or permits may be issued. If a development fails to meet a condition of approval once it has commenced, no additional development orders, permits, or certificates of occupancy may be issued.

## **Section 7.2: Vested Projects**

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

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

1. A development permit has been issued on or prior to ~~January 16~~  
September 1992;
2. Development has commenced; and
3. Development is continuing in good faith.

### **Section 7.3: Applicability**

#### **Applicability:**

Prior to the approval of a preliminary site plan which sets specific densities and intensities of development, all applications shall be reviewed for concurrency consistent with the provisions and requirements of this system. Development orders or permits may be issued only upon finding by the County that the public facilities addressed under the Concurrency Management System shall be available concurrent with the impacts of the development.

All applicants for development orders or permits shall be required to provide all information deemed necessary by the County so that the impacts of the proposed development may be accurately assessed. Application forms shall be developed which state the requirements for development orders or permits that reflect the informational needs for the determination of concurrency.

# LAND DEVELOPMENT REGULATIONS

## Liberty County, Florida

### CHAPTER 8

#### SITING REGULATIONS FOR WIRELESS TELECOMMUNICATIONS FACILITIES

##### Section 8.1: Purpose

The purpose of the Liberty County Wireless Telecommunications Facilities Siting regulation is to establish fair and efficient procedures and processes that Liberty County will utilize to assure that placement, construction or modification of Wireless Telecommunications Facilities are consistent with the County's Comprehensive Plan and that development orders and permits, when issued, shall protect environmental resources, ensure land use compatibility and protect the health safety and welfare of the community.

##### Section 8.2: Definitions.

For purposes of this Code, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

1. Accessory Facility or Structure: means a facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, which are located on the same property and are not limited to, power, utility or transmission equipment storage sheds, buildings or cabinets.
2. Applicant: means any Property Owner and/or Wireless service provider submitting an application for a Special Land Use/Conditional Use Permit for a wireless communication facility.
3. Antenna: means any device and/or system of electrical conductors that transmit or receive signals used by wireless signal services. Such shall include, but not be limited to radio, television, cellular, paging, and/or telecommunications services. Private television receiving antennas are not subject to the requirements of this section.
4. Antenna Mount: means any supporting structure used to hold an antenna. This includes Ground Mounted and Structure Mounted facilities.

5. Co-location: means the use of a structure to support antennae for the provision of more than one wireless facility.
6. FAA: means the Federal Aviation Administration.
7. FCC: means the Federal Communications Commission.
8. Special Exception Land Use/Conditional Use Permit: means a Special Exception to the general Land Use Category with site specific conditions, this is a use that would not be appropriate generally or without restriction throughout a land use division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote, the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. Such uses may be permissible in a land use classification or district as a special exception/conditional use if specific provision and/or conditions for such use are made.
9. Wireless Communication Facilities: means a structure, facility or location designed, or intended to be used to support antennas or other transmitting or receiving devices, including antennas, mounts, and associated equipment and any equipment shelters.
10. Wireless Communication Service Provider: A company authorized by the FCC to operate a wireless communication service system, or broadcast in the commercial radio or television bands.

**Section 8.3: Wireless Communication Facilities Application, Review and Permitting.**

1. All Wireless Communication Facilities shall be reviewed and approved as a Special Exception to the general Land Use and a site specific Conditional Use development. In addition, all facilities shall also be subject to all construction and building permitting processes and permits. An Applicant shall submit to the County an original Application along with two (2) hard copies and one (1) electronic copy.
2. Wireless Communication Facilities may be allowed within all Land Use Categories depicted on the Liberty County Future Land Use Map, except Conservation Land Use/Environmental Sensitive areas (wetlands and floodplains). Tower site properties that include wetlands and/or floodplains must comply with the setback requirements in this Code and in the Liberty County Comprehensive Plan.
3. All Applicants for a Special Exception Land Use/Conditional Use Permit for any Wireless Communication Facility or any modification of such facility shall comply with the requirements set forth in this Code. Applicants shall include any and all land owners and any and all Wireless

service providers which own and rent or lease property upon which the Facility is located. The Liberty County Commission is the officially designated agency or body of the County to whom applications must be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting, or revoking permits for Wireless Communications Facilities. The County Commission may at its discretion delegate or designate other official agencies of the County to accept, review , analyze, evaluate and make recommendations to the County Commission with respect to granting or not granting, or revoking permits for Wireless Communications Facilities.

4. All applications for a Special Exception Land Use/Conditional Use Permit for any Wireless Communication Facility or any modification of such facility shall include the following:

- 1) A signed statement by the property owner(s) and the Wireless service providers, which attest to the truth and completeness of the information included, that the Facilities shall be maintained in a safe manner, and in compliance with all conditions of the permit, consistent with all local, state and federal codes, ordinances and regulations.
- 2) Certification that the Wireless service provider(s) and Professional Engineer(s) are authorized to do business in the State and in the County.
- 3) The name, address and contact information for the land owner, service provider and the owner/operator of the facility.
- 4) A Site Plan Map drawn to scale showing all development, property lines, adjacent property, all existing development and types and location of existing structures, including those on adjacent properties, all natural features including wetlands, floodplains, water bodies, roadways and access facilities, with the exact Tower site showing measured distances to all property lines and existing structures.
- 5) The location, size and height of all proposed structures and antennae, including lighting and landscaping and fencing.
- 6) The type, design, frequency, modulation and class of service and co-location capacity, make, model and manufacturer of the Tower(s) and Antenna(s).
- 7) Certification that NIER levels are within FCC thresholds, Certification that the proposed Antenna(s) will not cause interference with other existing facilities, and a copy of the FCC license. Certification that the foundation and structures meet all construction standards, including wind loads.

8) All Applications shall demonstrate that the Facility will be sited so as to be the least visually intrusive reasonable possible. Applications for facilities in developed areas may be required to include a Visual Impact Assessment and hold a “balloon test”.

9) There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues which will help to expedite the review and permitting process.

10) Documentation that demonstrates the need for the Wireless Communications Facility. In the case of a new tower, the Applicant shall include a report demonstrating its meaningful efforts to secure shared use of existing Tower(s) and detail the future possibility of shared use of the proposed facilities.

**Section 8.4: General Standards for all Wireless Communication Facilities.**

1. All Wireless Communication Facilities shall maintain a fall zone of at least 110% of the height of the tower. The tower foundation site, which includes the tower and all accessory facilities that the Service Provider owns, leases or rents, should be large enough to accommodate all construction and the 110% fall zone.

a. If the tower foundation site is not large enough to accommodate the fall zone, then the applicant property owner that provided the site, shall ensure that the fall zone is contained within the property owners land. The application shall include a signed statement from the property owner accepting the location of the tower and responsibility for the fall zone.

b. If the tower foundation site and the applicant property owner’s property is not large enough to accommodate the fall zone, then all adjacent property owners which include land within the fall zone, must provide a signed statement accepting the location of the tower and responsibility for the fall zone.

c. If the fall zone includes any residential structures other than the application property owner’s residential structure, the application shall be denied.

**Section 8.5: Retention of Expert Assistance and Reimbursement by Applicant.**

1) The County may hire any consultant and/or expert necessary to assist the County in reviewing and evaluation the Application(s).

2) An Applicant shall deposit with the County funds sufficient to reimburse the County for all reasonable costs of consultant and expert evaluation and consultation in connection with the review of any Application including the construction and modification of the site, once

permitted. The initial deposit shall be \$3,000.00 and shall be placed in an escrow account for such funds. These funds shall be used to reimburse the costs to the County of the consultant and expert consultation. If at any time during the review and approval process this escrow account has a zero balance, the Applicant shall be notified and be required to replenish the account before any further action or consideration is taken on the Application. Any funds remaining in the escrow account after the permitting process is complete and all consultant fees have been paid, shall be promptly refunded to the Applicant.

**Section 8.6: Application Fee.**

1) At the time that a property owner submits an Application for a Communications Facility for a new Tower site, such person shall pay a non-refundable application fee of \$3,500.00 to the County. If the Application is for co-location on an existing Facility, other suitable structure, where no increase in height of the Tower or structure is required, the non-refundable fee shall be \$2,000.00.

**Section 8.7: Public Hearing and Notification Requirements.**

1) Prior to the approval of any Application for a Special Exception Land Use/Conditional Use Permit for Wireless Communications Facilities, a public hearing shall be held by the County, notice of which shall be published in the official newspaper of the County no less than ten(10) days prior to the scheduled date of the public hearing.

2) Prior to the date of publication of the notice of the public hearing in the newspaper, the County shall notify by certified mail, all property owners within 1500 feet of the proposed Application property site. This notice shall include a map and a description of the Communications Facilities, their location(s) and the time and date of the public hearing.

**Section 8.8: Performance Security.**

The Applicant and the owner of record of any proposed Wireless Communications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the County a bond, or other form of security acceptable to the County as to type of security and the form and manner of execution, in the amount of at least \$75,000.00 and with such sureties as are deemed sufficient by the County to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any Special Use Permit issued pursuant to this Ordinance. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit and/or until any necessary site restoration is completed to restore the site to a

condition comparable to that which existed prior to the issuance of the original Special Use Permit.

**Section 8.9: Annual NIER Certification.**

The holder of the Special Use Permit shall, annually, certify to the County that NIER levels at the site are within the threshold levels adopted by the FCC.

**Section 8.10: Abandonment and Removal.**

- 1) A Wireless Communications Facility is considered abandoned when it is not used for transmission(s) for one hundred eighty (180) consecutive days, at which point the County may require removal of the facility and restoration of the site.
- 2) If a Wireless Communications Facility is determined by the County to be in a state of disrepair such that it creates a health or safety hazard, then the County may require removal of the facility and restoration of the site.