Flagler County
Land Development Code

February 28, 2013 Draft

LAND DEVELOPMENT CODE UPDATE
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CHAPTER 1 GENERAL PROVISIONS

Section 1 Title.

The rules and regulations hereby adopted shall be known and cited as the *Land Development Code of Flagler County, Florida* and may be referred to as "this LDC" or "this Code." Any references elsewhere to "land development regulations" shall be considered to reference this LDC.

Section 2 Purpose and intent.

This LDC is adopted for the purpose of implementing the Flagler County Comprehensive Plan, pursuant to Chapter 163, Florida Statutes. The Board of County Commissioners hereby deems it necessary to adopt this LDC for the purposes set forth in Chapter 163, Florida Statutes, and to promote the public health, safety, and general welfare of the residents and property owners of Flagler County, and to encourage the orderly, harmonious and judicious use of land, consistent with the goals, objectives, and policies of the Flagler County Comprehensive Plan.

Section 3 Generally.

A. In the interpretation and application of this LDC, all provisions shall be liberally construed in favor of the purposes, goals, objectives, and policies of the Flagler County Comprehensive Plan and shall be deemed neither to limit nor repeal any other powers of the County.

B. More specific provisions of this LDC shall take precedence over more general provisions that may be in conflict with the more specific provisions. Where this LDC conflicts with or overlaps other regulations, whichever imposes the more stringent restrictions shall prevail, unless otherwise provided.

C. When reference is made herein to this LDC, statutes, codes, specifications, or other regulations, it is intended that subsequent amendments to such statutes, codes, specifications, or other regulations shall be automatically adopted by reference herein, unless otherwise provided.

D. The identification of certain officials, including the County Administrator, Growth Management Director, County Attorney, or any other department head, director, or County official shall also include the designee of such official.

E. The term "Director" shall mean the Growth Management Director and the term "Department" shall mean the Growth Management Department, unless otherwise indicated by specific reference or as otherwise designated by the County Administrator.

F. The time within which an act is to be done shall be computed by excluding the first day and including the last day as a regular business day.

G. The word "year" shall mean a calendar year, unless otherwise indicated.

H. The word "day" shall mean a regular business day, unless a calendar day is indicated.

I. In the event that any question arises concerning the application of regulations, performance standards, or definitions of this LDC, the Director shall be responsible for interpretation. Responsibility shall be limited to interpreting and applying the standards, regulations, and requirements of this LDC, and such responsibility shall not be construed to include interpretation of any technical codes by reference. Further, responsibility shall not be construed to substitute for any rights or responsibilities specifically assigned to any commission, board, the County Administrator, or official named in other sections of this LDC. All interpretations made shall rely upon the purposes, goals, objectives, and policies of the Flagler County Comprehensive Plan. Interpretations may be formalized, in writing, and in such event, shall be signed by the Director and the County Administrator and be maintained by the Director. Such formal interpretations shall govern development to the same extent as all other rules and regulations in this LDC.

J. The enforcement and interpretation of this LDC shall not be affected by deed restrictions or private restrictive covenants recorded with any deed, plat, or other documents.

Section 4 Abrogation.

It is not the intent of the LDC to interfere with, abrogate, repeal, or annul any existing easements, covenants, restrictions, or other private agreements duly recorded in the public records of Flagler County.

Section 5 Applicability.

No development shall be undertaken which is in conflict with the requirements of this LDC, or which is in conflict with the Flagler County Comprehensive Plan.

A. Exceptions.

1. Building permits. The provisions of this LDC shall not affect the validity of any lawfully issued and effective building permit:

a. The activity authorized by the building permit has been commenced prior to [insert effective date] or will be commenced after [insert effective date], but within six months of the issuance of the permit; and

b. The building activity has been and/or continues in good faith, without interruptions (except because of an act of God, war, natural disaster, or other force majeure), until the development is complete.

B. Development orders. Development activity authorized by lawfully issued and effective development orders (except building permits that are governed by subsection 1.5.A.1. herein), shall be required to meet the requirements of this LDC,

unless the developer has in good faith relied upon the development order which caused the developer to make such a substantial change in position or incur such extensive obligations and expenses that it would be highly unjust and inequitable to enforce a specific provision of this LDC. In such a circumstance, and upon a written finding by the County Administrator, the developer will be excepted from those specific provisions of this LDC for which enforcement would be unjust and inequitable. All other provisions of this LDC shall be enforced. In no event shall a project be permitted to continue that is in conflict with state law, the Flagler County Comprehensive Plan or other County ordinances or regulations in effect when the development order was approved. If the development order expires or is otherwise invalidated, further development shall occur only in conformance with this LDC.

C. Amortization. In instances where development orders have been approved without an expressed expiration date, the approval shall expire upon completion of the authorized development activity or within 10 years from [insert effective date]. The County shall not provide any compensation or remuneration for any such expired approvals; however, time extensions may be considered by the Director on a case-by-case basis after a showing of good cause as to why an approval or authorization shall not expire and be extended.

Section 6 Consistency.

Nothing in this Chapter shall be construed to authorize development that is inconsistent with the Flagler County Comprehensive Plan.

Section 7 Effective date.

This LDC shall become effective as of [insert effective date].

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CHAPTER 2 CONCURRENCY

Section 1 Purpose and intent.

A. The purpose of this Chapter is to implement the Flagler County Comprehensive Plan and to ensure that:

1. the necessary public facilities and services are available concurrent with the impacts of development;

2. development orders are issued in a manner which will not result in a reduction in the level of service below the adopted level of service standards contained in the Comprehensive Plan; and

3. to adhere to and implement the five-year schedule of capital improvements in the Comprehensive Plan as necessary to maintain the level of service standards in this LDC.

B. These regulations are intended to serve the long term interests of the citizens of Flagler County by implementing a managed growth perspective that monitors the capacity of important public facilities and services and maintains the high quality of life that the citizens of Flagler County now enjoy. The system does not, however, serve as a guarantee to any person or property owner that a particular level of service or amount of capacity currently exists or will exist in the future on a particular public facility at any given point in time.

Section 2 Concurrency management system.

Flagler County hereby adopts and implements a Concurrency Management System (CMS) consistent with the requirements established in Chapter 163, Florida Statutes, the Flagler County Comprehensive Plan, and all other applicable rules and regulations.

Section 3 Applicability.

No development orders shall be issued unless in compliance with the level of service standards adopted by the Flagler County Comprehensive Plan, and the requirements of this Chapter.

Section 4 Burden.

The burden of showing compliance with the requirements of this Chapter shall be upon the applicant.

Section 5 Preliminary development orders.

An initial determination of concurrency shall occur during the review of any preliminary development order application. For purposes of this Chapter, a preliminary development order includes a rezoning, a special exception approval, a preliminary subdivision plan, a preliminary site development plan, and a PUD master development plan.

A. Upon a showing of compliance and that available capacity exists, applicants for preliminary development orders may either reserve capacity or elect to defer capacity.

B. Where available capacity does not exist, approval may be conditionally granted for the preliminary development order with the stipulation that no final development order may be issued for any portion of the proposed development unless sufficient capacity is available consistent with this Chapter.

Section 6 Reservation of capacity.

A. If available capacity is determined to exist, an applicant for a preliminary development order may elect to reserve capacity for all public facilities, except for public schools, concurrent with the approval of the preliminary development order, for a maximum period of one year. The intent to reserve capacity must be submitted to the Department in writing prior to the approval of the preliminary development order. The applicant may request reservation of public facility capacity for only a discrete phase of the preliminary development order, or for all phases. In order to reserve capacity for a preliminary development order or discrete phase thereof, the applicant shall pay the required reservation fee within 30 days after approval of the preliminary development order. The approval of the reservation of the capacity for the preliminary development order is conditioned upon the payment of the fees in full by the time specified. There shall be no extension of time to submit the required fees. The effect of non-payment of the fees is that there will be no reservation of capacity.

B. Should more than one project submit a letter of intent to reserve the same capacity, the first payment received will be awarded the interim reservation. If the project submitting the first letter fails to comply with the criteria set forth herein, the interim capacity reservation shall expire and be awarded to the project whose letter was submitted immediately subsequent to the first letter. The second project shall have a maximum of 14 days following the expiration of the first project's interim capacity reservation to submit the capacity reservation fee to the County.

C. To maintain a valid reservation of capacity, preliminary development orders must remain in compliance with the terms and conditions of the order.

Section 7 Final development orders.

A final determination of concurrency shall occur during the review of any final development order applications. For purposes of this Chapter, a final development order includes a final subdivision plat, construction plans, or any other development order which results in an immediate and continuing impact on public facilities.

A. Upon a showing of compliance and that available capacity exists, the County shall reserve capacity for all public facilities concurrently with the approval of the final development order. If the development governed by the final development order

will not be completed within ten years, a development agreement shall be required. In all other cases, in order to have capacity reserved for a final development order, the applicant shall:

1. Complete construction authorized by the final development order within the timeframe authorized by the order or as otherwise established in this LDC, or agree to a binding timetable of development for the project, as a condition of development order approval, which shows development activity in each year following the anniversary date of the approval. The timetable of development must include dates for individual or phased construction commencement and build out.

2. If in the case of construction plans for a subdivision, it is determined that only partial capacity exists and the site engineering does not allow conformance of the development to the specifics of the available capacity, a phase of the construction plans may be conditionally approved based upon sound engineering practices, with the stipulation that only the number of building sites that conform to the available capacity may be approved in the final subdivision plat until such time as adequate capacity exists for the remaining building sites.

B. To maintain a valid reservation of capacity, the final development order must comply with the terms and conditions of the final development order and the agreed upon timetable of development.

C. If the application fails to demonstrate compliance with this Chapter and sufficient capacity is determined to be unavailable, the applicant may propose one of the following mechanisms to resolve the lack of available capacity:

1. amend the application to reduce the need of public facilities to correspond to the amount of capacity that is available;

2. arrange to provide for public facilities at the cost of the applicant that are not otherwise available or provide acceptable means for mitigating the impacts of the development;

3. re-apply for capacity approval at a later date;

4. withdraw the project and wait for sufficient capacity to become available;

5. submit an alternate study by a registered professional engineer rebutting the County's data and analysis; or

6. enter into an equitable concurrency deficiency agreement, developer agreement, or proportionate fair share agreement pursuant to Chapter 163, Florida Statutes, to address the funding or capacity improvements necessary to provide sufficient capacity for the proposed development.

a. The County encourages the provision of multimodal transportation facilities, including but not limited to the provision of transit bays and shelters and multi-use trails, and where feasible will credit the cost of provision of these facilities toward proportionate fair share costs.

D. Except where specific terms of the development order state otherwise, all legally issued and effective final development orders approved prior to [insert effective date], shall be deemed to be approved final development orders for purposes of concurrency, provided that the development order remains valid and in effect and the applicant remains in compliance with all terms and conditions associated with the approval.

Section 8 Administrative process.

A. Concurrency review will take place on all preliminary and final development orders.

B. All applications for preliminary or final development orders must include a request for either a concurrency exemption and/or concurrency evaluation with supporting documentation, in the format required by the Department.

C. The Department shall compare the application to the standards provided in this Chapter for an exemption or evaluation, as appropriate, and shall render a determination of capacity availability in compliance with the provisions of this Chapter.

Section 9 Comprehensive plan amendments.

Although a Comprehensive Plan amendment is not a preliminary or final development order for purposes of this Chapter, for each amendment application, a report shall be prepared by the Department indicating the existing and potential impacts of the proposed amendment on the levels of service adopted in the Flagler County Comprehensive Plan and implemented through this Chapter.

Section 10 Exemptions.

The following are exempted from this Chapter:

A. Minimum threshold. Residential projects which would result in the creation of one new additional single family dwelling, or a commercial, institutional, or industrial expansion which is estimated to generate less than 100 vehicle trips per day as cited in the most current edition of the ITE Trip Generation Manual and which create one equivalent residential unit of utility demand or less. This shall include the construction of accessory buildings and structures which do not create additional public facility demand.

B. Development which has been deemed vested pursuant to the terms of this LDC.

C. Construction of public facilities that are identified in the Capital Improvements Element (CIE) of the Comprehensive Plan, together with those public facilities which have been included within the Future Land Use Element of the Comprehensive Plan.

D. An alteration of an approved development otherwise exempt under this Chapter which does not create additional impact on public facilities.

E. The replacement of an existing dwelling unit when no additional units are created.

F. Room additions to existing dwelling units.

G. Sign construction.

H. All maintenance activities which do not require issuance of a development order.

I. Approved private facilities which meet public facilities needs as identified in the Comprehensive Plan.

J. A preliminary development order of an approved Development of Regional Impact (DRI) phase, where the traffic modeling results approved by the County demonstrate that any significant and adverse impacts of the DRI phase have been mitigated consistent with this Chapter.

Section 11 Determination of available capacity.

For purposes of this Chapter, the available capacity of public facilities shall be determined by:

A. Adding together the following:

1. The total capacity of existing facilities operating at the required level of service; and

2. The total capacity of new facilities, if any, that will become available on or before the date of occupancy of the development. The capacity of new facilities may be counted only if one or more of the following is shown:

a. for roads, the necessary facilities are either:

(1) included within the 5 year Capital Improvement Program consistent with Policy A.7.3.4; or

(2) in place or scheduled to be under construction within three years of County approval of a building permit or its functional equivalent consistent with Policy B.1.1.3; or

(3) in place or under construction consistent with Policy J.1.1.7 of the Flagler County Comprehensive Plan.

b. for parks and recreation, the necessary facilities and services are either:

(1) subject to a binding executed contract or enforceable development agreement consistent with Policy A.7.3.3; or

(2) in place or under construction consistent with Policy J.1.1.7 of the Flagler County Comprehensive Plan.

c. for potable water, wastewater, solid waste, and drainage, the necessary facilities and services are either:

(1) in place, conditioned to be in place when impacts occur, under construction, or guaranteed through an enforceable development agreement consistent with Policy A.7.3.2; or

(2) in place and available no later than the issuance of a certificate of occupancy or equivalent consistent with Policy J.1.1.7 of the Flagler County Comprehensive Plan.

B. Subtracting from the sum of subsection 2.11.A., the sum of the following:

1. the demand for the service or facility created by existing development as documented in the Flagler County Comprehensive Plan; and

2. the demand for the service or facility created by the anticipated completion of other approved developments, redevelopment, or other development activities determined to be vested in the Flagler County Concurrency Management System.

C. Remainder. If the net amount remaining following subtracting 2.11.B. from 2.11.A. above is positive, then there is no deficiency in capacity and any associated development may proceed as proposed. If, however, the difference after subtracting 2.11.B. from 2.11.A. above is negative, then the development may not proceed until the deficiency is remedied through construction or programmed for completion prior to the demand associated with the proposed development.

D. For schools, the necessary facilities and services are either in place or under construction consistent with Policy K.2.2.5 of the Flagler County Comprehensive Plan and the Interlocal Agreement for Public School Facility Planning.

Section 12 Determination of project impact – traffic.

A. The area of impact of the proposed development activity on available capacity shall be determined as follows:

1. The area of impact of the development shall be that area where the primary impact of the traffic to and from the site occurs.

2. For the purposes of determining a project's impact on the level of service for roads, the radii shown in Table 2-1 shall be utilized by land use type.

   a. The applicant shall provide a trip analysis for all projects up to 500 trips, where trips are counted based on annual average daily traffic (AADT). The projected level of service for roads within the traffic impact area shall be calculated by the applicant based upon estimated trips to be generated by the project utilizing the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. Where the development will have access to more than one road, the calculations shall show the split in generated traffic and state the assumptions used in the assignment of traffic to each facility.

   b. Where the number of trips exceeds 500 trips AADT, the applicant shall provide, in a form acceptable to the Director, technical modeling information in sufficient detail so as to ascertain the traffic impacts of the proposed project.

Table 2-1 – Traffic Impact Study Radii

	Average Trip Length (Miles)	Radius (in miles)				
		Over 1,000 Units	*500—1,000 Units*	*250—499 Units*	*0—249 Units*	
Residential	6—8	4	3	2	1	
Hotel/motel	2—3	3	2	1	.5	
		Over 200,000 GFA	*1,000,000—199,000*	*0—99,000*		
Office	5—6	3	2	1		
		Over 400,000 GFA	*200,000—399,000*	*100,000—199,000*	*50,000—99,000*	*0—49,000*
Shopping Center	1—5	3	2	1.5	1	.5
		All Sizes				
Quality/sit-down restaurant	1—1.5	.5				
Fast food	0.5—1	.5				
Convenience store	0.5—1	.5				
Drive-in bank	1.5—2	.5				
Day care center	1.5—2	.5				

Table 2-1 – Traffic Impact Study Radii						
	Average Trip Length (Miles)	Radius (in miles)				
Building materials	3.4	1.5				
		Over 1,000,000 GFA	*500,000—1,000,000*	*250,000—499,000*	*0—250,000*	
Industrial/manufacturing	6—8	4	3	2	1	

B. For purposes of determining project impact, the adopted Level of Service (LOS) standard on all current Strategic Intermodal System (SIS) facilities shall be consistent with the LOS standards established by the Florida Department of Transportation.

Section 13 Concurrency management system annual report.

A. Contents. Department staff shall prepare an annual report by January 31st of each year for the immediately preceding year that includes:

1. A summary of the actual development activity, including a summary of certificates of occupancy, indicating quantity of development represented by type and square footage.

2. A summary of building permit activity, indicating:

   a. those that expired without commencing construction;

   b. those that are active at the time of the report;

   c. the quantity of development represented by the outstanding building permits;

   d. those that result from final development orders issued prior to the adoption of this LDC; and

   e. those that result from final development orders issued pursuant to the requirements of this LDC.

3. A summary of preliminary development orders issued, indicating:

   a. those that expired without subsequent final development orders;

   b. those that are valid at the time of the report; and

c. the phases and quantity of development represented by the outstanding preliminary development orders.

4. A summary of final development orders issued, indicating:

a. those that expired without subsequent building permits;

b. those that were completed during the reporting period;

c. those that are valid at the time of the report but do have associated building permits or construction activity; and

d. the phases and quantity of development represented by the outstanding final development orders.

5. An evaluation of each facility and service indicating:

a. the capacity available for each at the beginning of the reporting period and the end of the reporting period;

b. the portion of the available capacity held for valid preliminary and final development orders;

c. a comparison of the actual capacity to calculated capacity resulting from approved preliminary development orders and final development orders;

d. a comparison of the actual capacity and levels of service to adopted levels of service from the County Comprehensive Plan; and

e. a forecast of the capacity for each based upon the most recently updated schedule of capital improvements in the County's Capital Improvements Element.

B. Use of the annual report. The concurrency management system annual report shall constitute prima facie evidence of the capacity and levels of service of public facilities for the purpose of issuing development orders during the 12 months following completion of the annual report.

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CHAPTER 3 DEVELOPMENT REVIEW AUTHORITIES

Section 1 Purpose and intent.

The purpose and intent of this Chapter is to establish the entities which will administer the provisions of this LDC, in conjunction with County staff, under the authority prescribed in this LDC and Florida law, and to provide the legal framework for these entities to review development activities within Flagler County.

Section 2 Planning and Development Board.

A. Membership and officers.

1. The Planning and Development Board shall have seven members appointed by the Board of County Commissioners meeting the following requirements in addition to any other overall County requirements:

a. Each member shall be registered to vote in Flagler County.

b. Each member shall be a full-time permanent resident of unincorporated Flagler County.

c. Members shall be selected from the following areas specifically. The areas are:

(1) Four members selected from east of U.S. Highway 1.

(2) Three members selected from west of U.S. Highway 1.

d. The Board of County Commissioners may waive the registered voter, full-time permanent residency, and/or geographic area representation limits as listed herein, through a super-majority vote.

e. The Board of County Commissioners shall attempt to include applicants selected from each of the following fields/professions:

(1) an architect, landscape architect, or urban planner;

(2) a neighborhood or environmental activist;

(3) an agricultural interest (e.g., farmer, timber/sod, cattle);

(4) a person engaged in real estate sales or development;

(5) a businessperson or an attorney; and

(6) an engineer or botanist, biologist, or geologist or similar geoscience professional.

2. Each member of the Planning and Development Board shall not, by direct employment or otherwise, derive a substantial portion of their income from matters related to actions which come before the Planning and Development Board and all members shall comply with all applicable provisions of Chapter 112, F.S.

3. Members may be removed without notice and without assignment of cause by a majority vote of the Board of County Commissioners.

4. The members of the Planning and Development Board shall annually elect a Chair and Vice-Chair from among the members and may create and fill other offices as the Board deems needed.

5. The County Administrator shall appoint a County employee to serve as secretary of the Planning and Development Board, who shall serve as the recorder and custodian of all Board records.

6. Members shall not be compensated, but may be paid for travel and other expenses incurred on Board business under procedures prescribed in advance by the Board of County Commissioners.

7. The Board of County Commissioners may appropriate funds to permit the Planning and Development Board to perform its prescribed functions.

8. If any Board member fails to attend three successive – or six in any calendar year – meetings or workshops that have been noticed, the secretary of the Planning and Development Board shall notify the County Administrator, who may at his discretion determine that the seat has been vacated and solicit applications of qualified individuals to fill the vacant position, to be appointed by the Board of County Commissioners.

B. General functions, powers, and duties.

1. The Board of County Commissioners shall serve as the Land Development Regulation Commission and Local Planning Agency pursuant to Chapter 163, F.S. The Planning and Development Board shall provide recommendations to the Board of County Commissioners, as requested, when required, or as otherwise provided for herein, to assist the Board of County Commissioners in this role.

2. The Planning and Development Board shall review and act upon applications for development review pursuant to this LDC and any other applicable ordinances or address any other matters as directed by the Board of County Commissioners, this LDC, and any other applicable ordinances.

3. The Planning and Development Board may keep the Board of County Commissioners and the general public informed and advised on the land use

policies of the County through their regular meetings and ad hoc scheduled workshops. Individual Board members are not authorized to represent the County when not in a properly convened meeting, except when expressly authorized in writing by the County Administrator.

4. The Planning and Development Board shall review redevelopment plans prepared under Part III of Chapter 163, F.S.

5. The Planning and Development Board shall perform other lawfully assigned duties.

C. Procedures.

1. Unless otherwise specified in this LDC, the Planning and Development Board shall adhere to the Board of County Commissioners' Rules of Procedure, including but not limited to, the Rules of Order and Debate. Alternatively, the Planning and Development Board may adopt rules of procedure to carry out its purposes. All such rules must conform to this LDC, other County ordinances, regulations, and State law.

2. The Planning and Development Board shall meet at least once each calendar month, unless the Growth Management Director determines there are no matters pending which require the Board's review, or unless cancelled by the Board or its Chair.

3. The Planning and Development Board shall keep minutes of its proceedings, indicating the attendance of each member, and the motion and vote of every question.

4. Four members shall constitute a quorum.

5. Each decision of the Planning and Development Board must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.

6. The Planning and Development Board is subject to and governed by the Open Records and Sunshine Laws of the State of Florida.

Section 3 Technical staff review (TSR).

A. Applications for development and other items included in this LDC shall be reviewed by the appropriate County staff for compliance with the standards and requirements established herein. Unless otherwise set forth in this LDC, the County Administrator, in consultation with the Director, shall identify the staff and procedure to be followed. The general purpose of staff review shall be to provide assistance to applicants, to ensure that applications proceed in compliance with all applicable rules and regulations, and to assist the Director with the development of any

conditions and requirements as are necessary for the protection of the health, safety, comfort, convenience, and welfare of the general public.

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CHAPTER 4 DEVELOPMENT APPLICATION REVIEW PROCESS AND PROCEDURES

Section 1 Purpose and intent.

The purpose and intent of this Chapter is to provide the procedures and general standards for review of development, development activity, and other applications that are submitted for review under this LDC.

Section 2 Pre-application conference.

Applicants are encouraged to request a pre-application conference with the Director and County staff prior to submitting an application in order to review application procedures, requirements and the proposed development. The following information shall be provided as part of the pre-application meeting request: the tax parcel number and physical address; contact information, including name, telephone number, and e-mail address; and a general location and description of proposed activities or inquiry. The failure of County staff at the pre-application conference to identify any required permit or procedures, or issues, shall not relieve the applicant from such requirements.

Section 3 Applications.

A. Minimum application requirements. Application for any development activity governed by this LDC shall be in made in writing on forms approved by the Director and shall be filed with the Director. The following basic material shall be submitted with each application for an approval that is governed by this LDC:

1. survey map or drawing sketch of the parcel where the development activity is proposed, drawn to scale, including a north arrow and graphic scale showing:

    a. parcel boundaries with dimensions;

    b. locations of all proposed improvements with approximate dimensions, all property lines to the proposed structure or development activity and showing all proposed improvements including but not limited to access, structures, and utilities, including septic system and wells, if applicable;

    c. locations of all existing improvements; and

    d. locations of all existing and proposed easements;

2. tax parcel number and physical address;

3. applicant's contact information, including name, telephone number, and e-mail address;

4. statement of how the development proposal is consistent with the Comprehensive Plan;

5. statement of how the development proposal is consistent with the applicable standards and criteria of this LDC;

6. warranty deed, or other instrument that vests title to the property with the owner, or such other information as may be required by the Department, including owner's authorization, power of attorney, or agent designation when the record owner is not the applicant; and

7. fees, as established by resolution of the Board of County Commissioners.

B. Additional application requirements. The following additional information shall be submitted if required by this LDC or if in the discretion of the Director , such additional information is necessary in order to fully evaluate the application and the impacts of the proposed development activity:

1. documentation or professional studies for tree survey, landscape plan, public school impact, sign plan, solid waste disposal and recycling, stormwater management, erosion and sedimentation control, traffic impacts, water and sewer utilities, environmental monitoring plan, pollution prevention plan, and similar information as may be required by the Department based on the application request;

2. development plans, including identification on the development plans of all ADA accessible routes;

3. phasing plan, if applicable;

4. boundary survey of the entire property meeting the technical standards of Florida Administrative Code Rule 5J-17.050 through 5J-17.052, with field work completed within two years of the application date and containing a legal description and the total acreage calculated to one-tenth of an acre, if applicable;

5. architectural elevations, if applicable;

6. market study, if applicable;

7. fiscal impacts including the timing of any needed infrastructure improvements or new facilities, if applicable;

8. employment study, if applicable; and

9. an evaluation of the impacts of proposed Comprehensive Plan or LDC amendments on the initial cost of housing, the long-term cost of home ownership and the fiscal impacts to the County and the County's tax payers.

C. Authorization. Applications shall only be accepted if signed and submitted by any of the following:

1. owners of the property that is the subject to the application;

2. lessees of property subject to a development application, with the notarized written permission of the property owner;

3. the agents of a property owner or lessee, with the notarized written permission of the property owner; or

4. persons who have contracted to purchase property contingent upon receiving the necessary approval under this LDC, or the agents of such persons, with the notarized written permission of the property owner.

The Director may require an applicant to present evidence of authority to submit the application whenever there appears to be a reasonable basis for questioning this authority.

D. Additional requirements. Additional minimum application submittal requirements shall be determined by the Director based on the type of application and nature of the development activity being requested.

E. Authority to access the property. Owners of property shall make available to County staff a means of reasonable access to the property for which an application has been submitted.

F. Revised applications. Any substantial applicant-initiated revisions shall require payment of additional fees. The Director shall determine if a proposed revision is to be deemed substantial in consideration of factors that include, but are not limited to:

1. increase or decrease in land area included within an application;

2. change in uses;

3. change in the density or intensity of a project;

4. modification of proposed development plan, such as a change in vehicular access, change in building location, or change in dwelling unit type;

5. reduction or relocation of proposed buffers, landscaping, open space, or conservation areas; and

6. change or elimination of conditions included as part of a prior development application approval.

G. Burden. For all applications required by this LDC, the applicant shall have the burden of presenting evidence demonstrating that the request is consistent with the Flagler County Comprehensive Plan, and that it complies with the requirement of this LDC and all other applicable rules and regulations.

Section 4 Application completeness and sufficiency.

Applications will be checked for completeness at the time of submittal. An application shall be deemed complete and sufficient when it contains all required information and documents. Once an application has been deemed to be complete and sufficient, staff shall then review the application. If the application is found to be incomplete or insufficient, the applicant shall be notified.

Section 5 Public notice requirements.

Public notice requirements shall be established by the Board of County Commissioners by resolution.

Section 6 Development application review process and procedures.

A. Comprehensive Plan amendments.

1. Pre-application conference. Pre-application conferences with the TSR are optional, but encouraged and intended to provide an opportunity for potential applicants to obtain information regarding the proper land use classifications, to ensure compliance with this LDC and applicable laws, and to avoid unnecessary petitioning for Plan amendments.

2. Process. Plan amendment applications shall be processed as either a small scale amendment, or a large scale amendment, in accordance with the requirements of Chapter 163, F.S., and shall be processed in conformance therewith.

3. Technical Staff Review. The TSR will evaluate the proposed amendment for compliance and consistency with the Flagler County Comprehensive Plan and this LDC. The review shall include all standards and criteria of Chapter 163, F.S., and all other applicable laws. The Director shall compile a report including the TSR review comments and shall provide a recommendation and supporting analysis to the Planning and Development Board and the Board of County Commissioners.

4. Planning and Development Board review. At a duly noticed public hearing, the Planning and Development Board shall review Plan amendments, together with the Director's report and recommendation, supporting data and analysis, and any additional evidence and testimony, and shall take action to recommend to the Board of County Commissioners the approval, approval subject to modifications, or denial of the Plan amendment application.

5. Board of County Commissioners' review.

a. Transmittal hearing (large scale and text amendments). At a duly noticed public hearing, the Board of County Commissioners shall review Plan amendments, together with the Director's report and recommendation, supporting data and analysis, the Planning and Development Board recommendation, and any other additional evidence and testimony, and shall take action regarding whether to transmit the Plan amendment and supporting data and analysis. If action is taken to transmit, the transmittal process shall be initiated in accordance with the procedures set forth in Chapter 163, F.S.

b. Adoption hearing. At a duly noticed public hearing, the Board of County Commissioners shall review Plan amendments, together with the Director's report and recommendation, supporting data and analysis, the Objections, Recommendations, and Comments (ORC) Report issued by the State Land Planning Agency and the Department's responses and recommendations thereto, if applicable, the Planning and Development Board recommendation, and any other additional evidence and testimony, and shall take action to adopt, adopt with changes, or to deny the Plan amendment application.

B. Land Development Code amendments.

1. Initiation. An application to amend the text of this LDC may be initiated by:

a. the Board of County Commissioners; or

b. the County Administrator.

2. Technical Staff Review. The TSR will evaluate the proposed LDC amendment for compliance and consistency with the Flagler County Comprehensive Plan and this LDC. The review shall include all standards and criteria of Chapter 163, F.S., and all other applicable laws. The Director shall compile a report including the TSR comments and shall provide a recommendation and supporting analysis to the Planning and Development Board and the Board of County Commissioners.

3. Planning and Development Board review. At a duly noticed public hearing, the Planning and Development Board shall review the LDC amendments, together with the Director's report and recommendation, supporting data and analysis, and any additional evidence and testimony, and shall take action to recommend to the Board of County Commissioners the approval, approval subject to modifications, or denial of the LDC amendment application. In reviewing the proposed LDC amendment application, the following criteria may be considered, along with such other matters as may be appropriate to the particular request:

a. the need and justification for the change;

b. the consistency of the proposed text amendment with the Comprehensive Plan; and

c. whether the proposed change shall further the purposes of the Flagler County Comprehensive Plan, this LDC and other County codes, regulations.

4. Preemption of Planning and Development Board review. If the County Administrator determines that a proposed LDC amendment is critical and necessary for immediate implementation, the Planning and Development Board review may be preempted provided, however, that as part of the staff briefing of the proposed amendment for action by the Board of County Commissioners that staff also states that Planning and Development Board review has been preempted and includes the grounds for such preemption.

a. If the Board of County Commissioners concurs with the preemption, then the proposed LDC amendment shall proceed as provided in subsection 4.6.B.5. below.

b. If the Board of County Commissioners disagrees with the preemption, then the proposed LDC amendment shall proceed as provided in subsection 4.6.B.3. preceding.

5. Board of County Commissioners' review. At a duly noticed public hearing, the Board shall review the LDC amendments, together with the Director's report and recommendation, supporting data and analysis, the Planning and Development Board recommendation, and any other additional evidence and testimony, and shall take action to adopt, adopt with changes, or to deny the LDC amendments.

C. Zoning amendments.

1. Initiation. An application for a zoning amendment, also referred to as a rezoning, may be initiated by:

a. the Board of County Commissioners;

b. the County Administrator; or

c. any other person or applicant (however, no person or applicant may apply for a rezoning amendment for property for which he or she does not hold title).

2. Pre-application conference. For applications initiated by a non-governmental entity, pre-application conferences with the TSR are required

for potential applicants in order to obtain information regarding the proper zoning classifications, and to ensure compliance with this LDC and applicable laws.

3. Technical Staff Review. The TSR will evaluate the proposed zoning amendment for compliance and consistency with the Flagler County Comprehensive Plan and this LDC. The review shall include all standards and criteria of Chapter 163, F.S., and all other applicable laws. The Director shall compile a report including the TSR review comments and shall provide a recommendation and supporting analysis to the Planning and Development Board and the Board of County Commissioners.

4. Planning and Development Board Review. At a duly noticed public hearing, the Planning and Development Board shall review the zoning amendment, together with the Director's report and recommendation, supporting data and analysis, and any additional evidence and testimony, and shall take action to recommend to the Board of County Commissioners the approval, approval subject to modifications, or denial of the zoning amendment application. In reviewing the proposed zoning amendment application, the following criteria may be considered, along with such other matters as may be appropriate to the particular request:

   a. whether the proposed zoning amendment is consistent with the Flagler County Comprehensive Plan and this LDC;

   b. whether the proposed zoning amendment is compatible with the present zoning pattern and conforming uses of nearby property and the character of the surrounding area;

   c. whether the proposed zoning amendment results in logical and orderly development patterns;

   d. whether the affected property is suitable for the uses that are permitted by the proposed zoning districts;

   e. whether the affected property has adequate ingress and egress to support the potential uses in the proposed zoning district; and

   f. whether the proposed zoning amendment adversely affects health, safety, and welfare.

5. Board of County Commissioners' review. At a duly noticed public hearing, the Board of County Commissioners shall review the zoning amendment application subject to the criteria set forth above, together with the Director's report and recommendation, supporting data and analysis, the Planning and Development Board recommendation, and any other additional evidence and testimony, and shall take action to adopt or to deny the application. The Board may approve a zoning application subject to

such conditions and safeguards as it may deem necessary to protect the public health, safety, and welfare, in conformity with this LDC and to ensure compliance with the intent and purposes of the Flagler County Comprehensive Plan.

6. Limitations on zoning amendment applications.

a. If the Board of County Commissioners denies an application to amend the zoning of a property, the applicant shall not resubmit an application to rezone any part or all of the same property to the same or any more intensive category for a period of 12 months from the date the initial application for zoning amendment is denied; however, this 12 month tolling period can be waived by super-majority vote of the Board of County Commissioners.

b. An applicant may voluntarily withdraw an application prior to denial by the Board of County Commissioners and submit a request for a rezoning to a district of lesser density or intensity. If an application is voluntarily withdrawn, the new request will be considered as a new application subject to the submittal and review requirements herein, but shall not be subject to the 12 month tolling period.

D. Special exceptions. A special exception is a use that would not be appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location, intensity, or relation to the neighborhood, would not be detrimental to the public health, safety, or general welfare. The uses that may potentially be allowed by special exception are listed in the regulations for each zoning district.

1. Pre-application conference. Pre-application conferences with the TSR are required for potential applicants in order to obtain information regarding the proper procedures, and to ensure compliance with this LDC and applicable laws.

2. Technical Staff Review. The TSR will evaluate the proposed special exception application for compliance and consistency with the Flagler County Comprehensive Plan and this LDC. The review shall include all standards and criteria of this LDC and all other applicable laws. The Director shall compile a report including the TSR comments and shall provide a recommendation and supporting analysis to the Planning and Development Board.

3. Planning and Development Board hearing. At a duly noticed public hearing, the Planning and Development Board shall review the special exception application, together with the Director's report and recommendation, supporting data and analysis, and any additional evidence and testimony, and shall take action to approve, approve subject to modifications, or deny the special exception application. The Planning and Development Board shall, as part of a decision to approve an application for special exception,

make an affirmative finding that the application complies with both the general criteria and the specific review factors listed below:

a. the proposed use is consistent with the Comprehensive Plan and this LDC;

b. the proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;

c. the proposed use shall not adversely affect the health, safety, and welfare of the public; and

d. satisfactory provisions and arrangements have been made concerning the following matters, where applicable:

(1) ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

(2) off-street parking and loading areas where required, with particular attention to item (1) above;

(3) the noise, glare, odor, or vibration effects of the special exception on surrounding properties;

(4) refuse and service areas, with particular reference to location, screening and items (1) and (2);

(5) utilities, with reference to location and availability;

(6) screening and buffering with reference to type, dimensions, and character;

(7) signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and compatibility with surrounding properties;

(8) required yards and other open space;

(9) general compatibility with surrounding properties; and

(10) any special requirements set forth in this LDC for the particular use involved.

e. Conditions and safeguards. In granting any special exception application, the Planning and Development Board may prescribe appropriate conditions and safeguards in order to protect public

health, safety, and welfare, in conformity with this LDC and to ensure compliance with the intent and purposes of the Flagler County Comprehensive Plan.

f. Time frame and duration. In granting any special exception, the Planning and Development Board may, as part of the conditions and safeguards in subsection 4.6.D.4.e., prescribe a time frame for initiation of the special exception use and/or a duration for the special exception to operate, together with an expiration date or a requirement for subsequent reapplication for the special exception. Unless otherwise specified or exempted, an approved special exception must be initiated within one year of approval and will have a duration of not more than five years.

g. Transferability and assignment. Unless otherwise prescribed by the Planning and Development Board in granting any special exception application, a special exception may not be transferred to another parcel or assigned to a subsequent owner.

4. Minor and major amendments to an approved special exception application.

a. Minor amendments. The Director may approve minor changes to an approved special exception application, when such changes will not cause an expansion to the existing use, an expansion to the land area covered by the approved application, or additional impacts to surrounding properties, natural resources, or public infrastructure.

b. Major amendments. All other changes or amendments that are not deemed to be a minor amendment by the Director shall require a full review as for a new application for a special exception.

5. Site development plan. Upon approval of an application for a special exception by the Planning and Development Board, the applicant shall comply with the site development plan requirements set forth in subsection 4.6.H. Applications for preliminary site development plan approval may be processed concurrently with the special exception application.

E. Variances. A variance from the requirements of this LDC may be granted when it is found to be in harmony with the general purpose of these regulations, and where special conditions applicable to the property in question would make the strict enforcement of the regulations impractical and result in a hardship in making reasonable use of the property.

1. Pre-application conference. Pre-application conferences with the TSR are required for potential applicants in order to obtain information regarding the proper procedures, and to ensure compliance with this LDC and applicable laws.

2. Technical Staff Review. The TSR will evaluate the proposed variance application for compliance and consistency with the Flagler County Comprehensive Plan and this LDC. The review shall include all standards and criteria of this LDC and all other applicable laws. The Director shall compile a report including the TSR comments and shall provide a recommendation and supporting analysis to the Planning and Development Board.

3. Planning and Development Board hearing. At a duly noticed public hearing, the Planning and Development Board shall review the variance application, together with the Director's report and recommendation, supporting data and analysis, and any additional evidence and testimony, and shall take action to approve, approve subject to modifications, or deny the variance. Variances may be granted upon a written finding based on competent, substantial evidence, that:

   a. there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship;

   b. such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and

   c. the variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this Chapter;

   d. the variance, if granted, would not allow for a use of land or building that is not permitted by this Chapter;

   e. literal interpretation of the provisions of regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this LDC and would impose an unnecessary and undue hardship on the applicant; or

   f. the variance is in harmony with the purpose of this LDC and the comprehensive plan, and is not injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare.

   Minimum variance. The variance, if granted, is the minimum variance that shall make possible the reasonable use of the land, building or structure.

   [Or alternative language:]

3. Planning and Development Board hearing. The Planning and Development Board shall not grant a variance to any provision of the LDC unless it makes

a positive finding, based on substantial competent evidence, on each of the following:

a. There are practical difficulties in carrying out the strict letter of the regulation.

b. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.

c. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.

d. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

e. The effect of the proposed variance is in harmony with the general intent of the LDC and the specific intent of the relevant subject area(s) of the LDC.

Minimum variance. The variance, if granted, is the minimum variance that shall make possible the reasonable use of the land, building or structure.

4. Conditions and safeguards. In granting any variance application, the Planning and Development Board may prescribe appropriate conditions and safeguards in order to protect public health, safety, and welfare, in conformity with this LDC and to ensure compliance with the intent and purposes of the Flagler County Comprehensive Plan, including but not limited to, reasonable time limits applicable to the initiation or expiration of the variance.

5. Authority to grant variances. Provided the proposed variance is consistent with the Flagler County Comprehensive Plan and the requirements set forth above, the Planning and Development Board shall have the authority to grant variances from the following requirements contained in any zoning district (except a Planned Unit Development zoning designation):

a. minimum yard/setback requirements; lot width, lot depth, or lot area; maximum height or building coverage; and minimum pervious and maximum impervious standards, including maximum coverage;

b. minimum public road frontage requirement as provided in the County's Technical Manual providing:

(1) the applicant provides proof of access to the County maintained public road; and

(2) the connecting private road or driveway must provide for minimum width, stabilization, and maintenance requirements as determined by the County Development Engineer for the purpose of providing service delivery, particularly emergency services delivery.

c. maximum height requirement for walls and fences (subsection 7.2.B.11.);

d. open fence or wall requirement along any front lot line, or street side lot line for a corner lot or parcel (subsection 7.2.B.11.);

e. vision clearance requirements for driveway and roadway intersections (subsection 7.2.B.11.j.(2)); or

f. sign setback, sign area, and/or sign height requirements (section 9.4).

6. Use variance prohibited. The Planning and Development Board shall not grant a variance to allow a use that is not permitted under the terms of this LDC in the zoning district in which the property affected by the variance is located, or any use expressly or by implication is prohibited by the terms of this LDC.

7. Variances to conditions of development approvals. The Planning and Development Board shall not grant a variance to any condition of development approval that has been included within a development agreement, development order, or other development approval granted by the Board of County Commissioners, unless such provisions are specifically included within any development approval.

8. Use of nonconforming lands or structures. The nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and the permitted use of lands, structures, or buildings in any other district, shall not be deemed grounds for the granting of a variance.

9. Administrative variances. Subject to the criteria in subsection 4.6.E.3. above, the Director may grant an administrative variance for a residential principal structure, and a single administrative variance for an accessory structure, as prescribed below:

a. The request must be limited to either:

(1) an encroachment within any setback area of no more than five percent of the required minimum setback, but not to exceed 12 inches; or

(2) an allowance to exceed the maximum allowable lot coverage limitation by no more than five percent of the maximum lot coverage limitation.

b. Administrative variances may be considered for instances where relief is sought for multiple setback encroachments within the administrative variance limits, but may not be considered where a request is made for both a setback encroachment and an allowance to exceed the maximum lot coverage limitation. Likewise, a single application for an administrative variance may not be considered by the Director in succession where an applicant is attempting to avoid these specific eligibility criteria for an administrative variance.

c. Under no circumstances shall any administrative variance be approved which would allow a reduction of the separation between structures to less than 10 feet.

d. A request for an administrative variance must be submitted in writing on the application form provided by the County and include an as-built survey along with a detailed explanation and justification for the variance.

e. If any adjacent landowner objects after receiving notice, then the proposed variance shall automatically be processed as a variance request for review by the Planning and Development Board.

f. If the administrative variance is denied, the Director's decision may not be appealed. However, the applicant may apply for a variance from the Planning and Development Board as provided for herein.

F. Special uses. Special uses are uses typically of a public or semi-public nature, which are subject to specific criteria based on the nature of the use and characteristics of the site and neighborhood within which the special use is proposed. The uses that may potentially be allowed as a special use are listed in the regulations for each zoning district.

1. Pre-application conference. Pre-application conferences with the TSR are encouraged, but not required, for potential special use applicants in order to obtain information regarding the proper procedures, and to ensure compliance with this LDC and applicable laws.

2. Technical Staff Review. The TSR will evaluate the proposed special use application for compliance and consistency with the Flagler County Comprehensive Plan and this LDC. The review shall include all standards and criteria of this LDC and all other applicable laws. The Director shall compile a report including the TSR comments and shall provide a recommendation and supporting analysis to the Planning and Development Board.

3. Planning and Development Board hearing. At a duly noticed public hearing, the Planning and Development Board shall review the special use application, together with the Director's report and recommendation, supporting data and analysis, and any additional evidence and testimony, and shall take action to approve, approve subject to modifications, or deny the special use application. The Planning and Development Board shall, as part of a decision to approve an application for special use, make an affirmative finding that the application complies with both the general criteria and any site specific review factors listed below:

   a. whether or not such requested use is consistent with the adopted Comprehensive Plan and whether the use is necessary or desirable to support projected community needs;

   b. the proposed location of shall not be injurious to the health, safety and welfare of the public;

   c. demonstrate compatibility with adjacent parcels and the surrounding neighborhood, based in part on the submittal of a site plan, which does not have to be an engineered plan, showing site alterations, improvements to be made and proposed buffers and a conceptual landscaping plan;

   d. the ability of the site to properly accommodate the proposed facility;

   e. the impact of the proposed special use on land development patterns, on important natural resources, and, where applicable, the cost effectiveness of service delivery;

   f. whether the proposed use will impose any substantial detrimental effects on the living or working conditions in the neighborhood or materially reduce the economic value of surrounding neighborhood properties; and

   g. as part of its review of the special use application, the Planning and Development Board will have the flexibility to place requirements or conditions on any special use approval in the form of significant natural buffers, screening, landscaping, limited access, security fencing or other site development design criteria that may be imposed to protect the health, safety and welfare of the public or surrounding property owners.

G. Limited use permits. A limited use is a use that is generally in keeping with the intent of the particular zoning district, but because of the nature of the use, needs a site-specific review. The uses that may potentially be allowed through issuance of a limited use permit are listed in the regulations for each zoning district.

1. Director review. The Director will evaluate the proposed limited use permit application for compliance and consistency with the Flagler County Comprehensive Plan and this LDC. The Director may seek review and comments from members of the TSR regarding the technical aspects of the application, the standards and criteria of Chapter 163, F.S., and all other applicable laws. The Director shall take action to approve, approve subject to modifications, or deny the limited use permit application. The Director, as part of a decision to approve an application for a limited use permit, shall make an affirmative finding that the application is consistent with the Comprehensive Plan and this LDC and the proposed use shall not adversely affect the health, safety, and welfare of the public.

2. Conditions and safeguards. In approving any limited use permit, the Director may prescribe appropriate conditions and safeguards in order to protect public health, safety, and welfare, in conformity with this LDC and to ensure compliance with the intent and purposes of the Flagler County Comprehensive Plan.

3. The approval of a limited use shall not run with the land or be transferrable to subsequent owners of the subject parcel.

H. Site development plans. All development activity required by this LDC to undergo site development plan review shall adhere to the following:

1. Pre-application conference. Pre-application conferences with the Technical Staff Review are optional for site development plan applicants and are intended to provide an opportunity for potential applicants to obtain information regarding the proper procedures, and to ensure compliance with this LDC and applicable laws. During the conference, the applicant will be provided with information about the specific elements required for the preliminary and final site development plan applications relative to the nature of the development being requested. Staff may also provide initial comments about specific items that must be addressed prior to submittal of the application, including any staff site visits which may be required.

2. Preliminary site development plan. The purpose of this review stage is for the TSR and the applicant to determine the specific characteristics of a site that will influence its design. The submittal requirements and review processes for a preliminary site development plan are as follows:

a. The preliminary site development plan application shall, at a minimum, detail regulated natural resources that exist on site, approximate access points, location of utilities that will serve the site, minimum open space areas, maximum impervious areas, and tree protection requirements.

b. The applicant shall submit sufficient information and data on the development to demonstrate the necessary public services are

adequate to address the impact created by the development and to demonstrate that the proposed development is consistent with the Comprehensive Plan, this LDC and all other applicable rules and regulations.

c. When a development application proposes development requiring preliminary site development plan approval as part of a development agreement, the Board of County Commissioners shall hold a public hearing, following review and recommendation by the Planning and Development Board. The Director shall review all other preliminary site development plans. The decision from either the Board of County Commissioners or the Director may be for approval, approval with conditions, or denial.

3. Initial design plan. The initial design plan review stage is an administrative review opportunity for an applicant to ensure that initial stages of engineering design for a site are consistent with site design standards of the Technical Manual. The initial design plan is a non-binding document intended to inform the County about the specific location of improvements on a site and to receive TSR comments. Initial design plan review is optional for all development applications.

4. Final site development plan. The purpose of this review stage is for the developer to present the final site development plan to the Director for review. The final site development plan shall be consistent with the approved preliminary site development plan, other applicable provisions of the LDC, and the Comprehensive Plan.

a. The final site development plan shall be subject to TSR review prior to decision by the Director. The Director's decision shall be based on TSR comments and may be for approval, approval with conditions, or denial.

b. Site development plan review process.

(1) When the district regulations require submittal of a site development plan and the total acreage of the lot or parcel is less than five acres in size, the materials listed below shall be submitted to the Department. The site plan will be reviewed by the TSR to determine compliance with the LDC and other applicable codes, ordinances, and regulations. If the plan is determined to be in accordance with adopted County regulations and the Flagler County Comprehensive Plan, it shall be approved. The applicant shall have the right to appeal the decision to the Planning and Development Board, as per subsection 4.6.K. herein.

(2) When the district regulations require submittal of a site development plan and the total acreage of the lot or parcel

is five acres or more in size, the materials listed below shall be submitted to the Department. The TSR shall review the site plan to determine compliance with the LDC and the County Comprehensive Plan. Within 45 days of submittal, the site plan shall be reviewed and approved, approved with conditions, or denied by the Planning and Development Board. The applicant shall have the right to appeal the decision of the Planning and Development Board to the Board of County Commissioners.

c. Site development plan submission. The following items shall be submitted as part of a site development plan application:

(1) Application forms and fees.

(2) Site plan containing the following data at an appropriate scale:

(a) lot area in acres or square feet;

(b) if residential use, the total number and number of each type of dwelling units, plus:

i. gross residential density;

ii. percentage and square feet of building coverage;

iii. percentage and square feet of driveway and parking;

iv. percentage and square feet of public street and right-of-way; and

v. percentage and square feet of open space;

(c) coastal construction setback line and mean high water line;

(d) existing tree groupings and their fate;

(e) location, floor area, and maximum height of existing and proposed buildings;

(f) lot lines, easements, and public right-of-ways; and

(g) location of circulation system, including streets, pedestrian and bicycle paths, driveways, and

location and number of all parking spaces, and whether public or private (notes concerning signage and parking control should be included on the site or landscape plan).

(3) General landscape plan including existing and proposed vegetation, including the proposed treatment of the perimeter of development.

(4) Existing and proposed utility systems, their capacities and specifications, including storm drainage system.

5. Time limitation for expiration of site development plans.

a. Preliminary site development plan.

(1) A preliminary site development plan or phase of a preliminary site development plan approved by the Director shall expire unless a complete application for final site development plan approval has been approved by the Department within 12 months of the date of preliminary site development plan application approval.

(2) The expiration date for a preliminary site development plan approved by the Board of County Commissioners shall be governed by the phasing schedule set forth in the associated development agreement.

b. Final site development plan. An approved final site development plan shall expire unless a complete application for a construction, building, or other required permit has been accepted by the appropriate reviewing department within 12 months of the date of final approval and that such development is continuing in good faith.

6. Activities requiring administrative site development plan approval. Certain development permits or activities shall not require a site plan approval by the Planning and Development Board or the Board of County Commissioners. Applicants for these permits or activities may apply to the specific department(s) having authority to grant an administrative development approval. The Director shall have the discretion over which permits or activities may receive administrative development approval and shall be guided by the Comprehensive Plan and the nature, scope, and scale of the permit or activity.

I. Building permits.

1. All building permits shall be consistent with and comply with the following:

a. the Flagler County Comprehensive Plan;

b. this LDC;

c. all applicable provisions of the Florida Building Code, as may be amended; and

d. all other applicable federal, state, and county laws, codes, and requirements.

2. When a building permit is required, site work, site clearing, grading, improvement of property, or construction of any type shall not be commenced prior to the issuance of the permit, unless a land development permit is issued in advance of a building permit.

3. Building permits for projects meeting the affordable housing guidelines for any of the programs listed below shall be processed within six days from the day the application is found sufficient, providing a request for expedited review is made:

a. Community Development Block Grant (CDBG).

b. State Housing Initiatives Partnership Program (SHIP).

c. Affordable Housing Impact fee assistance, subject to approval by the Board of County Commissioners.

d. Other (i.e. housing tax credit program).

J. Appeal process.

1. Decisions of Director. Appeals to the County Administrator concerning the interpretation or administration of these regulations, or any decisions or determinations made by the Director pursuant to this LDC, may be taken by any aggrieved person. The appeal shall be made in the form of a letter, together with the applicable fee, submitted to the County Administrator within 30 calendar days from the actions being appealed, outlining the reason for the appeal and providing such relevant facts as may be necessary so as to permit the County Administrator to render a decision on the appeal. The County Administrator shall, within 30 days of receipt of a sufficient application, render a written decision on the appeal. A person who fails to submit the letter and fee within the required time frame waives the right to request consideration.

2. Decisions of the County Administrator. Appeals to the Board of County Commissioners concerning the interpretation or administration of these regulations, or any decisions or determinations made by the County

Administrator pursuant to this LDC, may be taken by any aggrieved person, by submitting a written petition for consideration, along with the appropriate fee, to the County within 30 calendar days from the date of the action being appealed. A person who fails to submit the petition and fee within the required time frame waives the right to request consideration. The petition shall consist of the following:

a. Contents of petition**.** The petition submitted to the County shall include a statement of the particular bases for the challenge, the specific Comprehensive Plan or Code provisions alleged to be applied in error, and the result which would occur if the provisions were applied as desired. Upon receipt by the County of a timely petition for consideration, the matter shall be promptly placed on the next available Board of County Commissioners meeting agenda for a determination.

b. Burden of Proof. A person challenging a final decision shall have the burden of demonstrating that the decision is inconsistent with the Flagler County Comprehensive Plan or this Code, that the County Administrator exceeded his authority, or that the decision is plainly erroneous or unreasonable. The County Administrator's decision shall be entitled to a presumption of correctness. The decision of the Board of County Commissioners on appeal is final.

3. Decisions of the Planning and Development Board. Appeals to the Board of County Commissioners concerning a final decision rendered by the Planning and Development Board pursuant to this LDC, may be taken by any aggrieved person, by submitting a written petition for consideration, along with the appropriate fee, to the County within 30 calendar days from the date of the action being appealed. A person who fails to submit the petition and fee within the required time frame waives the right to request consideration.

a. Contents of petition**.** The petition submitted to the County shall include a statement of the particular bases for the challenge, the specific Comprehensive Plan or Code provisions alleged to be applied in error, and the result which would occur if the provisions were applied as desired. Upon receipt by the County of a timely petition for consideration, the matter shall be promptly placed on the next available meeting agenda for a determination.

b. Burden of Proof. A person challenging a final decision shall have the burden of demonstrating that the decision is inconsistent with the Flagler County Comprehensive Plan or this Code, that the Planning and Development Board exceeded its authority, or that the decision is plainly erroneous or unreasonable. The Planning and Development Board's decision shall be entitled to a presumption of

correctness. The decision of the Board of County Commissioners on appeal is final.

Section 7 Time limitations for development orders.

A. Any development order, permit, or other approval, other than Comprehensive Plan Future Land Use Map amendments, rezoning, and time limits that specifically vary from those herein as is the case for approved development agreements, shall expire in accordance with the terms of this LDC.

B. An applicant may apply for an extension of a time limit, subject to the requirements of this section.

1. Deadline for application. An application for an extension of a time limit shall be filed a minimum of 60 days prior to the expiration of the time limit.

2. Additional application requirements.

a. Concurrency. Unless concurrency approval is vested, an application shall demonstrate compliance with the concurrency management system as established in Chapter 2 Concurrency.

b. Demonstration of good faith efforts. An application shall include a demonstration of good faith efforts to comply with applicable time limits, by including at least one of the following:

(1) all efforts to design a project, including engineering, architectural, and similar plans;

(2) the number and type of development permits that have been applied for, including all relevant federal, state, county, or related permits;

(3) the number and timeliness of any plats that have been recorded;

(4) the number and timeliness of any prior phases that have been developed or implemented;

(5) the completion or status of site development improvements;

(6) any granting of rights-of-way, easements, or similar public dedications;

(7) compliance with applicable conditions of development approval;

(8) execution of agreements for water or sewer services; and

(9) such other information as may be required by the County Administrator.

3. Review of applications.

a. The application for time extension shall be deemed an amendment to the original approval and shall be subject to review, as applicable, at a public hearing by the body that granted the original order, permit, or approval. Public notice requirements shall follow those of the original approval.

b. Applications for building permit extensions shall be submitted to the Chief Building Official who shall review each application for sufficiency and, if deemed sufficient, shall issue a permit extension consistent with the requirements of the Florida Building Code.

c. Applications for land development permit extensions shall be submitted to the Development Engineer who shall review each application for sufficiency and, if deemed sufficient, shall issue a permit extension consistent with the requirements of the Technical Manual and this LDC.

d. For other applications or approvals which are subject to issuance by the Director or County Administrator as provided herein, applications for extensions shall be submitted to the Director or the County Administrator, respectively, who shall review each application for sufficiency and, if deemed sufficient, shall issue a permit extension consistent with the requirements of the Technical Manual and this LDC.

4. Consistency. The application shall be consistent with the current Comprehensive Plan, LDC, and other County requirements.

C. Permit extensions granted by act of the Legislature. From time to time, the Florida Legislature has and may adopt legislation that provides for extension of local government permits that would otherwise expire. Where the Legislature provides for such extensions of local government permits, the Department shall provide for extension of local government permits in accordance with the specific terms and conditions of the legislation.

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RESOLUTION 2013- _____

A RESOLUTION RELATING TO PUBLIC NOTICE REQUIREMENTS FOR ITEMS CONSIDERED PURSUANT TO THE FLAGLER COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 125 and Chapter 163 of the Florida Statutes, sets forth standards for providing public notice for specified land development applications; and

WHEREAS, Florida law provides for the minimum notice to be provided for specified land development applications; and

WHEREAS, Flagler County desires to enhance the minimum requirements in order to ensure the public receives adequate and meaningful notice for items being considered pursuant to the Land Development Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA:

SECTION 1. Public Notice Requirements. The public notice requirements attached in Exhibit "A" are hereby adopted.

SECTION 2. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, it is the intent of the Flagler County Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared severable.

SECTION 3. Effective Date. This Resolution shall become effective immediately upon adoption and approval by the Flagler County Board of County Commissioners.

ADOPTED AND APPROVED this ___ day of _____, 2013 by the Board of County Commissioners, Flagler County, Florida, duly assembled at the Flagler County Government Services Building, Board Chambers, Bunnell, Florida.

ATTEST:

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

_____
Gail Wadsworth. Clerk and
Ex-Officio Clerk to the Board

_____
Nate McLaughlin, Chair

APPROVED AS TO FORM:

Dated: _____

_____
Albert Hadeed, County Attorney

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Exhibit "A"

A. Public meetings. All meetings of the TRC, the Planning and Development Board, and the Board of County Commissioners are public meetings and subject to the notice requirements under Florida law.

B. Hearings. Additional notice is required for public hearings as set forth herein. This section sets out the minimum requirements for notice for such hearings. The extent the requirements herein are inconsistent with Florida law, the provisions of Florida law shall prevail.

C. Subsequent notice for continued hearings. Public hearings continued to a date and time certain shall not require subsequent notice other than the posting of the agenda provided that all public notice requirements had been previously met.

D. Types of public notice. Forms of notice required for various public hearings may include mailed notice, published notice provided via a newspaper of general circulation and through the county's website, and posted notice by signs located on the subject property. The public notice requirements are summarized in the table below:

Required and Courtesy Public Notice in Calendar Days for Development Applications

Type of Application	Reviewing Body	Types of Public Notice				
		Published			Mailed	Posted Sign
		Legal Ad	2 x 10 with map	2 x 10 w/o map		
Comprehensive plan amendment, text	TSR	Posted agenda 5 days before meeting				
	Planning and Development Board			14		
	Board of County Commissioners (transmittal)			7		
	Board of County Commissioners (adoption)			5		
Comprehensive plan amendment, large-scale map	TSR	Posted agenda 5 days before meeting				
	Planning and Development Board		14		14	14
	Board of County Commissioners (transmittal)		7		14	14
	Board of County Commissioners (adoption)		5		14	14

Type of Application	Reviewing Body	Types of Public Notice				
		Published			Mailed	Posted Sign
		Legal Ad	2 x 10 with map	2 x 10 w/o map		
Comprehensive plan amendment, small-scale map	TSR	Posted agenda 5 days before meeting				
	Planning and Development Board	10			14	14
	Board of County Commissioners (adoption)	10			14	14
Development of regional impact, application for development approval	TSR	Posted agenda 5 days before meeting				
	Planning and Development Board	10				14
	Board of County Commissioners		60			14
Development of regional impact, notice of proposed change	TSR	Posted agenda 5 days before meeting				
	Planning and Development Board	10				14
	Board of County Commissioners	15				14
LDC text amendment, changing the actual list of permitted, conditional, or prohibited uses within a zoning category	TSR	Posted agenda 5 days before meeting				
	Planning and Development Board			10		
	Board of County Commissioners (first reading)			7		
	Board of County Commissioners (second reading and adoption)			5		
LDC text amendment, other than changing the actual list of permitted, conditional, or prohibited uses within a zoning category	TSR	Posted agenda 5 days before meeting				
	Planning and Development Board	10				
	Board of County Commissioners	10				

Type of Application	Reviewing Body	Types of Public Notice				
		Published			Mailed	Posted Sign
		Legal Ad	2 x 10 with map	2 x 10 w/o map		
Rezoning, County-initiated less than 10 acres	TSR	Posted agenda 5 days before meeting				
	Planning and Development Board	10			14	14
	Board of County Commissioners	10			30	14
Rezoning, County-initiated 10 acres or greater	TSR	Posted agenda 5 days before meeting				
	Planning and Development Board		10		14	14
	Board of County Commissioners (first reading)		7		14	14
	Board of County Commissioners (second reading and adoption)		5			
Rezoning, owner initiated	TSR	Posted agenda 5 days before meeting				
	Planning and Development Board	10			14	14
	Board of County Commissioners	10			14	14
Special exception	TSR	Posted agenda 5 days before meeting				
	Planning and Development Board	14			14	14
Site development plan less than 5 acres, reviewed by TRC	TSR				14	14
Site development plan, including site plans 5 acres or greater in size reviewed by the P&DB	TSR				14	14
	Planning and Development Board				14	14

Type of Application	Reviewing Body	Types of Public Notice				
		Published			Mailed	Posted Sign
		Legal Ad	2 x 10 with map	2 x 10 w/o map		
Site development plan, exceeding thresholds	TSR	Posted agenda 5 days before meeting				
	Planning and Development Board				14	14
	Board of County Commissioners				14	14
Preliminary subdivision plan	TSR	Posted agenda 5 days before meeting				
	Planning and Development Board				14	14
	Board of County Commissioners				14	14
Final plat or replat (does not require public hearing)	Board of County Commissioners					
Waiver of subdivision requirements	TSR	Posted agenda 5 days before meeting				
	Board of County Commissioners					
Vacation of a street, easement, or right of way	TSR	Posted agenda 5 days before meeting				
	Planning and Development Board	14			14	14
	Board of County Commissioners	14, then within 30 days after hearing			14	14
Variance	TSR	Posted agenda 5 days before meeting				
	Planning and Development Board				14	14
Variance, administrative	Director				30	
Scenic corridor variance	TSR	Posted agenda 5 days before meeting				
	Planning and Development Board				14	14

Type of Application	Reviewing Body	Types of Public Notice				
		Published			Mailed	Posted Sign
		Legal Ad	2 x 10 with map	2 x 10 w/o map		
Special use	TSR	Posted agenda 5 days before meeting				
	Planning and Development Board	14			14	14
Change or expansion of nonconforming use (see subsection 10.4.B.)	TSR	Posted agenda 5 days before meeting				
	Planning and Development Board				14	14

E. Mailed notices.

1. When mailed notice is required, notice shall be mailed to the following:

   a. All property owners of the subject land;

   b. All bodies of government, including other counties or municipalities, adjacent to the subject property;

   c. The Flagler County School Board, when the application involves residential development;

   d. All property owners within 300 feet of the boundaries of the subject property, as identified in the most recent and available tax rolls. When the subject land is contiguous to property under common ownership or control, the distance shall be measured from the boundaries of the property under said common ownership. When the distance measurement from a property boundary ends in a roadway, the property directly across the roadway shall also be mailed a written notice.

   e. For administrative variances as provided in subsection 4.6.E.9., all adjacent landowners shall be mailed a written notice.

2. Mailing and postmarking.

   a. For any application requiring mailed notice, such notice shall be mailed a minimum of 14 days prior to the meeting or public hearing.

   b. Notice shall be deemed mailed by its deposit in the mail, properly addressed, and with first-class postage paid.

c. For administrative variances as provided in subsection 4.6.E.9., mailed notice provides notification and an opportunity for an adjacent landowner to object to the administrative variance. If no objection is made within 30 days of the date the notice is sent, then the Director shall proceed with the issuance of the administrative variance.

F. Published notice.

1. When published notice is required, the Department shall be responsible for the following:

a. The Department shall prepare the content of the notice and be responsible for publishing the notice in the newspaper of general circulation selected by the board of county commissioners for such purpose.

b. The content of the notice shall conform to the requirements of Chapter 125, and Chapter 163, F.S.

2. The applicant shall be responsible for the reimbursement of the actual cost of publishing public notice. The County shall bill the applicant for the cost based on invoices provided by the newspaper in which the notice was published. The County reserves the right to withhold further review of the application until all fees are paid.

G. Posting signs.

1. When posting signs is suggested, the department shall be responsible for the following:

a. Signs shall be posted by the County staff on the subject property, in a conspicuous place.

b. Notice shall be posted on weather-resistant signs in a form established by the Department.

2. The applicant shall ensure that the signs are maintained on the property until completion of the final action on the application. If a sign is damaged, lost or stolen, it is the applicant's responsibility to immediately contact the County.

3. The applicant shall be responsible for the reimbursement of the actual cost of the posting of notice, including the cost to replace the sign, if necessary. The County shall bill the applicant for the cost, and the County reserves the right to withhold further review of the application until all fees are paid.

4. Removal. The applicant shall remove the sign within 10 days after final action on the application.

5. Posting is considered to be a courtesy to the community and is not to be considered a legal notification.

H. Website. The County may, from time to time, provide optional published notice through its website, www.flaglercounty.org; however, such notice shall not substitute for the publication of notice in a newspaper of general circulation unless such substitution is specifically permitted by Florida law.

I. Agendas. In addition to posting agendas in accordance with Florida law, all neighborhood associations or similar property owners' associations, or individuals that have registered with the Department shall receive, at a minimum, the agendas for public meetings that consider development applications in Flagler County.

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CHAPTER 5 SUBDIVISION REGULATIONS

Section 1 Purpose and intent.

The purpose of this Chapter is to establish procedures and standards for the subdivision of land within unincorporated Flagler County in an effort to:

A. ensure proper legal description, identification, monumentation, and recording of real estate boundaries;

B. further orderly layout of land in a manner consistent with the Comprehensive Plan;

C. provide safe and convenient circulation of vehicular traffic;

D. provide safe and suitable building sites which drain properly and are readily accessible to emergency vehicles;

E. assure the installation of improvements;

F. help conserve and protect the physical, economic, and scenic resources of Flagler County; and

G. promote the public health, safety, and general welfare.

Section 2 Applicability.

The minimum requirements and procedures for subdividing land are set forth in Ch. 177, F.S., which shall govern the subdividing of land in Flagler County, except as otherwise provided herein. Owners or developers that want to subdivide land must establish that their application is in compliance with and will not create a violation of Ch. 177, F.S., the Flagler County Comprehensive Plan, this LDC and any other applicable rules and regulations.

Section 3 Exemptions.

The following are exempt from the platting requirements of this Chapter, provided that compliance is achieved with the standards set forth herein:

A. Acquisition of property for public/private utility, roadway or other public purposes.

B. Adjustment of lot lines or combination of previously platted lands upon a showing that:

1. lots created by this process must meet all other requirements of the Land Development Code;

2. the adjustment does not reduce any lot to a size less than that permitted by the zoning of the lot;

3. the adjustment can be allowed subject to vacation or dedication of replacement easements;

4. the adjustment does not require creation of new streets;

5. the adjustment results in a number of lots that is equal to or less than the original number of lots; and

6. the adjustment is memorialized by deed or other instrument recorded in the public records of the County.

C. A one-time creation of one lot of one acre or more in size from a parent tract of not less than 10 acres in size, zoned commercial or industrial, where:

1. a plan, in sufficient detail to depict the proposed development of the proposed lot and its relationship to the parent tract, together with proposed method of addressing stormwater management features, appropriate water and sewer facilities and the County's access management ordinance has been submitted to and reviewed by the Director, with input from the TSR;

2. a deed, including the legal description of the newly created lot, together with all easements and reservations, is recorded in the public records of the County; and

3. the Director determines that the parent tract and the newly created lot both comply with the applicable zoning requirements.

D. Any division by order of the court.

E. Division of property into condominium units in accordance with Ch. 718, F.S.

F. Minor rural subdivisions (maximum allowable density - one dwelling unit per five acres). Minor rural subdivisions may be established within areas designated as Agriculture and Timberlands on the Future Land Use Map which are: located west of U.S. Highway 1; not located within Flagler Estates and Daytona North; and are not under long term timber leases. In cases where it is necessary to make a determination of the applicability of this section to a parcel of land, the standards of Comprehensive Plan Policy A.5.2.2.(2) shall be used.

1. Within this area, any owners of land for five years or more may establish up to four five-acre parcels in each calendar year. Provided, however, that each eligible owner may establish up to eight five-acre parcels in the first calendar year in which the owner chooses to commence subdivision under the minor rural subdivision requirements. All lots established as part of a minor rural subdivision must be five acres or larger in area, must have a minimum of three-quarter acres of uplands or 20,000 square feet of contiguous buildable area, and must be clustered where feasible. Every eligible minor rural

subdivision considered under this subsection shall comply with the following criteria:

a. Deeds conveying lots created within a minor rural subdivision must include the following disclaimer in bold, capital ten-point type:

"THE PARCEL OF LAND DESCRIBED IN THIS DEED IS NOT A PART OF A PLATTED SUBDIVISION REVIEWED AND APPROVED BY FLAGLER COUNTY. NO GOVERNMENTAL AGENCY, INCLUDING FLAGLER COUNTY, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS OR RIGHTS-OF-WAY PROVIDING INGRESS AND EGRESS TO THE PROPERTY HEREIN CONVEYED. DUE TO THE RURAL LOCATION OF THIS PARCEL AND DEPENDING ON THE STATE OF MAINTENANCE OF ACCESSWAYS, EMERGENCY RESPONSE TIMES MAY BE ADVERSELY AFFECTED. FIRE HYDRANTS ARE NOT AVAILABLE FOR FIRE SUPPRESSION. AGRICULTURAL USES ON ADJOINING PARCELS MAY GENERATE NOISE AND ODORS CHARACTERISTIC OF A RURAL SETTING. THIS PROPERTY MAY NOT BE A PART OF ANY MOSQUITO CONTROL DISTRICT AND THEREFORE MAY NOT BE SUBJECT TO MOSQUITO CONTROL BY ANY SUCH DISTRICT. THIS PROPERTY IS NOT A PART OF A DEVELOPMENT WITH AN APPROVED STORMWATER MANAGEMENT SYSTEM. THIS PARCEL MAY BE SUBJECT TO FLOODING FROM TIME TO TIME AND NEITHER THE COUNTY OR ANY OTHER PUBLIC AGENCY IS RESPONSIBLE FOR PROVIDING STORMWATER MANAGEMENT OR FLOOD CONTROL."

b. An access easement exists that connects each lot to a County or State maintained road. This is not applicable if the lot has access by means of County or State road frontage.

c. Prior to issuance of a building permit, each land owner who does not have direct access to a publicly maintained road, must sign a hold harmless indemnification agreement with Flagler County acknowledging that:

(1) access to said parcel is strictly a private legal matter between the land owner and the person or entity that sold said parcel and granted access to same and that Flagler County does not assert any opinion as to the legal validity, usability or practical access to said parcel;

(2) further that the land owner shall indemnify and hold harmless Flagler County, its Board of County Commissioners, officers, employees and agents from any and all legal causes of action, losses, damages or claims of any kind whatsoever arising out of the lack of access for emergency services, police protection or other public services to said parcel; and

(3) this hold harmless indemnification agreement shall be on a form approved by the County Attorney, shall be recorded in the public records of the County, shall run with the land, and shall be binding on the land owner, his heirs, successors and assigns.

d. The location and design of all homes constructed within the minor rural subdivision shall conform to Firewise Communities/USA standards promulgated by the Division of Forestry of the Florida Department of Agriculture and Consumer Services.

G. Family homestead. Consistent with Policy A.5.2.3., Flagler County will allow for the subdivision of a tract, lot or parcel for the purposes of creating a family homestead for a grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child or grandchild on property zoned AC (Agriculture) or AC-2 (Agriculture/Forestry) provided each parcel contains at least one acre and a minimum of 80 feet of road frontage on a public or private road or recorded easement dedicated for ingress/egress purposes. A family homestead shall only be granted one time to an individual family member and that family member shall not sell or dispose of the family homestead for a period of five years.

Section 4 Preliminary plan/construction plan process.

Preliminary plan and construction plan approval is not required when all lots within the proposed subdivision front on a public street and no roadway, drainage facilities, sidewalk or other similar improvements are necessary. All other subdivisions require preliminary plan review. Preliminary plan approval is required when an applicant is proposing to construct improvements prior to requesting final plat approval. If an applicant proposes to provide a surety to the County for completion of subdivision improvements, instead of constructing improvements prior to final plat approval, then the preliminary plan and final plat, together with construction plans, may be processed simultaneously.

A. Preliminary plan and construction plan review. An application for preliminary plan and construction plan review, the proper fee, and sufficient copies of the exhibits, as determined by the Director, shall be filed with the Department. Required exhibits shall consist of three sheets: a cover sheet; boundary survey; and proposed plan sheet, and shall include the following:

1. General information.

a. All plans shall be submitted on 24 inch vertical by 36 inch horizontal sheet sizes or as otherwise approved by the Department.

b. Construction plans shall be submitted in a format and scale approved by the Department.

c. A preliminary plan shall be submitted in the same format as required for final plats by Ch. 177, F.S., and by the applicable provisions of this Chapter.

d. A survey of the subject property prepared by a licensed professional surveyor containing the legal description of the subject property and the surveyor's certificate of accuracy, referencing the requirements of Ch. 177, F.S.

e. Name of subdivision, along with the name, address, telephone number of the subdivider, professional engineer, and professional surveyor.

f. Date of survey, north point, and graphic and numeric scale.

g. Total area in tract, area in public or other land usage, total number of lots, and linear feet of streets as measured along the centerline.

h. Names and location of adjoining subdivisions and streets.

i. Other supplemental materials or any other information considered by either the applicant, the County Administrator, or the Director to be pertinent.

j. A dedication of such streets, easements, common areas, or public places as is necessary for the development. Such dedication shall be in the same format as deeds conveying lands. All public lands dedications, including those utilized for public street purposes, shall require completion of a Phase I Environmental Site Assessment prior to acceptance by the County.

2. Existing site data.

a. City limits (if any), property lines, rights-of-way, pavement widths, easements, streets, driveways, railroads, known utilities, storm sewers, ditches, culverts, bridges, buildings, bulkheads, and bulkhead lines.

b. Wooded, wetland, and FEMA Special Flood Areas, including their identification, marshes, watercourses, ponds, and other similar conditions affecting the site.

c. Topographical survey of the tract at not more than a two-foot contour interval based on NGVD 1929 data furnished by a professional surveyor.

d. Soil borings within drainage retention area(s).

3. Proposed site data and construction details.

   a. Street rights-of-way, pavement widths, gradient and elevations, street names, profiles, and cross-sections of roadway and other appropriate cross-sections pursuant to requirements shown in the Technical Manual.

   b. Other rights-of-way or easements, including locations, dimensions, and purposes.

   c. Plans for all underground utilities, including but not limited to: sanitary sewers; storm sewers; water lines and other supporting utility corridors, or proposals for developing new water supplies; storm drainage; sewage disposal systems; and storm and sanitary sewer profiles, together with cross-sections, inverts, and top elevations of structures, pursuant to requirements in the Technical Manual. All elevations shall be in NGVD 1929.

   d. Grade changes, dikes, or any created water bodies or changed watercourses.

   e. Bulkheads and bridges, together with engineering plans and cross-sections for each.

   f. Street center line dimensions, scalar block and lot layouts, and lot and block numbers.

   g. Areas to be used for purposes other than residential uses, their purposes, location and dimensions of each indicated parcel.

   h. Information on essential and available utility services, including water, sewer, telephone, cable television, electric, and gas, as available, including a letter of availability from each provider.

   i. The current FEMA FIRM information shall be on the plans inclusive of the delineation of the flood zones.

4. Review process for preliminary plan. Each preliminary plan shall be reviewed by the TSR. This review is to ensure compliance with this LDC, the Comprehensive Plan and all other applicable rules and regulations and to ensure there are no adverse impacts which bear upon the public interest. Based upon comments and input by the TSR, the Director shall provide a recommendation with supporting analysis for submittal to the Board of County Commissioners. The Board of County Commissioners shall either approve, deny, or approve the preliminary plan subject to conditions. Preliminary plan approval shall be automatically voided if the final subdivision plat is not submitted within two years of final inspection of improvements by the County.

5. Review process for construction plans. All construction plans and supporting documents shall bear the date, seal and signature of the project engineer and shall be submitted to the Department for review and comment by the TSR. This review is to ensure compliance with this LDC, the Comprehensive Plan, the Preliminary Plan and all other applicable rules and regulations. Based upon the review and comments, the Director shall either approve, deny, or approve the plans subject to conditions.

B. Upon approval of the preliminary plan by the Board of County Commissioners and subsequent approval of the construction plans by the Director, with input from the TSR, the developer may elect to commence construction of the subdivision improvements subject to the approval of the County Development Engineer, the Utility Department, and the County Administrator, and subject to issuance of the applicable land development permits.

C. If the developer elects, instead of commencing construction, to proceed to the final plat approval process and plat recordation, then the developer shall provide a performance bond or other acceptable surety in the amount of 110 percent of the estimated construction cost of any uncompleted improvements, including but not limited to the installation of drainage facilities, streets, road and traffic signage, road striping, signalization, street lighting, traffic control devices, required off-site improvements, landscaping, utilities, sidewalks, paving, grading, earthwork and any other required improvements. Cost for construction shall be documented by either: (1) an estimate by the applicant's engineer of record; or (2) a copy of the construction contract(s) encompassing all of the required improvements. The amount of the performance bond must be approved as adequate by the County Development Engineer, the Utility Department, the Director, and the County Administrator. All financial institutions or other sureties executing documents on behalf of the developer for compliance with the conditions hereunder must be acceptable to the County, with all such documents provided in a format acceptable to the County Attorney. Upon completion of the improvements, the project engineer shall certify that all improvements which are to be dedicated to the public have been constructed in substantial accordance with the approved construction plans, in addition to the requirements set forth in Section 5.6.

D. Minor subdivisions. Minor subdivisions, except for minor rural subdivisions, are not subject to the preliminary plat procedure but are not exempt from any other requirements and procedures for final plats in this LDC. Minor rural subdivisions are exempt from all platting requirements as provided in subsection 5.3.G.

Section 5 Final plat review.

A. Procedures.

1. An application for a final plat shall be filed with the Department.

2. The developer shall submit an appropriate number of paper reproductions, as determined by the Director.

3. The final plat shall be prepared by a professional surveyor at a scale of one inch equals 100 feet, or such other scale approved by the Department. All final plats shall be prepared on standard sheet sizes as required by Ch. 177, F.S., and shall be 24 inches vertical by 36 inches horizontal, including a three-inch binding margin on the left side and a one-inch margin on the other three sides. To ensure legibility, all lettering upon the plat shall be a minimum height of 10 point font.

B. Required submittals.

1. The following information shall be shown on the submittals:

a. Name of subdivision, date of survey, north point, and graphic and numeric scale.

b. A vicinity map drawn at an appropriate scale showing the project site and its relationship to known landmarks.

c. Names and locations of all adjoining or interior subdivisions, city limits, bulkhead lines, property lines, rights-of-way, and easements.

d. The legal description of the property being platted shall appear on the final plat and match the description furnished in the title certification or other similar documents.

e. Sufficient survey data to readily determine and reproduce on the ground every straight or curved boundary line, lot line, right-of-way line, easement line, bulkhead line, and setback line, including, but not limited to linear dimensions, bearings or deflection angles, radii, arcs, and central angles. All dimensions shall be measured to the nearest one-hundredth of a foot and all angles to the nearest second of arc.

f. All proposed rights-of-way, easements, and areas to be dedicated to public use with the purpose of each stated.

g. Areas to be used for purposes other than lots or public dedications, if any, with the purpose, location, and dimensions of each area indicated.

h. Signed certificates shall appear on all final plats. Such certificates shall be in accordance with Chapter 177, F.S., and the format and specific language set forth in the Technical Manual. The following signed certificates shall be completed and provided with the submission: dedication; joinder and consent to dedication by all

mortgagees and any owner's association, as applicable; all required acknowledgements; surveyor's certificate; certificate of approval by the reviewing licensed professional surveyor; certificate of approval by the Board of County Commissioners; approval by the Director; acceptance of dedications; and certificate by the County Attorney and certificate by the Clerk.

i. The final plat shall include such additional information as may be required by Ch. 177, F.S.

j. Surveyor's notes.

k. Deed restrictions affecting the subdivision.

l. Any documents required to be submitted as a previous condition of approval, including but not limited to, HOA covenants and restrictions, deeds, developer's agreements, cross access easement agreements, etc.

2. The following information shall also be provided:

a. Name, address, and telephone number of the subdivider, subdivision designer, professional engineer, surveyor, abutting property owners, and mortgagees of the property.

b. A boundary survey, consistent with the requirements of Ch. 177, F.S., with a field survey date no older than two years, unless waived by the Director.

c. A title certification which meets the requirements of Ch. 177, F.S., and list of encumbrances.

d. A copy of the final plat reduced to 11 inches vertical by 17 inches horizontal.

e. Documents demonstrating that the required improvements have been constructed in a satisfactory manner in compliance with Section 5.6 or, alternatively, that an acceptable financial guarantee has been posted in accordance with Section 5.4.C.

f. Original certificate of payment of property taxes with receipt(s) from the Tax Collector.

C. Review process.

1. The required submittals shall be reviewed by the TSR to ensure that the submittals are complete and to ensure that no errors, changes, or omissions have been made since the approval of the preliminary plan. If the final plat

application complies with all requirements, the Director shall submit the application to the Board of County Commissioners for review.

2. Recording period. All approved plats shall be recorded within 15 days following approval by the Board of County Commissioners, unless extended by the County Administrator for extraordinary conditions.

D. Recording requirements.

1. Plats shall be recorded in the following manner:

a. All documents and the original plat, bearing the original signatures and seals, as applicable, for appropriate certificates and dedications including the reviewing surveyor, except for those certificates to be completed by the County, shall be submitted to the Department.

b. Following review for completeness, the Department shall then transmit the documents to the Clerk for recordation.

c. The applicant shall provide such digital files to the Department in a "dwg" format, or other format acceptable to the Director.

Section 6 Approval of the required subdivision improvements.

A. Upon completion of construction of the required subdivision improvements, the following information shall be provided to the Development Engineer:

1. by the surveyor of record:

a. original certification as to the status of setting all statutory monumentation ("R.P.M's", "P.C.P.'s", lot corners, points of intersection, etc); and

b. two sealed paper reproductions of the construction plans showing as-built conditions signed by the surveyor which encompass all required improvements along with final roadway alignment and elevations.

2. by the engineer of record:

a. original certification that all improvements have been completed in accordance with the approved plans and specifications; and

b. adequate signed and sealed test reports; and

c. if applicable, certification that the water distribution system of the development meets the National Fire Protection Association capacity requirements for fire hydrants.

B. Maintenance. All improvements with respect to which the owner makes an offer of dedication to public use shall continue to be maintained by the owner or a designated entity, subject to approval by the Board of County Commissioners. An acceptance by the Board of County Commissioners of an offer of dedication of any streets, sidewalks, parks, or other public facilities shown on a plat shall not constitute an obligation upon Flagler County to perform any act of construction or maintenance within such dedicated areas. However, Flagler County may, at its discretion, accept maintenance responsibility by action of the Board of County Commissioners or by actually exercising maintenance responsibilities for such facilities.

1. Upon the Development Engineer's determination that construction of the required improvements has been completed in accordance with all applicable rules and regulations, and prior to recording the plat of said subdivision, a maintenance bond from the developer shall be required. If the plat was recorded and a performance bond was posted in lieu of actual completion of the subdivision improvements, a maintenance bond shall be submitted as a condition precedent to the County Administrator releasing the performance bond. The maintenance bond shall be in an amount equal to fifteen percent of the cost of the construction of the improvements, and shall cover a two year period, commencing upon the date the Development Engineer determines the construction of the improvements has been completed in a satisfactory manner, unless the issuance of the bond is delayed by the developer, then the date of commencement shall be the date of issuance of the bond. The bond shall be in a form that is acceptable to the Development Engineer, the County Administrator and the County Attorney. Upon review as to form by the County and recordation in the public records of the County, the County Administrator shall accept the maintenance bond.

2. Prior to the expiration of the maintenance bond period, the improvements shall be inspected by the Development Engineer. If the improvements after this time are still in conformance with the County's regulations and are consistent with the approved construction plans, the maintenance bond may be released by the County Administrator following final inspection and approval of the improvements by the Development Engineer. If the improvements contain defects, they shall be corrected by the developer prior to final approval and release of the bond.

Section 7 Model homes.

Model home construction prior to plat recording may be allowed where, in the determination of the Director, adequate provisions have been made to address the following:

A. provision for fire protection, including testing and approval of the water system, if on-site hydrants are required to service the area where the proposed model home will be constructed;

B. construction of access roads to the model home site prior to building permit issuance, to the extent necessary to allow sufficient access to public safety personnel and associated equipment;

C. temporary parking for the model home site, constructed with gravel or other pervious or semi-pervious material; however, required handicap accessible parking spaces shall be constructed in accordance with the applicable rules and regulations;

D. potable water and sanitary sewer services are available; and

E. any additional requirements, restrictions, and conditions can be satisfied as deemed necessary by the Director.

Section 8 Waivers.

A. Prior to or concurrent with the preliminary plat review and approval process, the applicant may request a waiver of any of the provisions of this Chapter. Requests for waivers may include but are not limited to:

1. deleting certain requirements/provisions that may not be applicable to a particular subdivision;

2. modifying design criteria for environmental protection/enhancement; and

3. expediting review processes to reduce costs for affordable housing projects.

B. All waiver requests must be consistent with state statutes and not in conflict with requirements of federal and/or state regulatory agencies.

C. Waiver requests are subject to the review of the TSR. Following Technical Staff Review, the Board of County Commissioners shall consider the waiver request at a public meeting.

Section 9 Vacating plats, replats and vacating easements.

A. Vacating plats.

1. The owner(s) of any land within an existing approved plat may request approval by the Board of County Commissioners to vacate that portion of the plat which is owned by the applicant(s).

2. Plats, or portions thereof, cannot be vacated without the consent of the appropriate utilities or regulatory agencies.

3. If the existing plat includes a plat agreement/amendment, all or a portion of the original plat cannot be vacated without the consent of all current property owners and mortgagees within the plat.

B. Replats. A replat of an existing subdivision shall follow the same process as outlined herein for a new plat.

C. Vacating easements.

1. The owner(s) of any land within an existing approved plat may request Board of County Commissioners approval to vacate an easement or portion of an easement over, through, or upon a parcel which is owned by the applicant(s). The following information will be required as part of the application process:

   a. a survey, signed by a licensed professional surveyor, along with an accurate written legal description of the easement to be vacated;

   b. proof of fee simple title to the property which is subject to the easement vacation;

   c. general description of the easement to be vacated; and

   d. other information as deemed necessary by the Director to process the request.

2. Following Technical Staff Review, the Board of County Commissioners shall consider the vacation of easement request at a public meeting.

3. Prior to consideration by the Board of County Commissioners, the applicant(s) will obtain written consents from all parties affected by the vacation of the easement including, but not limited to:

   a. for drainage easements, consent from the St. Johns River Water Management District and, if a maintenance entity is designated, from the homeowner's association or other maintenance entity as identified on the plat or otherwise dedicated;

   b. for utility easements, consent from all utilities, including electric, natural gas, cable television, telephone, and water and sewer, as applicable;

   c. for maintenance easements, consent from the maintenance entity identified on the plat or otherwise dedicated; and

   d. for ingress, egress, and access easements, consent from the grantee and verification that any vacation in whole or in part would not eliminate legal access to a lot or parcel, within or outside of the subdivision, except where an alternate means of access of comparative or better benefit are provided.

Section 10 Penalties for transferring lots in unrecorded subdivisions.

A. It shall be unlawful for anyone who is the owner or agent of the owner of any land to transfer, sell, agree to sell, or negotiate to sell such land by reference to, exhibition of, or other use of a plat of a subdivision of such land without having submitted a plan and plat of such subdivision for approval as required by this Chapter and without having recorded the approved final subdivision plat.

B. If such unlawful use be made of a plat before it is properly approved and recorded, the owner or agent of the owner of such land shall be deemed guilty of violating this Chapter which shall be punishable as provided in Chapter 11.

C. The Board of County Commissioners, through the County Attorney, may enjoin such transfer, sale, or agreement; however, a purchaser of land sold in violation of this section shall be entitled to bring an appropriate action to void such sale or to bring action against the seller for any damages which is suffered as a result of the seller's unlawful act or both.

D. This section shall not apply to those lands which have been exempted from these regulations by the Board of County Commissioners.

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CHAPTER 6 ZONING DISTRICTS

Section 1 Purpose and intent. This Chapter provides for the establishment of zoning districts that implement the goals, objectives, and policies of the adopted Comprehensive Plan and adopted map series. Zoning district standards, dimensional, and area requirements are established in this Chapter.

Section 2 Zoning districts established. The following zoning districts are hereby established:

Table 6-1 – Zoning Districts	
Categories	*Districts*
Conservation	CN (Conservation)
Agricultural	AC (Agricultural) AC-2 (Agricultural/forestry) PUD (Planned unit development - through the FARMS program)
Residential	R-1 (Rural residential) R-1A (Suburban single-family residential) R-1B (Urban single-family residential) R-1C (Urban single-family residential) R-1D (Urban single-family residential) R-2 (Two-family residential) R-3 (Multi-family residential) R/C (Residential/commercial) MH-1 (Rural mobile home) MH-2 (Urban mobile home) MH-3 (Mobile home park) PUD (Planned unit development)
Commercial	O-1 (Limited office) O-2 (General office) C-1 (Neighborhood commercial) C-2 (Shopping center commercial) C-3 (General commercial)
Industrial	I (Industrial)
Recreation/Open Space and Educational	PLI (Public lands and institutional)
Mixed Use	PUD (Planned unit development) FDD (Future development)

[INSERT TABLE 6-2 – USE TABLE HERE]

[INSERT TABLE 6-3 – ZONING DISTRICT TABLES HERE]

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Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Accessory uses normal and incidental to single-family dwellings				P	P	P	P	P				P	P		P										In districts other than the R/C district, this is listed more generally as permitting the "following uses and their customary accessory uses or structures."
Adult arcade amusement center															X										Prohibited in the A1A Scenic Corridor.
Adult businesses																									As defined in Ordinance No. 2000-17; prohibited in the A1A Scenic Corridor.
Adult congregate living facility (ACLF)																		P	P	P					
Adult entertainment establishments															X										As defined by section 19-71 et seq. of the Flagler County Code, "Sexually Oriented Business and Adult Entertainment Establishments", and including any production and/or distribution of internet or computer distributed adult modeling.
Agricultural type buildings and structures	P	P	P																						
Agriculture or farming	P	P	P																						No structure (excluding fenced areas) containing odor- or dust-producing materials, shall be located within 100 feet of a property or district boundary.
Agriculture production		P	P																						
Animal hospitals		SE													SE		P	P	P	P					
Any use not specifically permitted by right or by special exception															X										In the R/C district, this is listed under prohibited uses; normal construction would have non-listed uses prohibited, but the current LDC leaves latitude for determination of other related uses.
Aquaculture	P	P	SE																						
Art gallery															SE		P	P	P	P					
Artist studio															SE	P	P	P		P					
Artists, illustrators (commercial)																P	P	P		P					

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Auction parlors																			P	P					
Automobile rental agencies																				P	P				
Automobile sales															X					P					Prohibited in the A1A Scenic Corridor.
Automobile service stations															X			SE	P	P					
Automotive repair		SE													X					P	P				Prohibited in the A1A Scenic Corridor.
Bakeries and similar uses																		P							In the C-1 district, bakeries include preparation of products for sale on the premises.
Banks															SE		P	P	P	P					In the R/C district, banks are limited to a single-lane drive through by special exception.
Barber shops															SE		P	P	P	P					
Bars																			P	P					
Beauty shops															SE		P	P	P	P					
Bed and breakfasts				SE	SE	SE	SE	SE							SE										
Boarding homes				SE	SE																			SE	
Boat sales and service establishments															X					P					The R/C district does not distinguish by type of boat. In the A1A Scenic Corridor, establishments for canoe and kayak sales and service are permitted; motorized boats are prohibited, sail boats are not mentioned (prohibited by default).
Body piercing establishments															X					P					Prohibited in the A1A Scenic Corridor.
Book stores																	SE	P	P	P					
Bona fide agricultural pursuits		P	P																						

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Bona fide forestry pursuits		P	P																						
Bowling alleys																			P	P					
Building material storage yards including lumber yards																			SE	SE					
Bulk storage of fertilizer, fuels, lubricants, and other hazardous, flammable, combustible or incendiary materials		SE																			P				All storage is fenced or enclosed for safety purposes and all spacing requirements are met including those found in the United States Code of Federal Regulations (CFR) and the requirements of all other applicable agencies. The term bulk is intended to imply large capacity storage and dispensing of the type that occurs within a storage terminal, tank farm, or similar facility, not to include consumer dispensing.
Bus depots																			SE	SE					Prohibited in the A1A Scenic Corridor.
Bus stations																			SE	SE					
Business and professional offices, accountant															SE	P	P	P							
Business and professional offices, appraiser															SE	P	P	P							
Business and professional offices, architect															SE	P	P	P							
Business and professional offices, attorney															SE	P	P	P							
Business and professional offices, bookkeeper															SE	P	P	P							
Business and professional offices, brokers, real estate and others; i.e., mutual funds, stocks, bonds, etc.															SE	P	P	P							
Business and professional offices, insurance															SE		P	P							

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Carwashes															X			SE		P					
Catering services																		SE		P					
Cemeteries		LU	LU																			LU		LU	
Check cashing and paycheck advance															X					P					
Child care centers																SU	SU	SU	SU	SU			SU		In the PUD district, provided that the child care centers are designed and constructed according to child care center rules and regulations adopted pursuant to House Bill 1867, Chapter 69-1677, Special Acts, State of Florida, and revised on October 31, 1975.
Class III landfill		SE	SE																		SE	SE			DEP permit required
Clinics – medical and dental																	P	P	P	P			P		
Cluster subdivisions				SE	SE	SE	SE	SE	SE		SE	SE	SE												
Commercial recreational uses																			P	P					
Commercial uses and structures compatible with the other use proposed in the overall development plan																							P		Other uses and structures of nature similar to those listed are permitted, after determination by the Board of County Commissioners at the time of overall development plan approval that such uses and structures are appropriate to the PUD development and to the overall development of the County.
Commercial warehousing																			SE	SE	P				Prohibited in the A1A Scenic Corridor. Outside storage to be completely enclosed by a solid fence or otherwise screened from the public view.
Common household pet animal sanctuary/shelter facilities		SE		SE	SE	SE	SE	SE	SE	SE	SE	SE													The applicant must demonstrate to the Planning and Development Board, utilizing competent, substantial evidence, that the proposed common household pet animal sanctuary/shelter facility will initially and on a continuous basis adhere to the following standards:

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Common household pet animal sanctuary/shelter facilities (continued)																									(a) Residential dwelling unit required. Within all zoning districts in which a common household pet animal sanctuary/shelter facility is permitted as a special exception, a common household pet animal sanctuary/shelter facility shall be accessory to a residential dwelling unit located on the same lot or parcel. For purposes of this requirement, a contiguous lot or parcel may be utilized, provided that all lots or parcels used as part of the common household pet animal sanctuary/shelter facility are combined with the lot or parcel on which the residential dwelling unit is located into a single parcel for assessment purposes. A residential dwelling unit will not be required for any common household pet animal sanctuary/shelter within the AC (agriculture) zoning district or within other zoning districts where common household pet animal sanctuary/shelter facilities are permitted as a special exception use on lots or parcels an acre or greater in size. (b) Animal containment. All outdoor areas allocated for use by the animals shall be fenced, walled, caged, or otherwise humanely housed, but not chained, to safely contain the animals. A detailed animal containment plan shall be provided for each and every animal species, to include separation facilities for quarantine and treatment. Additionally, sheltering facilities to protect the animals during severe heat, cold or other inclement weather shall be fully demonstrated. All animal containment areas/structures shall be maintained and kept in good condition at all times. (c) Compatible layout/design. Any structures, outdoor runs, and feeding areas on the site shall be laid out and designed in such a manner so as to provide maximum noise reduction, odor prevention, and compatibility with adjoining properties, as appropriate for the type of animal to be housed therein and any existing adjacent uses. (d) Maximum number of animals for facilities with outdoor animal areas. The

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Common household pet animal sanctuary/shelter facilities (continued)																									maximum number of animals for facilities with outdoor animal areas shall be limited to: (1) On sites less than or equal to one-quarter acre in size, up to 10 animals. (2) On sites greater than one-quarter acre in size, but less than or equal to one-half acre in size, up to 20 animals. (3) On sites greater than one-half acre in size, but less than or equal to three-quarters acre in size, up to 30 animals. (4) On sites greater than three-quarters acre in size, but less than or equal to one acre in size, up to 40 animals. Note 1: A higher numeric threshold than provided herein may be set for additional animals as approved through a super-majority vote of the Planning and Development Board as part of the special exception. Note 2: A lower numeric threshold of animals permitted per site may be set by the Planning and Development Board based on specific site, surrounding site, and other application circumstances as part of the special exception process. Note 3: The maximum number of animals for facilities with both outdoor and indoor areas shall be set by the Planning and Development Board. Note 4: The Planning and Development Board shall also set the numeric standards for sites greater than one acre in size through the special exception process. (e) Maximum number of animals for facilities with indoor animal areas. The maximum number of animals for facilities with indoor animal areas shall be set by the planning and development board based on specific layout and amenities of the indoor facilities, the specific animals being cared for, occupants, and similar considerations. (f) Hours of operation. The hours for any public visitation/adoption activities shall be restricted to occur daily between dawn and

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Common household pet animal sanctuary/shelter facilities (continued)																									dusk. (g) Evacuation plan. A written evacuation plan shall be required as part of any application. The plan should establish procedures for evacuating animals during disasters such as wildfires, flooding and hurricanes. (h) Sanitation. At a minimum, outdoor facilities shall be required to collect and dispose of animal waste on no less than a weekly basis. (i) Annual facility report. On an annual basis, the facility operator shall provide a written report to the county attesting as to the number of animals maintained on the property and continued compliance with these standards and other special conditions made a part of the approved special exception. (j) Semiannual inspection. All facilities shall be subject to semiannual inspections performed by the county and/or its agents verifying that care of the animals is in accordance with the standards of the Humane Society of the United States (HSUS). In conducting the semiannual inspection as provided under this section, the county shall utilize two inspectors, one of which shall be either a county code enforcement officer, a sheriff's office deputy, or other designated person with credentials related to animal care as approved by the County Administrator. (k) Required spay/neutering. All animals maintained at the facility shall be spayed or neutered, as applicable to a particular species, prior to any adoption. The operator shall maintain paperwork on site available for inspection at any time demonstrating compliance with this requirement. (l) Prohibited applicants. An applicant for a special exception or an operator of an approved facility shall be deemed ineligible for application or continued operation if the applicant or operator has been convicted of animal cruelty or neglect, or entered a plea of no contest or otherwise had adjudication

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Common household pet animal sanctuary/shelter facilities (continued)																									withheld. (m) Nuisances. In addition to these standards and any specific conditions, an approved facility shall be obligated to be free of any animal-related nuisance as described within the Flagler County Land Development Code, the Flagler County Code of Ordinances, and Florida Statutes. Any failure to remedy an animal-related nuisance shall be grounds for the county to pursue relief including, but not limited to: code enforcement action including the issuance of a citation and/or the posting of the facility as unsafe; a hearing before the Planning and Development Board or the Board of County Commissioners, as applicable, to reconsider the special exception approval; and, where feasible, injunctive relief. (n) Compliance inspections/noncompliance remedies. Flagler County or its agents reserve the right to monitor compliance with the conditions specified above from time to time and for this limited purpose the applicant consents as a condition to its special exception to entry on its property by authorized employees of the county or its agents to determine compliance. In the event the county determines there is noncompliance with any of these standards or any conditions of approval provided by the Planning and Development Board, the County reserves the right either: (1) To order compliance with the condition; or (2) To order correction of the condition; or (3) [To order] revocation of the authorization for the special exception. Nothing included herein shall prevent the county from pursuing other remedies including, but not limited to, injunctive relief. In conducting the inspections as provided under this section, the county shall utilize two inspectors, one of which shall be either a county code enforcement officer, a sheriff's office deputy, or other designated person with credentials related to animal

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Common household pet animal sanctuary/shelter facilities (continued)																									care as approved by the County Administrator.
Communication towers	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	X	SU	SU	SU	SU	SU	SU	SU	SU	SU	
Community clubs																P	P	P					P		
Community residential homes, one to six persons				P	P	P	P	P	P																
Community residential homes, seven to 14 persons										SE	SE					SE									
Contractor storage yards																			SE	SE	P				Outside storage to be completely enclosed by a solid fence or otherwise screened from the public view.
Convalescent homes																	SE	P							
Convenience stores																	SE	P		P			P		In the C-1 district, convenience stores exclude the sale of distilled spirits with a higher alcoholic content than malt beverages or fermented wines.
Country clubs		SE																							Located within or adjacent to the planned urban service area boundary.
Crematories																				SE	P				
Dairies and dairy products		P	P																						
Day care centers																SU	SU	SU	SU	SU			SU		In the O-1 district, enrollment is limited to 20 children.
Day spas															SE		P	P	P	P					
Drive through sales unless specifically permitted															X			P	P	P					
Dry cleaners															SE					P	P				In the R/C district, dry cleaners are drop-off only with no plant by special exception.

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Employment agencies																			P	P					
Essential public services	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	Includes water, sewer, gas or electric systems such as substations, lift stations, treatment plants, percolation ponds, access roads and similar installations that are required to support existing development.
Essential utility services	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	
Feed and seed processing, storage, retail or wholesale sales		SE	SE																						
Field crops		P	P																					P	In the Ac and AC-2 districts, no structure (excluding fenced areas) containing odor- or dust-producing materials, shall be located within 100 feet of a property or district boundary. In the FDD district, no structure (excluding fenced areas) shall be located within 100 feet of a property line or district boundary.
Financial institutions																	SE	P	P	P					Note: These are also listed as the less general “banks” and “savings and loans.”
Fish farming		P																							
Florist															SE		SE	P	P	P					
Forestry production		P	P																						
Funeral homes and mortuaries																		P	P	P					
Game rooms or arcades for pool, billiards, pinball machines, jukeboxes or other coin-operated amusements																			P	P					
Gas or oil wells		SU	SU																						
Gasoline pumps		LU	LU												LU	LU		SE	LU	LU	LU	LU	LU	LU	In the C-1 district, gasoline pumps are permitted when incidental to a permitted use as a special exception.

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Gift shops															SE		SE	P	P	P					
Golf courses		SE																							Located within or adjacent to the planned urban service area boundary. Note: The planned urban service boundary no longer exists; was eliminated with last Plan update.
Growing plants, crops, and other agricultural products	P	P	P																						
Growing trees and other forestry products	P	P	P																						
Guest/servant quarters		SE	SE	SE	SE	SE	SE	SE							SE										
Hardware stores																		P	P	P					
Home gardens		P	P	P	P	P	P	P	P			P	P											P	In the AC and AC-2 districts, no structure (excluding fenced areas) containing odor- or dust-producing materials, shall be located within 100 feet of a property or district boundary. In the FDD district, no structure (excluding fenced areas) shall be located within 100 feet of a property line or district boundary.
Home occupations		P	P	P	P	SE	SE	SE	SE	SE	SE	P	SE	SE	P								P	P	1. The applicant must demonstrate to the Planning and Development Board clear evidence that the proposed home occupation will not: (a) Disturb the peace, quiet and domestic tranquility of the residential neighborhood; (b) Create excessive odor, noise, parking or traffic above that of the residential neighborhood; (c) Create a fire hazard or nuisance; (d) Use or generate toxic or hazardous materials or waste. 2. Special exceptions and permitted uses for home occupations are subject to the following regulations: (a) No more than one home occupation shall be permitted within any single dwelling unit (excluding cases where a person

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Home occupations (continued)																									requires multiple professional or vocational licenses and the actual performance or work occurs somewhere other than the applicant's dwelling unit). (b) Permitted home occupations shall not include the employment of any persons not residing on the premises in the performance of the occupation. (c) No one other than residents of the dwelling shall be employed in the conduct of a home occupation (excluding those cases where actual performance of work occurs somewhere other than the applicant's dwelling unit). (d) No stock-in-trade shall be displayed or maintained on the premises, and no retail sales on the premises shall occur. (e) A home occupation shall produce no noise or obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception. (f) No traffic or parking shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. (g) There shall be no exterior indication of the home occupation; no exterior signs shall be used; no other onsite advertising visible from the exterior shall be used that informs the public of the address of the home occupation. (h) No mechanical equipment shall be used or stored on the premises in connection with the home occupation except that which is normally used for purely domestic or household purposes or as specifically provided for in a special exception permit. 3. All special exceptions for home occupation land uses are subject to review and a rehearing of the approved special exception by the Planning and Development Board upon written and justifiable complaints from surrounding property owners. Such rehearing may result in the revoking of the special exception or additional conditions for continued operation

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Home occupations (continued)																									of a home occupation. 4. Home occupation uses shall be subject to all applicable County occupational licenses and other business taxes. 5. In the event that the applicant has not had an occupational license in effect for the duration of time that the applicant has been operating the business out of the home, as a condition of any special exception the applicant shall be required to pay all occupational license fees that would have been due plus the maximum statutory penalties and fees as prescribed by state and local law.
Horse farms		P	SE																						
Horticultural products		P	P																						
Horticulture		P	P																					P	Within the AC and AC-2 districts, no structure (excluding fenced areas) containing odor- or dust-producing materials, shall be located within 100 feet of a property or district boundary. In the FDD district, no structure (excluding fenced areas) shall be located within 100 feet of a property line or district boundary.
Hospitals																	SU	SU	SU	SU					
Hotels, motels and other tourist accommodations																				P					
Industrial uses																					P				Any industrial, office, commercial or related use or structure, provided applicable County [performance] standards are met.
Institutions																					P	P	P		
Jewelry store															SE			P	P	P					

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Junkyards		SE																			SE				No such operation shall be permitted to be located closer than 1,500 feet to a residential district and no closer than 1,000 feet to any property line. Operations shall be fenced for safety purposes and screened from view from adjacent property and roadways.
Keeping of animals for personal use (not for resale), accessory to a single-family dwelling.		P	P	P								P													The personal use restriction is not intended to apply to 4-H, FFA, or similar educational projects.
Kennels		SE																	SE	SE					
Laboratories																P	P	P		P					In the O-1 district, laboratories are permitted when incorporated with, and an integral part of, the uses permitted in this district.
Land clearing business		SE																							Any outside storage is completely enclosed by a solid fence or otherwise screened from the public view.
Laundry and dry cleaning pickup stations																	P	P	P	P					
Laundry and dry cleaning establishments																	P	P	P	P					
Laundry and dry cleaning self-service establishments																		P	P	P					Note: Recommend deletion; substitute self-service laundry as new use (no one does self-service dry cleaning).
Libraries																	P					P			Note: The PLI district lists “public libraries.”
Livestock production		P	P																						All domesticated animals (except those generally recognized as pets) shall be kept in a fenced area, structure, pen or corral. No structure (excluding fenced areas) containing poultry or livestock and no storage of manure or odor- or dust-producing substance or use shall be located within 100 feet of a district boundary.
Machine shops																			SE	SE	P				

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Major electric transmission corridor	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	Not listed as a use in the LDC; listed and defined in special siting criteria for PWSFs and telecommunication towers, ss. 7.2.D.11.
Major utility installations	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	
Market gardening		P	P																					P	In the AC and AC-2 districts, no structure (excluding fenced areas) containing odor- or dust-producing materials, shall be located within 100 feet of a property or district boundary. In the FDD district, no structure (excluding fenced areas) shall be located within 100 feet of a property line or district boundary.
Medical and dental offices such as, but not limited to: chiropractic physicians; dentists; optometrists; physicians and surgeons; and licensed massage and physical therapists															SE	P	P	P	P	P					Note: Licensed massage and physical therapists are not specifically listed in the O-1 district.
Mining		SE	SE																						
Mini-warehouses															X					P	P				Prohibited in the A1A Scenic Corridor.
Mobile and modular home dealerships, repair or service establishments																				SE	P				Prohibited in the A1A Scenic Corridor.
Mobile home dwellings		P	P									P	P										P		
Mobile home parks and accessory laundry buildings, commissary, swimming pools, and recreational facilities														P											
Mobile home sales and service establishments																				SE	P				
Mobile home subdivisions		P	P									P	P	P											Must meet requirements of Article IV, Development and Subdivision Regulations.
Mobile recreational vehicles and shelters														P											

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Multi-family dwellings										P	P					SE	SE						P		In the O-1 district, multi-family dwellings meeting the requirements of the R-3 district are permitted by special exception.
Museum																	P								
Newsstands																		P				P			
Nightclubs																			P	P					
Non-common household pet and wild animal sanctuary/shelter facilities		SE																							Subject to the following standards: (a) State and federal permits. If confining any animals at a facility requires state or federal permits, they shall be obtained prior to commencement of operations, including, but not limited to: Class I, II or III permits for captive wildlife, as applicable, in accordance with Chapter 68A-6, F.A.C. A copy of such permit(s), if required, shall be furnished to Flagler County as a condition of the special exception approval. (b) Maximum number of animals. Facilities shall be limited to numeric thresholds established by the planning and development board and shall be based on site characteristics and the type(s) of animals intended to be housed on and within the facility. Facilities with over 100 animals shall require approval by the Board of County Commissioners following the public hearing procedures at subsection 4.6.F. (c) Minimum facility site size. The minimum size site for any facility shall be five acres. Facilities that have any exterior animal use and exceed 25 animals shall be required to have a minimum of one additional acre of land for each additional five animals or fraction thereof. Additional acreage may be required to address best practices for specific species and to reduce impacts to surrounding properties. (d) Animal containment. All outdoor areas allocated for use by the animals shall be fenced, walled, or caged to safely contain the animals. No animal shall be chained

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Non-common household pet and wild animal sanctuary/shelter facilities (continued)																									except for a limited duration for purposes of sanitation (i.e., facility cleaning) or similar reasons and not as a regular means of containment. A detailed animal containment plan shall be provided for each and every animal species, to include separation facilities for quarantine, treatment, and/or breeding. Additionally, sheltering facilities to protect the animals during severe heat, cold or other inclement weather shall be fully demonstrated. All animal containment areas/shelters shall be maintained and kept in good condition at all times. (e) Compatible layout/design. Any structures, outdoor runs, and feeding areas on the site shall be laid out and designed in such a manner to provide maximum noise reduction, odor prevention, and compatibility with adjoining properties, as appropriate for the type of animal to be housed therein and any existing adjacent uses. (f) Setbacks. Structures allocated for animal use shall be set back a minimum of 100 feet from any property line. Additional setbacks may be required for the facility based on the species, surrounding uses, proposed layout, and other specifics of the application. (g) Hours of operation. The hours for any public visitation and activities related to the care/feeding of the animals shall be restricted to occur between dawn to dusk. Visitation hours for the public may be further restricted by the planning and development board or the county commission in the special exception review process. (h) Public visitation. Should public visitation be part of any facility, the operator shall be responsible for any improvements necessary to accommodate public access to the site to include parking, stormwater, ADA-equipped facilities, fire/life safety improvements and additional safety precautions to protect the public from the animals. (i) Emergency plan. A written emergency plan shall be required as part of any

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Non-common household pet and wild animal sanctuary/shelter facilities (continued)																									application. The plan shall be kept and used on site. The plan shall address appropriate measures to address the safety of the facility workers and the public for potential animal attack/escape, disease transmission, and animal evacuation. The plan should establish procedures for recapturing escaped animals, for evacuating animals during wildfires and hurricanes, and for advanced medical coordination (as necessary) related to specific situations. The plan shall include any sources for developing the emergency plan and demonstrate that the sources are appropriate for achieving public safety for the species of animals being housed and/or exposed to the public. The plan shall be annually reviewed by the facility manager and documented. (j) Sanitation/animal waste disposal/odor abatement plan. A sanitation, waste disposal, containment, and odor abatement plan shall be required to be submitted as part of the application and approved as part of the special exception. Major goals of the plan shall be to ensure optimal sanitary conditions and the minimization of odors emanating from the facility. (k) Feeding and care plan. A dietary feeding and care plan for the types and numbers of animals planned for the facility shall be provided, along with a care plan for the animals based at the facility. This plan shall include appropriate space needs, exercise areas, climate control, and the type of confinement habitat. The plan shall be required to be signed by the veterinarian of record and submitted as part of the application and approved as part of the special exception. (l) Financial feasibility/insurance plan. The applicant shall at the time of application demonstrate the capacity to fund the facility on an ongoing basis. Additionally, the applicant shall provide proof that the applicant has purchased liability insurance for this type of facility and the animals housed therein. (m) Residences. Residences may be allowed

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Non-common household pet and wild animal sanctuary/shelter facilities (continued)																									on the site and shall conform to the requirements of the AC (agriculture) district. (n) Veterinarian of record/animal care reporting. All facilities shall have a veterinarian of record whose principal place of business is within a one hundred-mile radius of the facility and who has experience with the specific animal species planned to be housed at the facility. The veterinarian of record shall be required to annually certify to the growth management department that care of the animals is proper in accordance with acceptable veterinarian standards. (o) Required sterilization. All animals maintained at the facility shall be sterilized, as appropriate for each species, unless: (1) The Planning and Development Board, as part of the approved special exception, waives this requirement; or (2) Such animals are part of a breeding program authorized by a state or federal government for any managed, imperiled, threatened, or endangered species. The Planning and Development Board and the Board of County Commissioners, in approving any waiver under this section, shall include considerations particular to each species and on-site strategies to eliminate uncontrolled breeding at the facility, including, but not limited to, the separation of males and females. (p) Annual facility report. Upon initial approval and on an ongoing annual basis thereafter, an operator of an approved special exception for a non-common household pet and wild animal sanctuary/shelter shall provide a written report to the County attesting to the number of animals maintained on the property and to the continued compliance with these standards and other special conditions made a part of the approved special exception. This report shall accompany the veterinarian's animal care report referenced above. (q) Semiannual inspection. All facilities shall be subject to semiannual inspections

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Non-common household pet and wild animal sanctuary/shelter facilities (continued)																									performed by the County and/or its agents verifying that care of the animals (as applicable to a particular species or breed) is in accordance with the standards of the Humane Society of the United States (HSUS) for non-common household pets and the standards of the Florida Fish and Wildlife Conservation Commission (FWC) for wild animals. In conducting the semiannual inspection as provided under this section, the county shall utilize two inspectors, one of which shall be either a county code enforcement officer, a sheriff's office deputy, or other designated person with credentials related to animal care as designated by the County Administrator. (r) Compliance inspections/noncompliance remedies. Flagler County reserves the right to monitor compliance with the conditions specified above, and for this limited purpose, the applicant consents to entry on its property by authorized County officials to determine compliance. In the event the County determines there is noncompliance with any of the conditions, the County reserves the right either: (1) To order compliance; or (2) Correction of the condition; or (3) Revocation of the authorization for the special exception. Nothing included herein shall prevent the County from pursuing other remedies including, but not limited to, injunctive relief. In conducting compliance inspections as provided under this section, the county shall utilize two inspectors, one of which shall be either a county code enforcement officer, a sheriff's office deputy, or other designated person with credentials related to animal care as designated by the County Administrator. (s) Prohibited applicants. An applicant for a special exception or an operator of an approved non-common household pet and wild animal sanctuary/shelter shall be deemed ineligible to apply or to operate, as applicable, if the applicant or operator has

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Non-common household pet and wild animal sanctuary/shelter facilities (continued)																									been convicted of animal cruelty or neglect, or entered a plea of no contest or otherwise had adjudication withheld on charges of animal cruelty or neglect.
Nursing homes				SE	SE												SE					P	P	SE	
Offices – administrative, business and professional																P	P	P	P	P				SE	In the FDD district, "limited office" is listed as a special exception use, as permitted in the O-1 district. The O-1 district does not specifically list "limited office."
Open space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Orchards		P	P																					P	In the AC and AC-2 districts, no structure (excluding fenced areas) containing odor- or dust-producing materials, shall be located within 100 feet of a property or district boundary. In the FDD district, no structure (excluding fenced areas) shall be located within 100 feet of a property line or district boundary.
Other commercial uses of a nature similar to those listed in the district may be permitted upon determination by the Planning and Development Board that such uses are appropriate																		SE	SE	SE				SE	In the C-1 and C-2 districts, the Standard Industrial Classification Manual will be used as a reference for these determinations. In the FDD district, "neighborhood commercial uses" are listed as special exceptions, as permitted in the C-1 district; however, the C-1 district does not list "neighborhood commercial uses."
Other general office uses of a nature similar to those listed in the district may be permitted upon determination by the Planning and Development Board that such uses are appropriate																	SE								
Other professional office uses of a nature similar to those listed in the district may be permitted upon determination by the Planning and Development Board that such uses are appropriate															SE	SE									

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Outdoor storage															X					SE	P	P			In the R/C district, "outside commercial boat, RV or vehicular storage" is prohibited. Prohibited in the A1A Scenic Corridor, except at plant nurseries (see plant nurseries herein).
Pawn shops															X					P					Prohibited in the A1A Scenic Corridor.
Permanent commercial campgrounds		LU	LU											SE											
Personal storage facilities																		SE			P	SE			In the C-1 district, outdoor storage is prohibited as part of the special exception.
Pest exterminators																				P					
Pharmacies															SE		P	P	P						In the R/C district, pharmacies shall not to exceed 2,500 square feet of gross floor area and are limited to a single lane drive through by special exception.
Places of worship		SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU		SU	SU	SU	
Planned unit developments																							P	SE	The FDD district lists planned unit developments as a special exception use (Low to medium density—One to seven units per acre).
Plant nurseries		P	P																					P	In the AC and AC-2 districts, no structure (excluding fenced areas) containing odor- or dust-producing materials, shall be located within 100 feet of a property or district boundary. In the FDD district, no structure (excluding fenced areas) shall be located within 100 feet of a property line or district boundary. Note: Outdoor storage is prohibited in the A1A Scenic Corridor, except at plant nurseries; however, plant nurseries are not permitted in the A1A Scenic Corridor since there are no areas in the Corridor zoned AC, AC-2, or FDD.
Post office															SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Poultry production		P	P																						All domesticated animals (except those generally recognized as pets) shall be kept in a fenced area, structure, pen or corral. No structure (excluding fenced areas) containing poultry or livestock and no storage of manure or odor- or dust-producing substance or use shall be located within 100 feet of a district boundary.
Printing																				P					
Private airstrips		SE																					P		No impervious surface, subject to FAA approval and notification of surrounding property owners located within 2,000 feet of the proposed airstrip.
Private clubs																				P			P		
Private schools															SE	SU	SU	SU	SU	SU		SU	P	SU	In the R/C district, private schools are limited to maximum enrollment of 100 students by special exception. In the PUD district, “schools” are permitted.
Professional consultants such as, but not limited to: advertising; business; engineering; public relations; statistical; and financial planning															SE	P	P	P	P	P					Note: Financial planning is not specifically listed in O-1 district.
Professional offices															SE	P	P	P	P	P					
Public educational uses															SU	SU	SU	SU	SU	SU		P	P	SU	In the PUD district, “public uses” and “schools” are listed as permitted.
Public institutional uses	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	P	P	SU	In the PUD district, “public uses” is listed as permitted.
Public recreational uses	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	P	P	SU	In the PUD district, “public uses” is listed as permitted.
Public service/utility uses	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	P	P	P	In the PUD district, “public uses” and “public utilities” are listed as permitted. In the FDD district, “essential public services” are listed as permitted.

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Raising of crops for personal use (not for resale), accessory to a single-family dwelling				P								P													The personal use restriction is not intended to apply to 4-H, FFA, or similar educational projects.
Raising of livestock	P	P	P																						
Recreation	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	P	SU	
Recreational areas accessory to residential developments				P	P	P	P	P	P	P	P	P	P											P	
Recreational vehicle sales															X					SE	P				Prohibited in the A1A Scenic Corridor.
Regional natural resource park	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	Not listed as a use in the LDC; listed and defined in special siting criteria for telecommunication towers, s. 3.06.05.F.
Residential dwelling(s), as part of a business															SE										In the R/C district, as an integral and contiguous part of a business structure and located behind or above the business structure as a special exception.
Restaurants															SE		SE	SE	P	P		P			In the R/C district, restaurants are sit down only, with a maximum seating capacity 160, and no drive through permitted. A maximum 25 percent of the seating capacity may be outdoor or visually screened from adjacent right-of-ways. Incidental consumption on premises of alcoholic beverages may be considered as part of a special exception application. In the O-2 district, restaurants exclude drive-thru service by special exception. In the C-1 district, one drive thru is allowed, along with takeouts; maximum seating capacity is 75 persons as a special exception.
Retail sales and services															SE				P	P					In the C-2 district, the following uses are prohibited: motor vehicle sales and rental; automobile driving schools; boat or mobile home sales and service; car washes; miniwarehouses and water slides.

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Retail store, boutique (ITE #870), niche or specialty (ITE#814)															SE				P	P					In the R/C district, retail stores having a maximum of 2,500 square feet of gross floor area as a special exception use. In the C-2 district, this is listed only as "retail specialty shops."
Roofing contractor																			SE	SE	P				
Riding stables		P	SE																						
Roadside sales from structures on private property of agricultural products raised on the premises		P	P																						
Roadside vendor		SE																	SE	SE					Subject to the following provisions: (a) Limited to operation at an approved site, but not within 500 feet of an existing permanent business offering the same services or products. (b) Must provide safe ingress and egress to the site. (c) Must obtain county occupational license.
Savings and loan institutions															SE		P	P	P	P					
Septic tank service																			SE	SE	P				
Schools of instruction, acting															SE				P	P					
Schools of instruction, art																			P	P					
Schools of instruction, automobile driving																			P	P					
Schools of instruction, dance															SE				P	P					
Schools of instruction, martial arts															SE				P	P					
Schools of instruction, modeling																			P	P					
Schools of instruction, music																			P	P					

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Schools of instruction, pottery															SE				P	P					
Self-service laundry																		P		P					
Shell or soil extraction		SE	SE																						
Shoe repair shops																		P	P	P					
Shopping center development																			P				P		All uses consistent with the permitted uses of the C-2 shopping center district.
Shooting and archery ranges		SE																							Subject to the following provisions: (a) Minimum site size shall be 50 acres; (b) Maximum caliber for rifled barrels used on the range shall be .45 and for non-rifled shall be 12 gauge and the use of black powder. (c) A projectile-proof backstop, consisting of concrete, steel, earth or a combination thereof, at least 15 feet high shall be erected and maintained behind all target areas; (d) The use shall not constitute a nuisance or be a hazard to an abutting property; (e) The noise level shall not exceed 85 DBA at the property boundary; (f) Hours of operation shall be between 8:00 a.m. to one-half hour before dusk except for night time shooting for certification of law enforcement agencies; and (g) The design and safety standards of the National Rifle Association (NRA), International Archery Federation (FITA), National Skeet Shooting (NSA) and the Amateur Trap Shooting Association (ATSA) shall be met.
Silviculture	P	P	P																					P	In the FDD district, no structure (excluding fenced areas) shall be located within 100 feet of a property line or district boundary.

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Single-family dwelling unit to be used only in conjunction with the operation of a permitted business on the same premises																SE		P	P	P					In the O-1 and C-1 districts, such single-family dwelling unit shall be an integral and contiguous part of the principal business structure and located behind or above that portion of the business structure devoted to service of the public. The building structure must meet all applicable building codes for the respective residential and commercial uses including fire and public safety laws. The C-1 and C-2 districts also state that in no case shall this permitted use be construed to allow multifamily development behind or above a strip commercial center.
Single-family dwellings		P	P	P	P	P	P	P	P	P or SE	P or SE	P	P		P		SE						P	P, SE	In R-3 and R-3B districts, permitted single-family dwellings must meet the requirements of the R-1B district; single-family dwellings meeting R-1C or R-1D requirements are through special exception. In the O-2 district, single-family dwellings are permitted meeting the requirements of the R-1B district and provided the subject property is not located on an arterial roadway as a special exception. In the FDD district, instead of single-family dwellings, "residential dwellings" are listed as permitted, according to the standards in the R-1, and R-1B districts (Low density—one to three units per acre). In the FDD district, instead of single-family dwellings, "residential dwellings" are listed as special exception uses when according to the standards in the R-1C, R-1D, and R-2 districts (Medium density—four to six units per acre).

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Single-family dwelling, manager/caretaker														SE							SE				Dwelling must meet the minimum dimensional requirements of the MH-3 mobile home park district. In the I district, the unit must have a minimum of 600 square feet of living area, on the same site as that of a permitted use, which dwelling shall be occupied exclusively by a superintendent and his family, by a caretaker and his family or by a watchman or custodian and his family, subject to special exception approval.
Stamp redemption centers																			P	P					Note: Recommend deletion; haven't seen an S&H Green Stamp in about 30 years.
Stationery stores																	SE	P	P						Note: C-1 district lists "stationary stores."
Studios – art, dance and photography																	P		P	P					
Tailors																		P	P	P					
Tattoo parlors															X					P					Prohibited in the A1A Scenic Corridor.
Tax consultants or tax experts															SE	P	P	P	P	P					
Taxicab stands																			P	P					Note: Recommend deletion; we have taxis, but they are phone-dispatched.
Telecommunication towers	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	
Temporary manufactured housing sales center																			SE	SE					The "temporary sales center" will be permitted for a specific time frame and the models and their stem wall foundation removed upon time expiration.

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Temporary mobile home for elderly/disabled parent or grandparent		SE	SE																						One mobile home dwelling consisting of a minimum of 600 square feet of living area on the same site as that of a permitted use, which dwelling shall be occupied exclusively by a disabled or elderly (65+ years) parent or grandparent who requires personal nursing care similar to services of a nursing home. A statement from a physician certifying that personal nursing care is required shall be submitted with the request. The use shall be temporary in nature and subject to renewal every three years. This use shall terminate and the mobile home removed from the site, when the disabled or elderly parent or grandparent moves from the site.
Theaters																			P	P					Note: Change to "multiplex movie theater?"
Townhouses										P	P														
Tractor sales and service																			SE	SE					
Trade shops including electrical, plumbing, cabinet maker and heating and air-conditioning																				P	P				
Transportation terminals, including bus, railroad, air and water facilities																	SU	SU	SU	SU	SU	SU		SU	
Travel agencies															SE				P	P					
Truck terminals																			SE	SE	SE				
Two-family dwellings									P	SE	SE												P	SE	In the R-3 and R-3B districts, permitted two-family dwellings must meet the requirements of the R-2 district. In the FDD district, instead of two-family dwellings, "residential dwellings" are listed as special exception uses when according to the standards in the R-1C, R-1D, and R-2 districts (Medium density—four to six units per acre).

Specific Uses	CN	AC	AC-2	R-1	R-1A	R-1B	R-1C	R-1D	R-2	R-3	R-3B	MH-1	MH-2	MH-3	R/C	O-1	O-2	C-1	C-2	C-3	I	PLI	PUD	FDD	Standards
Key: P = Permitted Use SE = Special Exception SU = Special Use X = Specifically Prohibited Use LU = Limited Use																									
Veterinarian															SE		P	P	P	P					In the R/C district, no boarding is permitted; use is subject to special exception approval.
Veterinary clinics		SE													SE		P	P	P	P					
Warehousing															X					SE	P			P	
Welding shops																				SE	P				
Wholesale or retail fertilizer sales and storage		SE	SE																		P				Note: AC-2 does not include storage.
Wood working shops, together with structures, machinery, equipment and facilities, incidental to such operations		SE																		P	P				Such operations: (a) Do not utilize electrical powered machines in excess of five horsepower; (b) Use no more than 240 volts single phase current with a maximum 200 amp buss; (c) House and operate all machinery within an enclosed structure not to exceed 2,000 square feet; and (d) Said operation shall limit noise to a normal residential level of 55 decibels when measured at the property line of any abutting landowner. (e) Do not provide any wood treatment process. (f) Are subject to annual inspections of the County health department and county fire inspector.

FLAGLER COUNTY DEVELOPMENT STANDARDS FOR CONSERVATION AND AGRICULTURAL USES

6-3.A.1.	CN—Conservation district.	
A. Purpose and intent.		
The purpose and intent of the CN—conservation district is to preserve the natural water recharge and wetland areas, and prohibit the draining of or injury to natural water recharge areas and wetlands of the County.		
B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. In the CN-conservation district only agricultural type buildings and structures shall be permitted. 2. The use of any land in a conservation district for the purpose of growing plants, crops, trees and other agricultural or forestry products (including raising of livestock) shall be permitted.	None.	None.
E. Permitted special exceptions.	F. Special uses.	
None.	1. Essential public and private uses, including: a. regional parks; b. government uses and buildings; f. minor utility installations, which distribute water, sewer, gas, telephone, electricity, stormwater runoff, cable TV and similar utility services within the right-of-way; and g. major utility installations, including telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television stations and towers, water and sewer treatment plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations.	
G. Dimensional requirements.		
None.		
H. Other standards.		
None.		

FLAGLER COUNTY DEVELOPMENT STANDARDS FOR CONSERVATION AND AGRICULTURAL USES

6-3.A.2.	AC—Agriculture district	
A. Purpose and intent.		
The purpose and intent of the AC—Agriculture district is to preserve valuable agricultural/forestry land for those uses, and to protect land best suited for agricultural/forestry uses from the encroachment of incompatible land uses.		
B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. Single family dwellings or mobile homes. 2. All bona fide agricultural/forestry pursuits, including dairies and dairy products, livestock, poultry, horticultural products which are raised on the premises. However, sales shall be permitted only from structures on private property conforming to all applicable codes or regulations. 3. Agriculture, forestry, livestock and poultry production. All domesticated animals (except those generally recognized as pets) shall be kept in a fenced area, structure, pen or corral. No structure (excluding fenced areas) containing poultry or livestock and no storage of manure or odor- or dust-producing substance or use shall be located within 100 feet of a district boundary. 4. Agriculture or farming, including horticulture, plant nurseries, market gardening, field crops and orchards and home gardens, provided no structure (excluding fenced areas) containing odor- or dust-producing materials, shall be located within 100 feet of a property or district boundary. 5. Cemeteries. 6. Home occupations. 7. Horse farms and riding stables. 8. Aquaculture. 9. Fish farming.		1. Campgrounds. 2. Cemeteries. 3. Home care for disabled adults. 4. Horse farms and riding stables. 5. Migrant labor camps, temporary labor camps, and residential migrant housing. 6. Outdoor parking of commercial vehicles. 7. Outdoor parking of recreational vehicles.
E. Permitted special exceptions.	F. Special uses.	
1. Accessory dwelling units. 2. Bulk storage of fertilizer, fuels, lubricants, and other hazardous, flammable, combustible or incendiary materials. 3. Home occupations. 4. Land clearing business, provided that any outside storage is completely enclosed by a solid fence or otherwise screened from the public view. 5. Non-common household pet and wild animal	1. Essential public and private uses, including: a. regional parks; b. places of worship; c. public and private schools, including day cares; d. hospitals; e. government uses and buildings; f. minor utility installations, which distribute water, sewer, gas, telephone, electricity, stormwater runoff, cable TV and similar utility services within the right-	

FLAGLER COUNTY DEVELOPMENT STANDARDS FOR CONSERVATION AND AGRICULTURAL USES

sanctuary/shelter facilities.
6. Outdoor storage, provided that the site is completely enclosed by a solid fence or otherwise screened from the public view.
7. Personal wireless services facilities (PWSF) and telecommunication towers.
8. Place of worship, to include as ancillary uses day care and VPK.
9. Private airstrips.
10. Roadside vendor.
11. Temporary mobile home for aged or infirmed family member.
12. Wood working shops.

of-way;
g. major utility installations, including telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television stations and towers, water and sewer treatment plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations; and
h. transportation terminals, including bus, railroad, air and water facilities.

G. Dimensional requirements.

1. Minimum lot area	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum lot coverage/ Minimum pervious area	6. Minimum living area (sq. ft.)	7. Density (units per gross acre)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				
5 acres	200[1]	50	50	25	50	None	35%/ none	600	0.20

H. Other standards.

1. Lots resulting from dividing a ten-acre lot of record into two (2) parcels. Then minimum is one hundred fifty (150) feet.
2. Minimum street frontage for lots/parcels in new subdivisions of 35 feet.

FLAGLER COUNTY DEVELOPMENT STANDARDS FOR CONSERVATION AND AGRICULTURAL USES

6-3.A.3.	AC-2—Agriculture/forestry district	
A. Purpose and intent.		
The purpose and intent of the AC-2 agriculture/forestry district is to preserve valuable agricultural and forestry land for those uses and to protect land best suited for agricultural/forestry uses from the encroachment of incompatible land uses.		
B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. Single-family dwellings or mobile homes. 2. All bona fide agricultural/forestry pursuits, including dairies and dairy products, livestock, poultry, horticultural products which are raised on the premises. However, sales shall be permitted only from structures on private property conforming to all applicable codes or regulations. 3. Agriculture, forestry, livestock and poultry production. All animals (except those generally recognized as pets) shall be kept in a structure, pen or corral. No structure (excluding fenced areas) containing poultry or livestock and no storage of manure or odor- or dust-producing substance or use shall be located within 100 feet of a district boundary. 4. Agriculture or farming, including horticulture, plant nurseries, market gardening, field crops and orchards and home gardens, provided no structure (excluding fenced areas) containing odor- or dust-producing materials, shall be located within 100 feet of a property or district boundary.		1. Campgrounds. 2. Cemeteries. 3. Home care for disabled adults. 4. Horse farms and riding stables. 5. Migrant labor camps, temporary labor camps, and residential migrant housing. 6. Outdoor parking of commercial vehicles. 7. Outdoor parking of recreational vehicles.

E. Permitted special exceptions.	F. Special uses.
1. Accessory dwelling units. 2. Bulk storage of fertilizer, fuels, lubricants, and other hazardous, flammable, combustible or incendiary materials. 3. Home occupations. 4. Land clearing business, provided that any outside storage is completely enclosed by a solid fence or otherwise screened from the public view. 5. Non-common household pet and wild animal sanctuary/shelter facilities. 6. Outdoor storage, provided that the site is completely enclosed by a solid fence or otherwise screened from the public view. 7. Personal wireless services facilities (PWSF) and telecommunication towers.	1. Essential public and private uses, including: a. regional parks; b. places of worship; c. public and private schools, including day cares; d. hospitals; e. government uses and buildings; f. minor utility installations, which distribute water, sewer, gas, telephone, electricity, stormwater runoff, cable TV and similar utility services within the right-of-way; g. major utility installations, including telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television stations and towers, water and sewer treatment

FLAGLER COUNTY DEVELOPMENT STANDARDS FOR CONSERVATION AND AGRICULTURAL USES

8. Place of worship, to include as ancillary uses day care and VPK. 9. Private airstrips. 10. Roadside vendor. 11. Temporary mobile home for aged or infirmed family member. 12. Wood working shops.	plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations; and h. transportation terminals, including bus, railroad, air and water facilities.

G. Dimensional requirements.

1. Minimum lot area	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum lot coverage/ Minimum pervious area	6. Minimum living area (sq. ft.)	7. Density (units per gross acre)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				
20 acres	400	50	50	25	50	None	25%/ none	600	0.05

H. Other standards.

1. Minimum street frontage for lots/parcels in new subdivisions of 35 feet.

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FLAGLER COUNTY DEVELOPMENT STANDARDS FOR PRINCIPAL RESIDENTIAL USES

6-3.B.1.	R-1 – Rural residential district

A. Purpose and intent.

The purpose and intent of the R-1, rural residential district is to provide a transition between the agricultural and suburban/urban single-family districts and to accommodate residential development in areas that are not serviced by central water and sanitary facilities.

B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. Single-family dwellings, but not mobile home dwellings.	1. Recreation areas accessory to residential developments. 2. Raising of crops and keeping of animals for personal use (not for resale), accessory to a single-family dwelling. The personal use restriction is not intended to apply to 4-H, FFA, or similar educational projects. 3. Other accessory uses customarily associated with, dependent on and incidental to their permitted principal uses and structures.	1. Community residential homes and adult family-care homes. 2. Construction and sales and leasing office permits. 3. Home care for disabled adults. 4. Horse farms and riding stables. 5. Outdoor parking of commercial vehicles. 6. Outdoor parking of recreational vehicles.

E. Permitted special exceptions.	F. Special uses.
1. Accessory dwelling units. 2. Common household pet animal sanctuary/shelter facilities. 3. Home occupations. 5. Personal wireless services facilities (PWSF) and telecommunication towers. 6. Place of worship, to include as ancillary uses day care and VPK. 7. Temporary mobile home for aged or infirmed family member. 8. Wood working shops.	1. Essential public and private uses, including: a. regional parks; b. places of worship; c. public and private schools, including day cares; d. government uses and buildings; e. minor utility installations, which distribute water, sewer, gas, telephone, electricity, stormwater runoff, cable TV and similar utility services within the right-of-way; f. major utility installations, including telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television stations and towers, water and sewer treatment plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations; and g. transportation terminals, including bus, railroad, air and water facilities.

G. Dimensional requirements.

1. Minimum lot area	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height	5. Maximum lot coverage/	6. Minimum living area	7. Density (units per gross acre)
		1. Front (ft.)	2. Street side	3. Interior side (ft.)	4. Rear (ft.)				

FLAGLER COUNTY DEVELOPMENT STANDARDS FOR PRINCIPAL RESIDENTIAL USES

			(ft.)			(ft.)	Minimum pervious area	(sq. ft.)	
1 acre	100	25	25	10	20	35	30% max coverage/ 50% min pervious	750	1
		b. If lot of record (single-family dwellings)							
		25	20	7.5	20				
H. Dimensional requirements in the Marineland Acres special stormwater overlay area.									
1. Minimum lot area	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum lot coverage/ Minimum pervious area	6. Minimum living area (sq. ft.)	7. Density (units per gross acre)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				
1 acre	100	25	25	10	20	35	30% max coverage/ 60% min pervious	750	1
		b. If lot of record (single-family dwellings)							
		25	20	10	20				
I. Other standards.									
1. Subject to overlay criteria if located within the Scenic A1A Corridor. 2. Subject to overlay criteria if located within the Marineland Acres special stormwater overlay area. 3. Minimum street frontage for lots/parcels in new subdivisions of 35 feet.									

FLAGLER COUNTY DEVELOPMENT STANDARDS FOR PRINCIPAL RESIDENTIAL USES

6-3.B.2.	R-1a – Suburban residential district

A. Purpose and intent.

The purpose and intent of the R-1a, suburban residential district is to provide a transition between the rural and urban single-family districts and to accommodate residential development in areas that are not currently serviced by central water and sanitary facilities, but where eventual utility provision is anticipated to occur.

B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. Single-family dwellings, but not mobile home dwellings. 2. Community residential homes, one (1) to six (6) persons, consistent with the requirements of Ch. 419, F.S.	1. Recreation areas accessory to residential developments. 2. Other accessory uses customarily associated with, dependent on and incidental to their permitted principal uses and structures.	1. Community residential homes and adult family-care homes. 2. Construction and sales and leasing office permits. 3. Home care for disabled adults. 4. Horse farms and riding stables. 5. Outdoor parking of commercial vehicles. 6. Outdoor parking of recreational vehicles.

E. Permitted special exceptions.	F. Special uses.
1. Accessory dwelling units. 2. Common household pet animal sanctuary/shelter facilities. 3. Home occupations. 5. Personal wireless services facilities (PWSF) and telecommunication towers. 6. Place of worship, to include as ancillary uses day care and VPK. 7. Temporary mobile home for aged or infirmed family member. 8. Wood working shops.	1. Essential public and private uses, including: a. regional parks; b. places of worship; c. public and private schools, including day cares; d. government uses and buildings; e. minor utility installations, which distribute water, sewer, gas, telephone, electricity, stormwater runoff, cable TV and similar utility services within the right-of-way; f. major utility installations, including telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television stations and towers, water and sewer treatment plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations; and g. transportation terminals, including bus, railroad, air and water facilities.

G. Dimensional requirements.

1. Minimum lot area	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum lot coverage/ Minimum pervious area	6. Minimum living area (sq. ft.)	7. Density (units per gross acre)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				
1/2 acre	100	25	25	10	20	35	30% max coverage/	1,000	1.1 to 3.0
		b. If lot of record							

FLAGLER COUNTY DEVELOPMENT STANDARDS FOR PRINCIPAL RESIDENTIAL USES

		(single-family dwellings)					40% min pervious		
		25	20	7.5	20				
H. Other standards.									
1. Subject to overlay criteria if located within the Scenic A1A Corridor. 2. Minimum street frontage for lots/parcels in new subdivisions of 35 feet.									

FLAGLER COUNTY DEVELOPMENT STANDARDS FOR PRINCIPAL RESIDENTIAL USES

6-3.B.3.	R-1b – Urban residential district

A. Purpose and intent.

The purpose and intent of the R-1b, urban single-family residential district is to provide low density residential developments connected to utilities, while preserving the character of existing or proposed residential neighborhoods. This district requires connection to public or community water and sewer facilities, except as provided below.

B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. Single-family dwellings, but not mobile home dwellings. 2. Community residential homes, one (1) to six (6) persons, consistent with the requirements of Ch. 419, F.S.	1. Recreation areas accessory to residential developments. 2. Other accessory uses customarily associated with, dependent on and incidental to their permitted principal uses and structures.	1. Community residential homes and adult family-care homes. 2. Construction and sales and leasing office permits. 3. Home care for disabled adults. 4. Horse farms and riding stables. 5. Outdoor parking of commercial vehicles. 6. Outdoor parking of recreational vehicles.

E. Permitted special exceptions.	F. Special uses.
1. Accessory dwelling units. 2. Common household pet animal sanctuary/shelter facilities. 3. Home occupations. 5. Personal wireless services facilities (PWSF) and telecommunication towers. 6. Place of worship, to include as ancillary uses day care and VPK. 7. Temporary mobile home for aged or infirmed family member. 8. Wood working shops.	1. Essential public and private uses, including: a. regional parks; b. places of worship; c. public and private schools, including day cares; d. government uses and buildings; e. minor utility installations, which distribute water, sewer, gas, telephone, electricity, stormwater runoff, cable TV and similar utility services within the right-of-way; f. major utility installations, including telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television stations and towers, water and sewer treatment plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations; and g. transportation terminals, including bus, railroad, air and water facilities.

E. Dimensional requirements.

1. Minimum lot area	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum lot coverage/ Minimum pervious area	6. Minimum living area (sq. ft.)	7. Density (units per gross acre)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				
10,000 s.f.	80	25	25	7.5	20	35	35% max coverage/ 30% min pervious	1,000	1.1 to 3.0
		b. If lot of record (single-family dwellings)							
		25	20	7.5	20				

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		c. If saltwater front							
		20	25	7.5	20				

F. Other standards.

1. Small R-1b subdivisions, fifty (50) lots or less, utilizing a public or community water system, as defined in the Florida Administrative Code, may utilize individual onsite sewage treatment and disposal systems (OSDS), subject to the approval of the Health Department. The use of individual OSDS must be consistent with adopted county policies and standards and state standards.
2. Subject to overlay criteria if located within the Scenic A1A Corridor.
3. Minimum street frontage for lots/parcels in new subdivisions of 35 feet.

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6-3.B.4.	R-1c – Urban residential district

A. Purpose and intent.

The purpose and intent of the R-1c, urban single-family residential district is to provide medium density residential developments connected to utilities, while preserving the character of existing or proposed residential neighborhoods. This district requires connection to public or community water and sewer facilities.

B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. Single-family dwellings, but not mobile home dwellings. 2. Community residential homes, one (1) to six (6) persons, consistent with the requirements of Ch. 419, F.S.	1. Recreation areas accessory to residential developments. 2. Other accessory uses customarily associated with, dependent on and incidental to their permitted principal uses and structures.	1. Community residential homes and adult family-care homes. 2. Construction and sales and leasing office permits. 3. Home care for disabled adults. 4. Horse farms and riding stables. 5. Outdoor parking of commercial vehicles. 6. Outdoor parking of recreational vehicles.

E. Permitted special exceptions.	F. Special uses.
1. Accessory dwelling units. 2. Common household pet animal sanctuary/shelter facilities. 3. Home occupations. 5. Personal wireless services facilities (PWSF) and telecommunication towers. 6. Place of worship, to include as ancillary uses day care and VPK. 7. Temporary mobile home for aged or infirmed family member. 8. Wood working shops.	1. Essential public and private uses, including: a. regional parks; b. places of worship; c. public and private schools, including day cares; d. government uses and buildings; e. minor utility installations, which distribute water, sewer, gas, telephone, electricity, stormwater runoff, cable TV and similar utility services within the right-of-way; f. major utility installations, including telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television stations and towers, water and sewer treatment plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations; and g. transportation terminals, including bus, railroad, air and water facilities.

G. Dimensional requirements.

1. Minimum lot area	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum lot coverage/ Minimum pervious area	6. Minimum living area (sq. ft.)	7. Density (units per gross acre)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				
7,500 s.f.	70	25	25	7.5	20	35	35% max coverage/ 30% min pervious	700	3.1 to 7.0
		b. If lot of record (single-family dwellings)							
		25	20	7.5	20				

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H. Other standards.
1. Subject to overlay criteria if located within the Scenic A1A Corridor. 2. Minimum street frontage for lots/parcels in new subdivisions of 35 feet.

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6-3.B.5.	R-1d – Urban residential district

A. Purpose and intent.

The purpose and intent of the R-1d, urban single family residential district is to provide innovative single-family residential developments at medium density connected to utilities, while preserving the character of existing or proposed residential neighborhoods. This district requires connection to public or community water and sewer facilities, except as provided below.

B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. Single-family dwellings, but not mobile home dwellings. 2. Community residential homes, one (1) to six (6) persons, consistent with the requirements of Ch. 419, F.S.	1. Recreation areas accessory to residential developments. 2. Other accessory uses customarily associated with, dependent on and incidental to their permitted principal uses and structures.	1. Community residential homes and adult family-care homes. 2. Construction and sales and leasing office permits. 3. Home care for disabled adults. 4. Horse farms and riding stables. 5. Outdoor parking of commercial vehicles. 6. Outdoor parking of recreational vehicles.

E. Permitted special exceptions.	F. Special uses.
1. Accessory dwelling units. 2. Common household pet animal sanctuary/shelter facilities. 3. Home occupations. 5. Personal wireless services facilities (PWSF) and telecommunication towers. 6. Place of worship, to include as ancillary uses day care and VPK. 7. Temporary mobile home for aged or infirmed family member. 8. Wood working shops.	1. Essential public and private uses, including: a. regional parks; b. places of worship; c. public and private schools, including day cares; d. government uses and buildings; e. minor utility installations, which distribute water, sewer, gas, telephone, electricity, stormwater runoff, cable TV and similar utility services within the right-of-way; f. major utility installations, including telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television stations and towers, water and sewer treatment plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations; and g. transportation terminals, including bus, railroad, air and water facilities.

G. Dimensional requirements.

1. Minimum lot area	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum lot coverage/ Minimum pervious area	6. Minimum living area (sq. ft.)	7. Density (units per gross acre)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				
5,000 s.f.	50	25	25	0 & 15	15	35	35% max coverage/ 30% min	700	3.1 to 7.0
		b. If lot of record (single-family dwellings)							

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		25	20	7.5	20		pervious		

H. Other standards.

1. Where connection to central sanitary sewer is not presently available, an individual onsite sewage treatment and disposal system (OSDS) consisting of an aerobic treatment unit (ATU) or other alternative or innovative system, as defined in the Florida Administrative Code and as approved by the Health Department, may be utilized. The use of an individual OSDS must be consistent with adopted county policies and standards and state standards. If an individual OSDS is utilized, then a stub-out will be provided at the street frontage to facilitate future connection to central sanitary sewer.
2. One side setback may be zero, provided that:
   a. A perpetual four-foot wall maintenance easement shall be provided on the lot adjacent to the zero lot line property line, which, with the exception of (free-standing) walls and/or fences, shall be kept clear of structures.
   b. The wall located at the zero side yard setback is constructed in compliance with the Florida Building Code.
   c. The zero side yard is not adjacent to a public or private right-of-way.
   d. The zero side yard is equipped with rain gutters to ensure all rainfall percolates into the soil of the same residence.
3. Subject to overlay criteria if located within the Scenic A1A Corridor.
4. Minimum street frontage for lots/parcels in new subdivisions of 35 feet.

FLAGLER COUNTY DEVELOPMENT STANDARDS FOR PRINCIPAL RESIDENTIAL USES

6-3.B.6.	R-2SF – Two-family residential district

A. Purpose and intent.

The purpose and intent of the R-2SF, two-family residential district is to provide for a mixture of one and two unit lots or parcels where that mixture of land use exists or is proposed. This district requires connection to public or community water and sewer facilities.

B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. Single-family dwellings, but not mobile home dwellings. 2. Two single-family dwellings on a single lot or parcel, but not two-family dwellings (duplexes). 3. Community residential homes, one (1) to six (6) persons, consistent with the requirements of Ch. 419, F.S.	1. Recreation areas accessory to residential developments. 2. Other accessory uses customarily associated with, dependent on and incidental to their permitted principal uses and structures.	1. Community residential homes and adult family-care homes. 2. Construction and sales and leasing office permits. 3. Home care for disabled adults. 4. Horse farms and riding stables. 5. Outdoor parking of commercial vehicles. 6. Outdoor parking of recreational vehicles.

E. Permitted special exceptions.	F. Special uses.
1. Accessory dwelling units. 2. Common household pet animal sanctuary/shelter facilities. 3. Home occupations. 5. Personal wireless services facilities (PWSF) and telecommunication towers. 6. Place of worship, to include as ancillary uses day care and VPK. 7. Temporary mobile home for aged or infirmed family member. 8. Wood working shops.	1. Essential public and private uses, including: a. regional parks; b. places of worship; c. public and private schools, including day cares; d. government uses and buildings; e. minor utility installations, which distribute water, sewer, gas, telephone, electricity, stormwater runoff, cable TV and similar utility services within the right-of-way; f. major utility installations, including telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television stations and towers, water and sewer treatment plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations; and g. transportation terminals, including bus, railroad, air and water facilities.

G. Dimensional requirements.

1. Minimum lot area	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum lot coverage/ Minimum pervious area	6. Minimum living area (sq. ft.)	7. Density (units per gross acre)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				
10,000 s.f.	80	25	25	7.5	20	35	35% max coverage/ 30% min	1,000	3.1 to 7.0
		b. If lot of record (single-family dwellings)							

FLAGLER COUNTY DEVELOPMENT STANDARDS FOR PRINCIPAL RESIDENTIAL USES

		25	20	7.5	20		pervious		
H. Other standards.									
1. No lot shall be resubdivided to allow two single-family dwellings on a single lot or parcel to be divided into two (2) separate lots. 2. Subject to overlay criteria if located within the Scenic A1A Corridor. 3. Minimum street frontage for lots/parcels in new subdivisions of 35 feet.									

FLAGLER COUNTY DEVELOPMENT STANDARDS FOR PRINCIPAL RESIDENTIAL USES

6-3.B.7.	R-2D – Two-family residential district

A. Purpose and intent.

The purpose and intent of the R-2D, two-family residential district is to provide for a mixture of one and two unit dwellings where that mixture of land use exists or is proposed. This district requires connection to public or community water and sewer facilities.

B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. Single-family dwellings, but not mobile home dwellings. 2. Two single-family dwellings on a single lot or parcel. 3. Two-family dwellings (duplexes). 4. Community residential homes, one (1) to six (6) persons, consistent with the requirements of Ch. 419, F.S.	1. Recreation areas accessory to residential developments. 2. Other accessory uses customarily associated with, dependent on and incidental to their permitted principal uses and structures.	1. Community residential homes and adult family-care homes. 2. Construction and sales and leasing office permits. 3. Home care for disabled adults. 4. Horse farms and riding stables. 5. Outdoor parking of commercial vehicles. 6. Outdoor parking of recreational vehicles.

E. Permitted special exceptions.	F. Special uses.
1. Accessory dwelling units. 2. Common household pet animal sanctuary/shelter facilities. 3. Home occupations. 5. Personal wireless services facilities (PWSF) and telecommunication towers. 6. Place of worship, to include as ancillary uses day care and VPK. 7. Temporary mobile home for aged or infirmed family member. 8. Wood working shops.	1. Essential public and private uses, including: a. regional parks; b. places of worship; c. public and private schools, including day cares; d. government uses and buildings; e. minor utility installations, which distribute water, sewer, gas, telephone, electricity, stormwater runoff, cable TV and similar utility services within the right-of-way; f. major utility installations, including telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television stations and towers, water and sewer treatment plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations; and g. transportation terminals, including bus, railroad, air and water facilities.

G. Dimensional requirements.

1. Minimum lot area	2. Minimum lot width (ft.)	3. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum lot coverage/ Minimum pervious area	6. Minimum living area (sq. ft.)	7. Density (units per gross acre)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				
10,000 s.f.	80	25	25	7.5	20	35	35% max coverage/ 30% min pervious	1,200 total (450 per unit)	3.1 to 7.0

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H. Other standards.
1. No lot shall be resubdivided to allow a two-family dwelling on a single lot or parcel to be divided into two (2) separate lots. 2. Subject to overlay criteria if located within the Scenic A1A Corridor. 3. Minimum street frontage for lots/parcels in new subdivisions of 35 feet.

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6-3.B.8.	R-3 – Multifamily residential district

A. Purpose and intent.

The purpose and intent of the R-3, multifamily residential district is to provide areas under single ownership for multifamily residential living where high density residential development exists or is proposed. This district requires connection to public or community water and sewer facilities.

B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. Multifamily dwellings. 2. Townhomes.	1. Recreation areas accessory to residential developments. 2. Other accessory uses customarily associated with, dependent on and incidental to their permitted principal uses and structures.	1. Community residential homes and adult family-care homes. 2. Construction and sales and leasing office permits. 3. Home care for disabled adults. 4. Horse farms and riding stables. 5. Outdoor parking of commercial vehicles. 6. Outdoor parking of recreational vehicles.

E. Permitted special exceptions.	F. Special uses.
1. Personal wireless services facilities (PWSF) and telecommunication towers. 2. Place of worship, to include as ancillary uses day care and VPK.	1. Essential public and private uses, including: a. regional parks; b. places of worship; c. public and private schools, including day cares; d. government uses and buildings; e. minor utility installations, which distribute water, sewer, gas, telephone, electricity, stormwater runoff, cable TV and similar utility services within the right-of-way; f. major utility installations, including telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television stations and towers, water and sewer treatment plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations; and g. transportation terminals, including bus, railroad, air and water facilities.

G. Dimensional requirements.

1. Minimum space size per dwelling unit	2. Minimum space width (ft.)	3. Minimum space setbacks				4. Maximum building height (ft.)	5. Maximum lot coverage/ Minimum pervious area	6. Minimum living area (sq. ft.)	7. Density (units per gross acre)
		a. Front (ft.)	b. Street side (ft.)	c. Interior side (ft.)	d. Rear (ft.)				
2,000 s.f.	20	25	25	0	20	45	50% max coverage/ 30% min pervious	650	7.1 to 10.0

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H. Other standards.
1. Minimum site size of 1 acre. 2. Minimum 30 feet spacing required between separate buildings. 3. Maximum building height is limited to 35 feet within 100 feet of the project perimeter; otherwise, maximum building height is 45 feet. 4. Multifamily development requires a 50-foot perimeter setback within which no structures are to be placed except for parking areas, recreation areas, or other nonstructural amenities, with 25 feet of the minimum 50 feet used as a vegetative buffer. 5. A minimum of 5% of the total developed multifamily project area is to be set aside for recreational uses. 6. Subject to overlay criteria if located within the Scenic A1A Corridor.

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6-3.B.9.	MH-1 – Rural mobile home district

A. Purpose and intent.

The purpose and intent of the MH-1, rural mobile home district is to provide a transition between the agricultural and urban land use district and to accommodate existing areas that are predominantly a mixture of single-family and mobile home dwellings.

B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. Mobile home dwellings. 2. Single-family dwellings. 3. Community residential homes, one (1) to six (6) persons, consistent with the requirements of Ch. 419, F.S.	1. Recreation areas accessory to residential developments. 2. Raising of crops and keeping of animals for personal use (not for resale), accessory to a single-family dwelling. The personal use restriction is not intended to apply to 4-H, FFA, or similar educational projects. 3. Other accessory uses customarily associated with, dependent on and incidental to their permitted principal uses and structures.	1. Community residential homes and adult family-care homes. 2. Construction and sales and leasing office permits. 3. Home care for disabled adults. 4. Horse farms and riding stables. 5. Outdoor parking of commercial vehicles. 6. Outdoor parking of recreational vehicles.

E. Permitted special exceptions.	F. Special uses.
1. Accessory dwelling units. 2. Common household pet animal sanctuary/shelter facilities. 3. Home occupations. 5. Personal wireless services facilities (PWSF) and telecommunication towers. 6. Place of worship, to include as ancillary uses day care and VPK. 7. Temporary mobile home for aged or infirmed family member. 8. Wood working shops.	1. Essential public and private uses, including: a. regional parks; b. places of worship; c. public and private schools, including day cares; d. government uses and buildings; e. minor utility installations, which distribute water, sewer, gas, telephone, electricity, stormwater runoff, cable TV and similar utility services within the right-of-way; f. major utility installations, including telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television stations and towers, water and sewer treatment plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations; and g. transportation terminals, including bus, railroad, air and water facilities.

G. Dimensional requirements.

1. Minimum lot area	2. Minimum lot width	3.a. Minimum setbacks				4. Maximum building	5. Maximum lot	6. Minimum living	7. Density (units per gross acre)
		1. Front	2. Street	3. Interior	4. Rear				

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	(ft.)	(ft.)	side (ft.)	side (ft.)	(ft.)	height (ft.)	coverage/ Minimum pervious area	area (sq. ft.)	
1 acre	100	25	25	15	20	35	30% max coverage/ 50% min pervious	600	1
		b. If lot of record (single-family dwellings)							
		25	20	7.5	20				

H. Other standards.

1. For mobile home dwellings, the area between the ground and floor level of the mobile home shall be enclosed with masonry or decorative skirting.
2. Mobile home tie-down, anchor, and foundation requirements shall be according to Florida Administrative Code, the Florida Building Code, and the regulations of Flagler County; in the instance of a conflict, the most stringent provisions shall prevail.
3. Subject to overlay criteria if located within the Scenic A1A Corridor.
4. Minimum street frontage for lots/parcels in new subdivisions of 35 feet.

FLAGLER COUNTY DEVELOPMENT STANDARDS FOR PRINCIPAL RESIDENTIAL USES

6-3.B.10.	MH-2 – Suburban mobile home district

A. Purpose and intent.

The purpose and intent of the MH-2, suburban mobile home district is to provide medium density areas for mobile home subdivisions. This district requires public or community water and sewer facilities.

B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. Mobile home dwellings. 2. Single-family dwellings. 3. Community residential homes, one (1) to six (6) persons, consistent with the requirements of Ch. 419, F.S.	1. Recreation areas accessory to residential developments. 2. Other accessory uses customarily associated with, dependent on and incidental to their permitted principal uses and structures.	1. Community residential homes and adult family-care homes. 2. Construction and sales and leasing office permits. 3. Home care for disabled adults. 4. Horse farms and riding stables. 5. Outdoor parking of commercial vehicles. 6. Outdoor parking of recreational vehicles.

E. Permitted special exceptions.	F. Special uses.
1. Accessory dwelling units. 2. Home occupations. 3. Personal wireless services facilities (PWSF) and telecommunication towers. 4. Place of worship, to include as ancillary uses day care and VPK. 5. Temporary mobile home for aged or infirmed family member. 6. Wood working shops.	1. Essential public and private uses, including: a. regional parks; b. places of worship; c. public and private schools, including day cares; d. government uses and buildings; e. minor utility installations, which distribute water, sewer, gas, telephone, electricity, stormwater runoff, cable TV and similar utility services within the right-of-way; f. major utility installations, including telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television stations and towers, water and sewer treatment plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations; and g. transportation terminals, including bus, railroad, air and water facilities.

G. Dimensional requirements.

1. Minimum lot area	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum lot coverage/ Minimum pervious area	6. Minimum living area (sq. ft.)	7. Density (units per gross acre)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				
6,000 s.f.	60	25	25	7.5	15	35	35% max coverage/ 30% min pervious	600	3.1 to 7.0
		b. If lot of record (single-family dwellings)							
		25	20	7.5	20				

H. Other standards.

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1. For mobile home dwellings, the area between the ground and floor level of the mobile home shall be enclosed with masonry or decorative skirting.
2. Mobile home tie-down, anchor, and foundation requirements shall be according to Florida Administrative Code, the Florida Building Code, and the regulations of Flagler County; in the instance of a conflict, the most stringent provisions shall prevail.
3. Subject to overlay criteria if located within the Scenic A1A Corridor.
4. Minimum street frontage for lots/parcels in new subdivisions of 35 feet.

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6-3.B.11.	MH-3 – Mobile home park district

A. Purpose and intent.

The purpose and intent of the MH-3, mobile home park district is to provide areas under single ownership for the use and development for rental mobile homesites. This district requires connection to public or community water and sewer facilities.

B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. Mobile home dwellings. 2. Park-model mobile home dwellings. 3. Recreational vehicles, for a period not to exceed six months.	1. Accessory laundry buildings, commissary, swimming pools, and recreational facilities. 2. Detached sheds for storage, which may be serviced by electrical not to exceed 20 amps, but not connected to water and sewer.	1. Community residential homes and adult family-care homes. 2. Construction and sales and leasing office permits. 3. Home care for disabled adults. 4. Horse farms and riding stables. 5. Outdoor parking of commercial vehicles. 6. Outdoor parking of recreational vehicles.

E. Permitted special exceptions.	F. Special uses.
1. Manager or employee-occupied single-family dwellings meeting the requirements of the R-1b district. 2. Permanent commercial campgrounds.	1. Essential public and private uses, including: a. regional parks; b. places of worship; c. public and private schools, including day cares; d. government uses and buildings; e. minor utility installations, which distribute water, sewer, gas, telephone, electricity, stormwater runoff, cable TV and similar utility services within the right-of-way; f. major utility installations, including telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television stations and towers, water and sewer treatment plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations; and g. transportation terminals, including bus, railroad, air and water facilities.

G. Dimensional requirements.

1. Minimum space size	2. Minimum space width (ft.)	3. Minimum space setbacks				4. Maximum building height (ft.)	5. Maximum lot coverage/ Minimum pervious area	6. Minimum living area (sq. ft.)	7. Density (units per gross acre)
		a. Front (ft.)	b. Street side (ft.)	c. Interior side (ft.)	d. Rear (ft.)				
5,000 s.f.	50	10	10	7.5	7.5	35	50% max coverage/ 30% min pervious	400	3.1 to 7.0

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H. Other standards.
1. Minimum site size of 10 acres. 2. Minimum 15 feet spacing required between separate dwellings/recreational vehicles. 3. For mobile home and park-model mobile home dwellings, the area between the ground and floor level of the mobile home shall be enclosed with masonry or decorative skirting. 4. Mobile home and park model mobile-home tie-down, anchor, and foundation requirements shall be according to Florida Administrative Code, the Florida Building Code, and the regulations of Flagler County; in the instance of a conflict, the most stringent provisions shall prevail. 5. A minimum of 5% of the total developed mobile home park project area is to be set aside for recreational uses. 6. No MH-3 mobile home parks may be located within the Coastal High Hazard Area (CHHA) or the Scenic A1A Corridor.

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6-3.B.12.	R/C – Residential/limited commercial use district	
A. Purpose and intent.		
This district is primarily intended for application to parcels within the A1A Scenic Corridor. The district may be used to implement the mixed use low intensity category of the Future Land Use Element and Map of the Comprehensive Plan. Commercial uses are limited to those having a low impact to established residential uses and the overall character of the corridor; i.e., they are not major generators of vehicular traffic, do not rely on exterior sales or storage, and are of appropriate scale to the primary residential use of the district. Permitted uses are to be harmonious in appearance and have landscaped open space meeting or exceeding the requirements of this LDC.		
B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. Single-family dwellings, but not mobile home dwellings. 2. Community residential homes, one (1) to six (6) persons, consistent with the requirements of Ch. 419, F.S.	[already deleted; see Ord. No. 2006-14] 1. Accessory uses normal and incidental to single family dwellings. 2. Other accessory uses customarily associated with, dependent on and incidental to their permitted principal uses and structures.	1. Community residential homes and adult family-care homes. 2. Construction and sales and leasing office permits. 3. Home care for disabled adults. 4. Horse farms and riding stables. 5. Outdoor parking of commercial vehicles. 6. Outdoor parking of recreational vehicles.
E. Permitted special exceptions.	F. Special uses.	G. Prohibited uses.
1. Bed and breakfasts. 2. Business and professional offices such as: (a) Accountant. (b) Appraiser. (c) Architect. (d) Attorney. (e) Bookkeeper. (f) Brokers, real estate and others; i.e. mutual funds, stocks, bonds, etc. (g) Insurance. 3. Professional consultants such as, but not limited to: (a) Advertising. (b) Business. (c) Engineering. (d) Public relations. (e) Statistical. (f) Financial planning. 4. Medical and dental offices such as, but not limited to: (a) Chiropractic physicians. (b) Dentists. (c) Optometrists. (d) Physicians and surgeons. (e) Licensed massage & physical therapists. 5. Tax consultants or tax experts. 6. Other professional office uses of a nature similar to those listed may be	1. Any Public or Semi-Public Use (see s. 3.06.05., LDC). 2. Special Uses, including: a. Essential public and private utility installations (see s. 3.06.05., LDC); b. Major utility installations (see s. 3.06.05., LDC); c. Telecommunication towers (see s. 3.06.05.F., LDC); d. Subdivision overlays for dimensional requirements; and e. Affordable housing density bonus (see s. 3.06.XX., LDC).	1. Any use not specifically permitted by right or by special exception. 2. Adult entertainment establishments as defined by Section 19-71 et. seq. of the Flagler Countv Code. ·Sexually Oriented Business and Adult Entertainment Establishments·, and including any production and/or distribution of internet or computer distributed adult modeling. 3. Vehicular sales, service and display including automobiles, trucks, boats, recreational vehicles and car/truck washes. 4. Tattoo parlors and/or body piercing establishments. 5. Pawn Shops. 6. Drive through sales unless specifically permitted. 7. Warehousing and mini-warehousing. 8. Communication Towers. 9. Adult Arcade Amusement Center or other similar entertainment enterprise or business at which electronic, mechanical, coin-operated game of amusement, chance or skill are played, whether for consideration or not when the games are similar to, or in the nature of slot machines. 10. Outside commercial boat, RV or

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permitted upon determination by the Planning and Development Board that such uses are appropriate. 7. Banks - single lane drive through. 8. Pharmacy- not to exceed 2,500 square feet of gross floor area and providing not more than a single lane drive through. 9. Veterinarian (no boarding). 10. Travel agency. 11. Florist. 12. Restaurant - Sit down only. The maximum seating capacity of 160. No drive through permitted. A maximum of 25% of the seating capacity mail be outdoor or visually screened from adjacent right of ways. Incidental consumption on premises of alcoholic beverages may be considered as part of a special exception application. 13. Art gallery/artist studio. 14. Jewelry store. 15. Dry cleaners, drop off only, no plant. 16. Barber shops, beauty shops, day spa. 17. Private schools, academic maximum enrollment 100 students. 18. Schools of instruction such as pottery, martial arts, dance, acting. 19. Retail store, boutique (ITE #870), niche or specialty (ITE #814) having a maximum of 2,500 sq. ft. of gross floor area. 20. Residential dwelling(s) when integral and contiguous part of a business structure and located behind or above the business structure.		vehicular storage. 11. Check cashing and paycheck advance.

G. Dimensional requirements.

1. Minimum lot area	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum lot coverage/ Minimum pervious area	6. Minimum living area (sq. ft.)	7. Density (units per gross acre)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				
9,000 s.f.	75	25	25	7.5	20	35	35% max coverage/ 30% min pervious	1,000	1.1 to 7.0
		b. If lot of record (single-family dwellings)							
		25	20	7.5	20				
		c. In the Scenic A1A Corridor Overlay, if lot depth is greater than 100 feet							
		35	25	7.5	20				

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		d. In the Scenic A1A Corridor, if ocean front							
		20	25	7.5	20				
H. Dimensional requirements in the Marineland Acres special stormwater overlay area.									
1. Minimum lot area	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum lot coverage/ Minimum pervious area	6. Minimum living area (sq. ft.)	7. Density (units per gross acre)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				
9,000 s.f.	75	25	25	10	20	35	35% max coverage/ 60% min pervious	1,000	1.1 to 7.0
		b. If lot of record (single-family dwellings)							
		25	20	10	20				
		c. In the Scenic A1A Corridor Overlay, if lot depth is greater than 100 feet							
		35	25	10	20				
		d. In the Scenic A1A Corridor, if ocean front							
		20	25	10	20				
I. Dimensional requirements for special exception uses.									
1. Minimum lot area	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum lot coverage/ Minimum pervious area	6. Minimum living area (sq. ft.)	7. Density (units per gross acre)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				
10,000 s.f.	80	25	25	10	25	35	30% max coverage/ 35% min pervious	N/A	N/A
		b. If lot depth is greater than 100 feet							
		25% of lot depth, up to max of 40 ft.	25	10	25				
J. Other standards.									

1. Special exception threshold standards in the R/C district (in addition to special exception criteria):
   a. No special exception use or structure may exceed 5,000 square feet gross floor area unless approved through a super-majority of the Planning and Development Board.
   b. All uses associated with a special exception use shall occur within a completely enclosed structure unless otherwise approved by the Planning and Development Board (i.e., outside display, outside dining, etc.).
   c. Only a single-lane drive-through may be permitted as part of any special exception use or structure.
   d. Perimeter landscaped buffers are required.
2. Subject to overlay criteria if located within the Scenic A1A Corridor.
3. Subject to overlay criteria if located within the Marineland Acres special stormwater overlay area.

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4. Minimum street frontage for lots/parcels in new subdivisions of 35 feet.

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6-3.C.1.	O-1 – Limited Office district	
A. Purpose and intent.		
The purpose of the O-1, limited office district is to provide lands which are generally located on arterial and/or collector streets and because of location are suitable for development of office uses which are compatible with adjacent residential uses thereby maintaining the character and integrity of existing and developing neighborhoods. It is the intent of this section to establish standards which will promote high quality site development of individual office structures which are properly oriented toward arterial and/or collector streets and compatible with adjoining properties; also, to encourage the provisions of professional services at the neighborhood and community level and to provide for appropriate buffer and landscape areas and off street parking.		
B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. Accountant office. 2. Appraiser's office. 3. Architect's office. 4. Artist, illustrators (commercial). 5. Attorney's office. 6. Bookkeeper office. 7. Brokers, real estate and others; i.e., mutual funds, stocks, bonds, etc. 8. Professional consultants such as, but not limited to: a. Advertising. b. Business. c. Engineering. d. Public relations. e. Statistical. 9. Medical and dental offices such as, but not limited to: a. Chiropractic physicians. b. Dentists. c. Optometrists. d. Physicians and surgeons. 10. Tax consultants or tax experts. 11. Laboratories when incorporated with, and an integral part of, the uses permitted in this district. 12. Other professional office uses of a nature similar to those listed may be permitted upon determination by the planning and development board that such uses are appropriate in the O-1 district.		1. Construction and sales and leasing office permits.

E. Permitted special exceptions.	F. Special uses.
1. Accessory dwelling units. 2. Personal wireless services facilities (PWSF) and telecommunication towers. 5. Place of worship, to include as ancillary uses day care and VPK. 6. Single-family dwelling unit to be used only in conjunction with the operation of a permitted business on the same premises.	1. Essential public and private uses, including: a. places of worship; b. public and private schools, including day cares; c. government uses and buildings; d. minor utility installations, which distribute water, sewer, gas, telephone, electricity, stormwater runoff, cable TV and similar utility services within the right-of-way;

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	e. major utility installations, including telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television stations and towers, water and sewer treatment plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations; and f. transportation terminals, including bus, railroad, air and water facilities.

G. Dimensional requirements.

1. Minimum lot area	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum impervious area	6. Maximum lot coverage	7. Maximum Floor Area Ratio (FAR)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				
10,000 sf	80	25	25	10	25	35	60%	30%	0.30
		b. In the Scenic A1A Corridor Overlay, if lot depth is greater than 100 feet							
		25% of lot depth, up to max of 40 ft.	25	10	25				

H. Other standards.

1. Subject to overlay criteria if located within the Scenic A1A Corridor.
2. Minimum street frontage for lots/parcels in new subdivisions of 35 feet.

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6-3.C.2.	O-2 – General Office district

A. Purpose and intent.

The purpose of the O-2 general office district is to provide lands which are located on arterial and/or major collector streets and adjacent to general commercial districts and because of location are appropriate for integration of general office and supporting uses, thereby encouraging development of complementary land uses. It is the intent of this section to establish standards which will promote high quality site development of office structures with their supporting and related uses, while limiting general commercial uses.

B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. Clinics - Medical and dental. 2. Day care centers. 3. Libraries, art galleries and museums. 4. Offices - Administrative, business and professional. 5. Pharmacies. 6. Private schools. 7. Studios - Art, dance and photography. 8. Other general office or related uses of a nature similar to those listed may be permitted upon determination by the planning and development board that such uses are appropriate in the O-2 district.		1. Construction and sales and leasing office permits.

E. Permitted special exceptions.	F. Special uses.
1. Accessory dwelling units. 2. Personal wireless services facilities (PWSF) and telecommunication towers. 5. Place of worship, to include as ancillary uses day care and VPK. 6. Single-family dwelling unit to be used only in conjunction with the operation of a permitted business on the same premises.	1. Essential public and private uses, including: a. places of worship; b. public and private schools, including day cares; c. government uses and buildings; d. minor utility installations, which distribute water, sewer, gas, telephone, electricity, stormwater runoff, cable TV and similar utility services within the right-of-way; e. major utility installations, including telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television stations and towers, water and sewer treatment plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations; and f. transportation terminals, including bus, railroad, air and water facilities.

G. Dimensional requirements.

1. Minimum lot area	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum impervious area	6. Maximum lot coverage	7. Maximum Floor Area Ratio (FAR)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				
15,000 sf	100	35	30	15	25	65	70%	30%	0.40

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		b. Abutting any residentially classified property							
		35	30	35	35				
H. Other standards.									
1. Subject to overlay criteria if located within the Scenic A1A Corridor. 2. Minimum street frontage for lots/parcels in new subdivisions of 35 feet									

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6-3.C.3.	C-1 – Neighborhood commercial district	
A. Purpose and intent.		
The purpose and intent of the C-1, neighborhood commercial district is to provide a limited commercial convenience facility, servicing nearby residential neighborhoods, planned and developed as an integral unit.		
B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. Adult congregate living facility. 2. Bakeries and similar uses (including preparation of products for sale on the premises). 3. Book and stationary stores. 4. Convenience stores (excluding the sale of distilled spirits with a higher alcoholic content than malt beverages or fermented wines). 5. Day care centers. 6. Hardware stores. 7. Laundry and dry cleaning pickup stations. 8. Laundry and dry cleaning self-service establishments. 9. Newsstands. 10. Barber shops, beauty shops, shoe repair shops. 11. Pharmacies. 12. Private schools. 13. Professional offices. 14. Medical and dental clinics. 15. One single-family dwelling unit to be used only in conjunction with the operation of a permitted business on the same premises; such single-family dwelling unit shall be an integral and contiguous part of the principal business structure and located behind or above that portion of the business structure devoted to service of the public. The building structure must meet all applicable building codes for the respective residential and commercial uses including fire and public safety laws. In no case shall this permitted use be construed to allow multifamily development behind or above a strip commercial center. 16. Other commercial uses of a nature similar to those listed may be permitted upon determination by the planning and development board that such uses are appropriate in the C-1 district. The standard industrial classification		1. Construction and sales and leasing office permits. 2. Outdoor sales.

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manual will be used as a reference for these determinations.		

E. Permitted special exceptions.	F. Special uses.
1. Accessory dwelling units. 2. Child care centers, with enrollment limited to no more than 20 children. 4. Personal wireless services facilities (PWSF) and telecommunication towers. 5. Place of worship, to include as ancillary uses day care and VPK. 6. Restaurant - sit down only in the A1A Scenic Corridor Overlay. 7. Roadside vendor. 8. Single-family dwelling unit to be used only in conjunction with the operation of a permitted business on the same premises.	1. Essential public and private uses, including: a. places of worship; b. public and private schools, including day cares; c. hospitals; d. government uses and buildings; e. minor utility installations, which distribute water, sewer, gas, telephone, electricity, stormwater runoff, cable TV and similar utility services within the right-of-way; f. major utility installations, including telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television stations and towers, water and sewer treatment plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations; and g. transportation terminals, including bus, railroad, air and water facilities.

E. Dimensional requirements.

1. Minimum lot area	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum impervious area	6. Maximum lot coverage	7. Maximum Floor Area Ratio (FAR)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				
20,000 s.f.	100	50	40	20	40	35	60%	35%	0.30

F. Dimensional requirements in the A1A Scenic Corridor.

1. Maximum lot area[3]	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum impervious area	6. Maximum lot coverage	7. Maximum Floor Area Ratio (FAR)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				
5 ac	100	25	25	10	25	35	60%	35%	0.30
		b. If lot depth is greater than 100 feet							
		25% of lot depth, up to max of 40 ft.	25	10	25				

G. Other standards.

1. Subject to overlay criteria if located within the Scenic A1A Corridor.
2. Minimum street frontage for lots/parcels in new subdivisions of 35 feet.
3. In the Scenic A1A Corridor, there is a maximum lot size of 5 acres.

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6-3.C.4.	C-2 – Shopping center district	
A. Purpose and intent.		
The purpose and intent of the C-2, shopping center district is to provide commercial uses where compatible business establishments will be planned, organized and grouped in a unified arrangement. Such uses should be designed of sufficient dimension to satisfy all off-street parking needs, and be located along major arterial streets, where the traffic generated can be accompanied in a manner consistent with the public health, safety, and welfare. It is intended that such commercial areas will be located around the interchange of I-95 and Palm Coast Parkway, I-95 and SR 100, I-95 and U.S.1, along arterial roads and other suitable areas when consistent with the Flagler County Comprehensive Plan.		
B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. Retail sales and services, excluding: motor vehicle sales and rental; automobile driving schools; boat or mobile home sales and service; car washes; mini-warehouses and water slides. 2. Retail specialty shops. 3. Adult congregate living facility. 4. Auction parlors. 5. Automobile service stations. 6. Bars. 7. Bowling alleys. 8. Art, dance, modeling and music schools. 9. Day care centers. 10. Employment agencies. 11. Financial institutions. 12. Game rooms or arcades for pool, billiards, pinball machines, jukeboxes or other coin-operated amusements. 13. Laundry and dry cleaning establishments. 14. Nightclubs. 15. Professional offices. 16. Restaurants. 17. Travel agencies. 18. Stamp redemption centers. 19. Taxicab stands. 20. Theaters. 21. One (1) single-family dwelling unit to be used only in conjunction with the operation of a permitted business on the same premises; such single-family dwelling unit shall be an integral and contiguous part of the principal business structure and located behind or above that portion of the business structure devoted to service of the public. The building structure must meet all applicable building codes for the respective residential and commercial uses including fire and		1. Construction and sales and leasing office permits. 2. Fuel sales and dispensing. 3. Outdoor sales.

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public safety laws. In no case shall this permitted use be construed to allow multifamily development behind or above a strip commercial center. 22. Other commercial uses of a nature similar to those listed may be permitted upon determination by the planning and development board that such uses are appropriate in the C-2 district. The standard industrial classification manual will be used as a reference for these determinations.		

E. Permitted special exceptions.	F. Special uses.
1. Accessory dwelling units. 2. Child care centers, with enrollment limited to no more than 20 children. 3. Personal wireless services facilities (PWSF) and telecommunication towers. 4. Place of worship, to include as ancillary uses day care and VPK. 5. Restaurant - sit down only in the A1A Scenic Corridor Overlay. 6. Roadside vendor. 7. Single-family dwelling unit to be used only in conjunction with the operation of a permitted business on the same premises.	1. Essential public and private uses, including: a. places of worship; b. public and private schools, including day cares; c. hospitals; d. government uses and buildings; e. minor utility installations, which distribute water, sewer, gas, telephone, electricity, stormwater runoff, cable TV and similar utility services within the right-of-way; f. major utility installations, including telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television stations and towers, water and sewer treatment plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations; and g. transportation terminals, including bus, railroad, air and water facilities.

G. Dimensional requirements.

1. Minimum lot area	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum impervious area	6. Maximum lot coverage	7. Maximum Floor Area Ratio (FAR)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				
5 ac	300	100	100	50	50	45	70%	30%	0.40
		b. Abutting any residentially classified property							
		100	100	100	100				

H. Dimensional requirements in the A1A Scenic Corridor.

1. Maximum lot area[4]	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum impervious area	6. Maximum lot coverage	7. Maximum Floor Area Ratio (FAR)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				

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5 ac	200	25	20	10	50	40, but not to exceed 3 stories	70%	30%	0.40
		b. If lot depth is greater than 100 feet							
		25% of lot depth, up to max of 40 ft.	20	10, or 50 if adj to resid use or zone	50				
		c. If adjacent to residential zoning districts or uses							
		25	20	50	50				
I. Dimensional requirements in the Marineland Acres special stormwater overlay area.									
1. Maximum lot area[4]	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum impervious area/ Minimum pervious area	6. Maximum lot coverage	7. Maximum Floor Area Ratio (FAR)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				
5 ac	200	25	20	10	50	40, but not to exceed 3 stories	70% max impervious/ 60% min pervious	30%	0.40
		b. If lot depth is greater than 100 feet							
		25% of lot depth, up to max of 40 ft.	20	10, or 50 if adj to resid use or zone	50				
		c. If adjacent to residential zoning districts or uses							
		25	20	50	50				
J. Other standards.									

1. Subject to overlay criteria if located within the Scenic A1A Corridor.
2. Subject to overlay criteria if located within the Marineland Acres special stormwater overlay area.
3. Minimum street frontage for lots/parcels in new subdivisions of 35 feet.
4. Maximum lot size of 5 acres, except for lots zoned C-2 as of December 26, 2001, the effective date of Ordinance No. Ordinance No. 2001-26.

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6-3.C.5.	C-3 – General commercial	
A. Purpose and intent.		
The purpose and intent of the C-3, general commercial district is to provide commercial uses where compatible business establishments will be planned, organized and grouped in a unified arrangement. Such uses should be designed of sufficient dimension to satisfy all off-street parking needs, and be located along major arterial streets, where the traffic generated can be accompanied in a manner consistent with the public health, safety, and welfare.		
B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. All uses permitted in the shopping center district. 2. Automobile driving schools. 3. Automobile rental agencies. 4. Automotive repair. 5. Bus stations. 6. Boat, mobile home sales and service establishments. 7. Catering services. 8. Funeral homes. 9. Automobile sales. 10. Pawn shops. 11. Pest exterminators. 12. Private clubs. 13. Tailors. 14. Trade shops including electrical, plumbing, cabinet maker and heating and air-conditioning. 15. Veterinary clinics. 16. Car washes. 17. Printing. 18. Hotels, motels and other tourist accommodations. 19. Restaurants. 20. Nightclubs, bars. 21. Hospitals. 22. Medical and dental clinics. 23. Miniwarehouses. 24. Commercial recreational uses.		1. Construction and sales and leasing office permits. 2. Fuel sales and dispensing. 3. Outdoor sales.

E. Permitted special exceptions.	F. Special uses.
1. Accessory dwelling units. 2. Bulk storage of fertilizer, fuels, lubricants, and other hazardous, flammable, combustible or incendiary materials. 3. Child care centers, with enrollment limited to no more than 20 children. 4. Outdoor storage, provided that the site is completely enclosed by a solid fence or otherwise screened from the public view. 5. Personal storage facilities, provided that no outdoor storage of any kind shall be permitted on the site. 6. Personal wireless services facilities (PWSF) and telecommunication towers.	1. Essential public and private uses, including: a. places of worship; b. public and private schools, including day cares; c. hospitals; d. government uses and buildings; e. minor utility installations, which distribute water, sewer, gas, telephone, electricity, stormwater runoff, cable TV and similar utility services within the right-of-way; f. major utility installations, including telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television

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7. Place of worship, to include as ancillary uses day care and VPK.
8. Restaurant - sit down only in the A1A Scenic Corridor Overlay.
9. Roadside vendor.
10. Single-family dwelling unit to be used only in conjunction with the operation of a permitted business on the same premises.
11. Storage yards and warehousing, provided that outside storage is completely enclosed by a solid fence or otherwise screened from the public view.
12. Temporary manufactured housing sales center.
13. Wood working shops.

stations and towers, water and sewer treatment plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations; and

g. transportation terminals, including bus, railroad, air and water facilities.

G. Dimensional requirements.

1. Minimum lot area	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum impervious area	6. Maximum lot coverage	7. Maximum Floor Area Ratio (FAR)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				
10,000 s.f.	100	35	30	10	10	65	70%	30%	0.40
		b. If adjacent to residential zoning districts or uses							
		35	30	35	35				

H. Other standards.

1. Minimum street frontage for lots/parcels in new subdivisions of 35 feet.

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6-3.C.6.	I – Industrial district

A. Purpose and intent.

This district is designed to encourage the grouping of industrial establishments at strategic locations in the County so that the economic base can be expanded, services and facilities provided, and incompatible mixing of land uses avoided.

B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. Any industrial, office, commercial or related use or structure, provided applicable County standards are met.		1. Construction and sales and leasing office permits. 2. Fuel sales and dispensing. 3. Outdoor sales.

E. Permitted special exceptions.	F. Special uses.
1. Accessory dwelling units. 2. Bulk storage of fertilizer, fuels, lubricants, and other hazardous, flammable, combustible or incendiary materials. 3. Personal wireless services facilities (PWSF) and telecommunication towers.	1. Essential public and private uses, including: a. government uses and buildings; b. minor utility installations, which distribute water, sewer, gas, telephone, electricity, stormwater runoff, cable TV and similar utility services within the right-of-way; c. major utility installations, including telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television stations and towers, water and sewer treatment plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations; and d. transportation terminals, including bus, railroad, air and water facilities.

G. Dimensional requirements.

1. Minimum lot area	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum impervious area	6. Maximum lot coverage	7. Maximum Floor Area Ratio (FAR)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				
20,000 s.f.	100	30	30	20	20	65	70%	30%	0.45
		b. If adjacent to residential zoning districts or uses							
		30	30	50	50				

H. Other standards.

None.

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6-3.C.7.	PLI – Public lands institutional district

A. Purpose and intent.

The purpose of the PLI—Public lands and institution district is to provide a public lands and major public or quasipublic institutional uses. This land use classification is applied only to lands that are owned or reserved for use by the public.

B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. Public recreational uses. 2. Public educational uses. 3. Public institutional uses. 4. Public service/utility uses. 5. Post office. 6. Public libraries.		1. Alcoholic beverage permits.

E. Permitted special exceptions.	F. Special uses.
None	None

G. Dimensional requirements.

1. Minimum lot area	2. Minimum lot width (ft.)	3.a. Minimum setbacks				4. Maximum building height (ft.)	5. Maximum impervious area	6. Maximum lot coverage	7. Maximum Floor Area Ratio (FAR)
		1. Front (ft.)	2. Street side (ft.)	3. Interior side (ft.)	4. Rear (ft.)				
10,000 s.f.	80	30	30	15	30	35	70%	30%	0.50

H. Other standards.

None

FLAGLER COUNTY DEVELOPMENT STANDARDS FOR PRINCIPAL NON-RESIDENTIAL USES

6-3.C.8.	FDD—Future development district	
A. Purpose and intent.		
The purpose and intent of the future development district (FDD) is to designate certain reserved parcels within the Palm Coast Comprehensive Land Use Plan (CLUP) that will have a variety of land uses during the future development of this planned community, but the ultimate specific use presently is not known. The intent is to designate the interim zoning district that indicates land planned for future development.		
B. Permitted principal uses and structures.	C. Permitted accessory uses and structures.	D. Limited uses.
1. Silviculture and horticulture uses including, plant nurseries, market gardening, field crops or orchards and home gardens, no structure (excluding fenced areas) shall be located within 100 feet of a property line or district boundary. 2. All essential public services including water, sewer, gas or electric systems such as substations, lift stations, treatment plants, percolation ponds, access roads and similar installations that are required to support existing development. 3. Residential dwellings, as permitted in the R-1, and R-1b districts. (Low density—One to three units per acre) 4. Recreation areas accessory to residential developments. 5. Cemeteries.		1. Campgrounds. 2. Cemeteries. 3. Community residential homes and adult family-care homes. 4. Construction and sales and leasing office permits. 5. Fuel sales and dispensing. 6. Home care for disabled adults. 7. Horse farms and riding stables. 8. Migrant labor camps, temporary labor camps, and residential migrant housing. 9. Outdoor parking of commercial vehicles. 10. Outdoor parking of recreational vehicles. 11. Outdoor sales. 12. Travel trailer parks.
E. Permitted special exceptions.	F. Special uses.	
1. Residential dwellings, as permitted in the R-1c, R-1d, and R-2 districts. (Medium density—Four to six units per acre) 2. PUD—Planned unit development. (Low to medium density—One to seven units per acre) 3. Nursing homes, boarding homes. 4. Limited office as permitted in the O-1 district. 5. Neighborhood commercial uses as permitted in the C-1 district.	None	
G. Dimensional requirements.		
Dimensional requirements for FDD districts shall be the requirements specified for the applicable zoning district classification of intended use.		
H. Other standards.		
None		

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Section 3 Overlay zoning districts. Overlay zoning districts, as specifically described below, are intended as a regulatory tool that creates a special zoning district, placed over an existing base zone(s), which identifies special provisions in addition to those in the underlying base zone. The overlay district can share common boundaries with the base zone or cut across base zone boundaries. Regulations or incentives are attached to the overlay district to protect a specific resource or guide development within a special area.

A. Planned development overlay. TBD

B. Planned unit development (PUD) overlay. TBD

C. Flagler agricultural resource mitigation (FARMS) program. TBD

D. Scenic A1A corridor overlay.

1. Purpose and applicability. The purpose of the A1A Scenic Corridor Overlay (SCO) district is to protect and enhance the natural and man-made environments of this unique and special portion of Flagler County, thereby preserving quality of life and property values within the Corridor.

The requirements of this Section shall apply to all parcels or lots adjoining State Road A1A including its right-of-way from the northern border of the Town of Beverly Beach to the southern border of the Town of Marineland and also including all parcels or lots adjoining 16th Road east from A1A to the Ocean, Mala Compra Road, Bay Drive and Jungle Hut Road, including subsequent divisions or lot splits of said parcels or lots existing as of December 21, 2001. The sum of this area shall be referred to as the A1A Scenic Corridor for purposes of this section.

The requirements of this section are supplemental to existing zoning regulations within the area defined above. All development must be in compliance with the standards of the underlying zoning district and the additional requirements or relief of the overlay district. In the event of any conflict between the provisions of this section and other requirements of this LDC, the provisions of this section shall prevail.

2. Specific development regulations within the Scenic A1A Corridor Overlay.

a. Architectural standards. This subsection applies to nonresidential development within the overlay district.

(1) Commercial metal buildings shall be prohibited in the A1A Scenic Corridor.

(2) Building lengths along the front dimension of the property may not exceed 200 feet.

(3) For purposes of this section, a recognized architectural style shall be one which is recognized by design professionals as having a basis in classical, historical or academic architectural design philosophies. The following shall not be considered acceptable architectural styles within the A1A Scenic Corridor:

(a) Corporate signature or commercial prototype architecture.

(b) Any architecture that is exotic and clearly out of character with the A1A community character. Examples of exotic and unacceptable architecture include architecture that does not resemble a typical structure, but resembles out-of-place structures like igloos, tepees, medieval castles, caves and the like; or that resembles an exaggerated plant, animal, fish, edible food or other such item such as giant oranges, ice cream cones, dinosaurs and the like. This subsection shall not apply to public improvements that are consistent with the A1A Corridor Management Plan as interpreted by the Corridor Management Entity.

(4) Accessory structures. These structures shall be similar in style, color, and material to their principal structures.

(5) Exterior walls. All exterior walls shall be constructed of finished materials such as stucco, natural brick or stone, finished concrete, horizontal wood siding or other similar material including synthetic materials similar in appearance and durability. Exposed smooth concrete block or metal finishes shall not be permitted, except where determined to be an integral feature of a recognized architectural style. For any facade facing a street, parking lot or residential property line, wall planes need to be encouraged punctuated by two or more of the following techniques:

(a) Use of windows of style and proportions in keeping with the chosen architectural style. Retail establishments must incorporate store front windows at pedestrian level where adjacent to streets or interior sidewalks.

(b) Use of ground level arcades or porches.

(c) Use of protected or recessed entries.

(d) Use of vertical elements (including architectural features such as pilasters, columns, canopies, porticos, arcades, colonnades and/or parapets) on or in front of expansive blank walls to interrupt facades into modules of less than 60 feet.

(e) Use of multiple wall plane offsets and projections of at least three feet each.

(f) Retaining a clear distinction between roof, body and base of a building.

(6) Roofs. The use of hip or gable roofs is highly encouraged. Pitches in excess of 6:12 are desirable. The use of dormers, metal roof material, or dimensional shingles help break large roof planes. Flat roofs shall include parapet or partial roofs to provide architectural interest and to screen rooftop equipment when viewed at the property lines from standing height.

b. Dumpsters and waste containers. Dumpsters and waste containers shall be screened by a wall or a fence with vegetative screening around it. The vegetative screening shall be installed on at least three sides of the utility equipment, and shall be located outside any wall or fence. Such vegetative screening shall include shrubs which will achieve a height of five feet within one year, planted with a spacing not exceeding five feet on center, or as an alternative, another form of vegetative screening that creates an effective visual screen.

c. Loading docks. Loading docks in the A1A Scenic Corridor shall be located or constructed at the rear of the building, and shall be oriented as much as possible as to be concealed from adjacent residential uses.

d. Access standards. The County shall strive to limit new access points to SR A1A through the use of shared access, secondary access between adjacent uses, and reasonable spacing between primary access points. The following standards shall be applied to reduce traffic congestion and safety issues, reduce the amount of pavement in driveways, as well as to reduce the visual impacts of strip development caused by multiple access points.

(1) For corner parcels less than one acre in size, access only from local streets shall be allowed.

(2) A single, multi-use driveway connection to A1A shall be required to serve adjacent commercial uses unless one of

the uses is an existing site with a driveway access not located along the joint property line. In cases where such multi-use driveway would result in the removal of a protected tree with a caliper greater than 16 inches, it need not be located along the joint property line.

(3) Driveway pavement width for access ways shall not exceed 24 feet, excluding landscape medians and appropriately designed aprons and needed turn lanes, unless it is determined by the County Administrator that wider pavement width is needed to accommodate needed turning radii. Pavement width may exceed 24 feet when a curbed median strip with shade trees spaced every 25 feet are provided, but driveway lanes may not exceed 12 feet in width excluding appropriately designed aprons and needed turn lanes.

(4) Cross-access.

(a) New nonresidential site plans must provide vehicular and pedestrian cross-access to existing and future adjacent development.

(b) Residential subdivisions must provide vehicular cross-access with adjacent residential subdivisions and pedestrian access to nonresidential areas.

(c) Cross-access shall take the form of an interconnection between parking lot access aisles located at least 50 feet from the right-of-way line of A1A for nonresidential sites and at least 25 feet from the right-of-way line of A1A for residential developments.

e. Parking standards. The following standards shall help to reduce the amount of paved parking areas and visual blight associated with commercial parking needs.

(1) During the site plan review process, the County may allow minimum parking requirements to be reduced by up to 25 percent for complementary uses (weekday and evening/weekend uses), when such uses can share their available parking areas, and such parking areas are convenient to the associated uses.

(2) Shell parking or similar approved porous surfaces shall be allowed for uses with less than ten required parking spaces, if it is determined by the Department that such an

arrangement will not create significant erosion, drainage, or fugitive dust problems. For uses that require ten or more parking spaces, up to twenty percent of required minimum parking spaces may be porous. All development must pave required handicapped spaces as well as aisles and sidewalks to building entrances.

f. Utility service drops. Utility service drops shall be installed underground and shall be done in a manner which protects index trees.

g. Variances. Variances shall be available under the process described in Chapter 4 provided however, in considering variance applications, consideration and flexibility shall be extended to adjust setbacks, structures and parking in order to preserve an index tree canopy. Further, the provisions of this section are not intended to deprive an applicant from seeking a special exception where not otherwise in conflict with this section.

h. Relationship to other requirements. This section is supplemental to all other requirements of existing adopted ordinances and codes provided that all portions of ordinances or codes that are in conflict with this section are superseded only in the application and only to the extent of the conflict provided however, that where a provision of this section conflicts with a provision of a previously approved Development of Regional Impact Development Order, the provision of this section shall not apply.

i. Vesting. Since the adoption of Ordinance No. 2004-11, projects previously recognized as vested are assumed to have developed or, otherwise, the vesting has expired.

j. Development standards within specific zoning districts. The following standards apply to development within the A1A Scenic Corridor Overlay:

(1) A site development plan meeting the requirements for Site Development Plan Review, a sign plan, landscaping plan, and building elevations in conformance with the regulations of the A1A Scenic Corridor shall be required for simultaneous review. The site development plan, with all proposed improvements, shall also depict all index trees on the site both to be removed or to remain.

(2) In addition to specific dimensional requirements listed within each zoning district, the following additional standards shall apply within each respective zoning district:

(a) Within the R/C – Residential/commercial use district:

i. The minimum front yard setback for parcels with a depth of 100 feet or less shall be 25 feet.

ii. The front yard setback for parcels with a depth greater than 100 feet shall be a minimum of 25 percent of the depth, not to exceed 40 feet.

iii. The minimum front yard setback for ocean front parcels shall be 20 feet, regardless of depth.

(b) Within the O-1 – Limited office district:

i. The minimum front yard setback for parcels with a depth of 100 feet or less shall be 25 feet.

ii. The front yard setback for parcels with a depth greater than 100 feet shall be a minimum of 25 percent of the depth, not to exceed 40 feet.

(c) Within the C-1 – Neighborhood commercial district:

i. The minimum front yard setback for parcels with a depth of 100 feet or less shall be 25 feet.

ii. The front yard setback for parcels with a depth greater than 100 feet shall be a minimum of 25 percent of the depth, not to exceed 40 feet.

iii. The minimum side yard setback shall be 10 feet.

iv. The minimum setback abutting any street shall be 25 feet.

v. The minimum rear yard setback shall be 25 feet.

vi. The maximum lot size shall be five acres.

(d) Within the C-2 – Shopping center commercial and C-3 General commercial districts:

i. The minimum front yard setback for parcels with a depth of 100 feet or less shall be 25 feet.

ii. The front yard setback for parcels with a depth greater than 100 feet shall be a minimum of 25 percent of the depth, not to exceed 40 feet.

iii. The minimum side yard setback when adjacent to residential zoning districts or uses shall be 50 feet.

iv. The minimum side yard setback when adjacent to nonresidential zoning districts or uses shall be 10 feet.

v. The maximum lot size shall be five acres.

vi. The maximum building height shall be 40 feet, but not to exceed three stories.

vii. Prohibited uses:

1. Adult businesses, as defined in Flagler County Ordinance 2000-17.

2. Mobile and modular home dealerships, repair or service establishments.

3. Automobile sales.

4. Recreational vehicle sales.

5. Automotive repair.

6. Establishments for sales or repair of motorized boats (excluding canoes and kayaks).

7. Tattoo parlors and/or body piercing establishments.

8. Pawn shops.

9. Outdoor storage, excluding plant nurseries.

10. Bus depots.

11. Miniwarehouses.

12. Commercial warehousing.

13. Adult arcade amusement center or other similar entertainment enterprise or business at which electronic, mechanical, coin-operated game of amusement, chance or skill are played, whether for consideration or not when the games are similar to, or in the nature of, slot machines.

k. Landscape development standards.

(1) Perimeter requirements.

(a) Front perimeter landscape buffers in the A1A Scenic Corridor. Developments shall provide a landscaped strip located between the property line and the developed area. The width of this landscaped buffer shall be a minimum average of 25 feet for properties with a lot depth of 100 feet or less, with no buffer width less than 20 feet. For properties with a lot depth greater than 100 feet the perimeter shall be a minimum average of 25 percent of the lot depth, up to a maximum of 40 feet, with no buffer width less than 25 feet. Width of sidewalks shall not be included within the front perimeter landscape buffer. The intent of this requirement is to create an undulating, non-uniform perimeter buffer for the A1A Scenic Corridor that is in keeping with the existing natural and non-regimented character of the area. Developed areas such as septic systems, stormwater facilities, vehicular use areas including parking and access aisles (not including access driveways), solid waste facilities including dumpsters, storage buildings, and similar features or structures are not allowed in perimeter landscape buffers; provided however,

that undulating dry retention basins may intrude up to 10 percent of the perimeter landscape buffer where necessary to save index trees elsewhere on the property.

(b) Side and rear perimeter landscape areas in the A1A Scenic Corridor. A 10 foot wide strip of land shall be required along the side and rear property lines. The minimum width of this landscape buffer shall be 15 feet for the side and 20 feet for the rear for a nonresidential use when adjacent to residential uses or zoning. No landscape buffer is required for a nonresidential use when it is adjacent to nonresidential uses or zoning, but tree planting shall still be required or in the case of like commercial uses, where no setbacks or landscape areas are required. Common driveways and sidewalks serving adjacent properties are exempt from perimeter requirements.

(2) Material requirements in perimeter area.

(a) Tree count in the A1A Scenic Corridor. Total canopy tree count requirements within the front, side, and rear perimeter landscape buffer shall be determined by using a ratio of one planted tree for each 25 linear feet of perimeter or one preserved tree of at least 14 inches of caliper for every 50 linear feet of perimeter. Perimeter calculations shall exclude up to no more than 24 feet of access ways through the perimeter in the calculation. Preserved trees may be located up to 15 feet outside the required perimeter landscape strips, landscape islands must be at least 300 square feet and must conform with critical root zone standards, with the tree placed approximately in the middle of the island. No fewer than 75 percent of the required trees shall be native trees identified on the Interim Index Tree List. If salt air exposure is not a limiting factor as determined by the County Administrator, no more than 25 percent of the required trees may be palm trees, which must be at least 12 feet in height at the time of planting. For development sites greater than one acre, no more than fifty percent of the new trees planted shall be from the same genus (for example oak).

(b) Tree preservation required in the A1A Scenic Corridor. Preservation of all existing native trees larger than six inches in caliper is required within the perimeter area except for access ways.

(c) Understory trees in front perimeter in the A1A Scenic Corridor. Installation or preservation of eight understory trees not less than six feet in height, and one inch caliper measured at six inches above ground from the Interim Understory Tree List for each one hundred lineal feet of front perimeter abutting the public vehicular right of way less the frontage for access ways.

(d) Trees shall be interspersed with understory shrubs using a ratio of one shrub for each 12½ linear feet of lot frontage or major fraction thereof. Shrubs shall be a minimum of forty-eight inches in height and shall be from the Interim Shrub List or those marked "U" on the Interim Index Tree List for the A1A Scenic Corridor.

(3) Interior planting areas.

(a) Size of interior planting areas in the A1A Scenic Corridor. In vehicular use areas within the interior of a site, one planting area, containing at least one index tree with a minimum caliper of four inches at six inches above ground, of at least 400 square feet in area and no less than 15 feet in width shall be required for each 4,000 square feet or major fraction thereof, of vehicular use area. If palm trees are used to meet this requirement, a 3:1 ratio shall be used with a minimum height of 12 feet for each palm. If salt air exposure is not a limiting factor as determined by the County Administrator, no more than 30 percent of the required trees in the landscaped islands may be palm trees. Interior landscaped areas shall be dispersed so as to define aisle ends and to limit unbroken rows of parking to a maximum of 80 linear feet. For development sites greater than one acre, no more than fifty percent of the new trees planted shall be from the same genus (for example oak). Where it is suitable, trees may be planted and preserved in clusters rather than individually to increase shaded areas and to improve long-term survivability and longevity of trees. Planting trees in clusters or groups rather

than individually allowing a minimum of 400 square feet per tree in each group or cluster shall be encouraged. Planted trees shall conform to the requirements below.

(4) Buffer standards relating to uncomplimentary land uses and zones.

(a) A buffer strip in the A1A Scenic Corridor shall be required between uncomplimentary land uses or zones. No new structures shall be placed within 50 feet of an existing residential primary structure on an adjoining parcel. Twenty-five feet of the buffer strip shall be used for a vegetative buffer. Such 25 foot buffer areas shall include a wall, fence, hedge, or natural vegetation area of at least six feet in height that will screen single-family housing uses or lands zoned for single-family housing from more intensive uses. Any wall or fence installed or used for this purpose must be placed along the property line, but may be offset up to 10 feet from the property line or interrupted to avoid impacting trees.

(5) Plant material standards

(a) Trees shall be subject to the following:

i. Height and rootball size in the A1A Scenic Corridor. Trees shall have a minimum height of 12 feet and a minimum diameter of four inches measured at six inches above ground at the time of planting. The rootball shall have a 95-gallon minimum container or equivalent rootball size. The minimum rootball size diameter shall be 40 inches or, if in a growbag, shall have a diameter of 30 inches minimum.

ii. Plant materials shall conform to the standards for Florida No. 1 or Florida Fancy as stated in "Grades and Standards for Nursery Plants," (current version) as published by the State of Florida Department of Agricultural and Consumer Services Division of Plant Industries. The preservation and use of native vegetation is highly encouraged. Plant materials selected

shall be the best suited to withstand the soil and physical conditions of the site. Plant materials that are freeze and drought tolerant are preferred.

iii. Tree planting and maintenance procedures for replacement trees shall follow the "Tree, Shrub and Other Woody Plant Maintenance Practices," on pruning, fertilization and support systems called the ANSI (American National Standards Institute) A300 Standard. Transplanting and establishment of trees shall follow those described in Typical Tree Bid Specifications for Florida, part 2 (shipping and handling), part 3 (materials), and part 4 (execution) developed by the University of Florida, the Florida Urban Forestry Council and the Florida Chapter of the International Society of Arboriculture.

iv. Maintenance practices on the protected trees on the site shall follow the pruning, fertilization and support practices contained in the ANSI A300 Standard.

v. Plant materials must be maintained in a healthy condition in perpetuity.

l. Tree protection.

(1) No index trees shall be removed in the A1A Scenic Corridor unless the requirements of Chapter 8 are met or it is necessary to meet the footprint when no other position will permit saving of the trees in the development layout. Any index tree with a canopy that intrudes into the footprint shall be evaluated by the County Administrator for removal or preservation. Consideration in adjusting setbacks and perimeter areas for new development shall be given when appropriate to preserve an index tree canopy. Index tree removal may be permitted in residential districts to allow the location of trellises, patios, and areas of a porch, deck, swimming pool, and/or balcony. Where index trees are removed in the A1A Corridor they must be replaced on the lot with the same type of tree species or one listed in the Interim Tree List for the A1A Scenic Corridor.

(2) Tree protection during construction in the A1A Scenic Corridor. In order to protect index trees larger than six inches in diameter from any construction activity that would damage roots, the following activities are prohibited within the dripline (outer edge of canopy) of said index trees:

(a) Traffic

(b) Parking

(c) Fill (soil added to site)

(d) Soil compaction

(e) Change of grade

(f) Storage of construction materials (sand, soil, girders, beams, sheet rock, etc.)

(g) Removal of understory plants in a manner that would compact soil or disturb tree roots

(h) Burying of building materials

(i) Disposal, flushing of containers or spilling of chemicals, oil concrete or other harmful materials

(j) Mixing concrete

(k) Any other activity harmful to the tree.

(3) A sturdy fence shall be erected at the perimeter of the dripline (critical root zone) to protect the tree from the above activities before any construction begins. The fence shall be maintained until all construction has been completed.

(4) In the A1A Scenic Corridor, construction within the dripline of such trees may occur if the landscape plan demonstrates that such construction will only be carried out in accordance with the best management practices including but not limited to:

(a) Installation of an aeration layer where filling in the root zone is involved.

(b) Utilization of root pruning techniques when roots must be cut.

(c) Special care in the selection of utility corridors around root zones or tunneling under critical roots.

(d) Installation of piers through root zones for bearing walls, rather than conventional footers .

(5) In the A1A Scenic Corridor vertical, columnar type trees with narrow canopies, for example loblolly bay, pine trees and bald cypress, shall have a protection zone (critical root zone) of one and one half times the dripline (canopy) diameter to help insure proper root protection.

(6) No specimen or historic tree as defined in Chapter 12 shall be removed in the A1A Scenic Corridor unless approved by the Board of County Commissioners.

m. Index tree protection/replacement requirements.

(1) The pallet of protected trees in the A1A Scenic Corridor is more inclusive than for the County as a whole. This expanded protection is designed to preserve the native ecosystems in the Corridor. A list of protected index trees established by Ordinance 2001-26 is available at the Department and incorporated into the Scenic Corridor Design Guidelines Handbook. The minimum number of index trees to be preserved upon any development site is calculated as set forth previously within this section; however, the list of protected trees is more expansive and the following percentages of aggregate caliper inches shall apply:

(a) Nonresidential and multi-family parcels. Each nonresidential or multi-family parcel owner must preserve or replant at least 50 percent of the total pre-development caliper inches existing on the site. Property owners are encouraged to use preserved index trees to satisfy perimeter and interior landscaping requirements.

(b) Single-family parcels. Every single family lot owner must preserve or replant at least 40 percent of the total pre-development caliper inches existing on the site.

(c) Where trees must be replaced or planted to meet minimum preservation or landscape buffer requirements within the Scenic Corridor Overlay

district, all plant material will consist of a tree species listed in the Scenic Corridor Index Tree List and that has a minimum caliper of four inches measured at six inches above ground and has a minimum height of 12 feet when planted. The rootball shall have a 95-gallon minimum container or equivalent rootball size. The minimum rootball size diameter shall be 40 inches or, if in a growbag, shall have a diameter of 30 inches minimum. Sabal palms shall have a minimum 12 feet of clear trunk. Plant materials shall conform to the standards for Florida No.1 or better as given in "Grades and Standards for Nursery Plants," (current version) as published by the State of Florida Department of Agricultural and Consumer Services, or equal thereto that has been approved by the County Agricultural Extension Agent. The preservation and use of native vegetation is highly encouraged. Plant materials selected shall be the best suited to withstand the soil and physical conditions of the site. Plant materials that are freeze and drought tolerant are preferred;

(d) Replacement trees shall approximate the distribution of native vegetation where a one to one replacement is not practical as reasonably determined by the County Administrator, the tree shall be replaced in multiples to yield a sum of equivalent calipers;

(e) Whenever a protected tree is removed without legal authorization or in violation of this LDC, the owner shall replace such removed trees on a 1:3 ratio. For example, if a 20 inch caliper tree is illegally removed, it shall be replaced by a tree or trees equivalent to 60 inches in caliper from the Interim Replacement Tree List or an equivalent tree species;

(f) Be given sufficient room for optimum growth. If the County Administrator reasonably determines that there is insufficient space on the site to plant the required replacement trees for optimum growth, then the owner may be directed to plant the trees in publicly owned areas of the A1A Scenic Corridor, or in privately owned strategically visible locations with the permission of the property owner.

(g) Trees installed or retained within the A1A Scenic Corridor shall not be topped or severely pruned so as to appear stunted or "hat racked." Trees shall be pruned as needed to maintain health and form in such a way that retains or improves the natural form of the particular species; provided, topiary may be practiced upon suitable species if professionally and consistently maintained. The branches of a tree extending over any public sidewalk shall be trimmed to at least the height of eight feet above the sidewalk. The branches of a tree extending over the travel portion of any street used for vehicular traffic shall be trimmed to 15 feet above the street. All tree pruning shall be conducted according to the standards of the National Arborist Association Standards set forth in ANSI A300 (Part 1) Tree Pruning. All landscaping installed or retained to meet the requirements of this section shall be maintained in a healthy and growing condition.

n. Signs

(1) Special rules apply to signage within the A1A Scenic Corridor to preserve the aesthetic and natural qualities that make it a state designated scenic highway.

(2) Permit and perimeter planting required.

(a) In addition to the other requirements of this section, sign permits issued along the A1A Scenic Corridor shall exhibit a County permit number and expiration date for easier identification by a code enforcement officer. The sign permit shall be affixed to the sign structure by the applicant or owner so as to enable the code enforcement officer to view the permit. The owner shall also maintain plantings around the perimeter of the sign. The plantings may include shrubs or flowering plant material.

(3) Application for permit.

(a) In addition to the other requirements of this section, all applications for permits applied for in the A1A Scenic Corridor shall be filed by either a contractor licensed to erect signs in the County, or the owner of the property where the sign is to be located or his authorized agent. Any sign over 16

square feet shall require a sealed set of drawings and calculations by an engineer licensed in Florida.

(4) Issuance of permit.

(a) Upon receipt of an application for a sign permit in the A1A Scenic Corridor, the Chief Building Official or his designee shall review the plans, specifications and other data relating to such sign, and if considered necessary, inspect the premises upon which the sign is proposed to be erected. If the proposed sign is in compliance with this article and all other applicable state and County laws and codes, a sign permit shall be issued upon receipt of the permit fee.

(b) Applications for sign permits shall be approved or denied in writing, by the Chief Building Official within 30 days of submittal of a fully completed application. If it is determined that the application is incomplete, the Chief Building Official shall notify the applicant within 20 days of receipt of the application of the deficient items required. If the applicant certifies in writing that the application is complete, the 30 day period shall run from the day of the County's receipt of that writing. Should the Chief Building Official not approve or deny the application in writing within the 30 day time period, the application shall be deemed denied and the applicant may appeal the denial as provided hereafter.

(c) Any decision of the Chief Building Official, pertaining to sign permitting, may be appealed to the Board of County Commissioners within 30 days of the decision. A notice of appeal from the building official decision shall be filed in writing by the applicant to the Chief Building Official and shall include all pertinent information, and shall include the appeal fee paid upon submittal by the appellant/applicant. The Chief Building Official shall, upon receipt of such appeal, set a time for hearing (not to exceed 30 days from filing and shall give notice of time and place of the hearing to the appellant/applicant.

(d) A decision of the Board of County Commissioners, pertaining to the appeal, shall be rendered as a

written order within 15 days of the appeal hearing. If an order is not rendered within 15 days of the appeal hearing, the appeal shall be deemed denied. Decisions of the Board of County Commissioners may be appealed to the Circuit Court by the appellant within 30 days of the Board's rendered decision and injunctive relief may be sought. An appeal shall stay all administrative proceedings in furtherance of the action appealed until such time as a final determination by the Board of County Commissioners or Circuit Court has been made on such appeal, provided that no such action shall be taken by the applicant to the Chief Building Official during such time which would change the status of the matter being appealed except when in the opinion of the Chief Building Official there exists an immediate and significant safety hazard. The appeal fee shall be established by resolution of the Board of County Commissioners.

(5) Prohibited signs. The following types of signs, as defined in Chapter 12, are prohibited within the Scenic A1A Corridor:

(a) Automatic changeable facing signs.

(b) Neon signs.

(c) Pole signs.

(d) Vehicle signs.

(6) Construction and maintenance standards.

(a) Aesthetics. Signs along the A1A Scenic Corridor shall consist of colors consistent and compatible with the natural environment, except that a registered trademark (commercial or noncommercial) of the owner or tenant of a lot in the A1A Scenic Corridor may display on such lot said trademark in its registered colors on a sign not exceeding four square feet, or on a portion of a larger sign when said portion does not exceed four square feet, if any such sign is otherwise allowed under these regulations.

(7) Specific standards within the C-1 neighborhood commercial, C-2 shopping center commercial, C-3 general commercial, and I-Industrial districts.

(a) Maximum sign area allowed:

i. For signs along the A1A Scenic Corridor shall be 32 square feet.

(b) Maximum sign height:

i. For signs along the A1A Scenic Corridor shall be six feet as measured from ground level where the sign is erected to the top most portion of the sign.

(c) Types of signs:

i. Post and arm signs are permitted.

ii. Fascia or walls signs, limited to less than 15 percent of the area of the front facade of the building, are permitted.

iii. Pole signs are prohibited.

(d) Off-site advertising signs are prohibited in the A1A Scenic Corridor.

(8) Specific standards for commercial parks.

(a) Sign area and use.

i. In the A1A Scenic Corridor, one freestanding sign structure, consisting of any combination of identification or directory signage, for each public right-of-way entrance. Maximum sign area of each sign structure for each public right-of-way entrance shall be 32 square feet. The identification or directory signage may consist of two separate signs but the combined sign face area shall not exceed 64 square feet. Pole signs are prohibited.

(9) Specific standards for office parks.

(a) Sign area and use.

i. In the A1A Scenic Corridor, one freestanding sign structure, consisting of any

combination of identification or directory signage, for the public right-of-way entrance. Such signs shall be ground signs. Maximum sign area of each sign structure shall be 32 square feet. If a separate directory sign is used in addition to an identification sign, it shall be oriented to the interior of the site and shall not exceed 32 square feet. Other signs are limited to wall signs, the size of which shall be limited to 15 percent of the area of the front facade of the building.

(10) Real estate and construction signs.

(a) Maximum sign area allowed:

Table 6-4 – Maximum Sign Area of Real Estate and Construction Signs (in Feet)		
	Sign Type	
District	Real Estate	Construction
R-1, R-1A, R-1B, R-1C, R-1D, R-2, MH-1, MH-2 & PLI	6 Square Feet	6 Square Feet
AC, AC-2, MH-3, R-3, R/C, O-1, C-1 & PUD	32 Square Feet	32 Square Feet
O-2, C-2, C-3 & I	48 Square Feet	48 Square Feet
A1A Scenic Corridor	6 Square Feet	16 Square Feet

(b) Other requirements for freestanding real estate and construction signs:

i. One non-illuminated sign each type shall be allowed on each street frontage of the subject property only.

ii. Height and setbacks:

Table 6-5 – Other Requirements for Freestanding Real Estate and Construction Signs (in Feet)		
	Zoning	
	Residential	Commercial and Industrial
Maximum height	5 feet	10 feet
Minimum front setback	2 feet from public right-of-way	
Minimum side setback	15 feet, or equidistant between side property lines	

(c) Duration.

i. Real estate signs may be erected during the time the property is for sale and until three days after closing.

ii. Construction signs shall not be erected more than 60 days prior to the beginning of construction, and shall be removed within 10 days after issuance of a certificate of occupancy. Such signs shall be removed immediately if construction has not begun after 60 days, or if construction is halted thereafter for a period of more than 30 days. Subcontractor and other additional signs of four square feet or less shall be permitted in addition to total sign area and shall be affixed to, or immediately adjacent to the main sign structure.

E. Marineland Acres special stormwater overlay area. The Marineland Acres Special Stormwater Overlay Area, is hereby created as follows:

1. Applicability and interpretation.

a. The following are additional and supplemental requirements to the LDC that shall apply to the Marineland Acres Special Stormwater Overlay Area.

b. Overlay area described: The requirements of this section shall apply to all land located within the plats of: Marineland Acres, as recorded in Map Book 5, Pages 49-50; First Addition to Marineland Acres, Map Book 5, Pages 54-55; and Second Addition to Marineland Acres, Map Book 5, Pages 60-62, all according to the Public Records of Flagler County, Florida, together with the unrecorded Oceanside Acres subdivision, as described as follows:

A parcel of land being all of the unrecorded Plat Oceanside Acres lying in Government Sections 17 and 39, Township 10 South, Range 31 East, Flagler County, Florida, being more particularly described by a metes and bounds legal description contained in Official Records Book 375, Pages 218-230.

The sum of this area shall be referred to as the Marineland Acres Special Stormwater Overlay Area for purposes of this section.

c. This section shall not be construed to have the effect of repealing or replacing any existing provision of the Flagler County Code concerning the subject matter of this section, but the regulations established herein shall be supplemental and cumulative. However, in the case of direct conflict with a provision or provisions of any existing code provision, the provision that is more restrictive and imposes higher standards or requirements shall govern.

d. Unless vested pursuant to Section C [of the ordinance, vesting provisions not codified], all permit applications for new single family residential dwellings and customary accessory uses, and for all applicable improvements to lots with existing single family residential dwellings that are not part of an approved and permitted master stormwater system, shall comply with the following requirements.

2. Overlay standards.

a. Minimum pervious standards.

(1) The minimum pervious area for each lot in the Marineland Acres Special Stormwater Overlay Area shall be 60 percent.

(2) The driveway width in the public right of way or private roadway easement shall be limited to a maximum of 16 feet at the right of way/property line, and if applicable, limited to a maximum of 20 feet at the edge of the roadway.

(3) If paved, a driveway pavement joint must be installed at the front property line.

(4) Any structure that prevents or severely restricts the natural percolation of water from the surface of the ground to the water table shall be considered impervious.

(5) Pavers, stone aggregate and other paved surfaces must be factored into the stormwater design analysis and semi-impervious areas shall be considered as 75 percent impervious by the engineer in the drainage calculation required below.

(6) Final determinations regarding whether a surface or structure is impervious or semi-pervious shall be made by the County Development Engineer in his/her sole discretion.

b. Drainage/stormwater requirements.

(1) On-site stormwater.

(a) On-site stormwater detention shall be provided for all new impervious areas. Lots shall be required to detain on site the volume of stormwater from two and one-half inches of rainfall over the new impervious area. Plans and calculations required pursuant to this ordinance shall be prepared and submitted by a professional engineer licensed in the state of Florida. Plans submitted must detail the amount of existing impervious surface located on the site including but not limited to existing structures, paved areas, parking areas, walkways, decks, swimming pools, pavers and the amount of additional impervious area proposed. Stormwater may be detained using swales, detention areas, underground cisterns, and other accepted engineering methods and best management practices as determined by the County Development Engineer.

(b) Grading shall be provided which maintains or improves existing surface water flow patterns. Side yard swales shall be required by the County Development Engineer where appropriate to convey stormwater and prevent adverse impacts to adjacent properties. In such cases, a maximum allowable slope for grading of three horizontal to one vertical (3:1) shall be established. Shared swales between properties may be permitted by the County Development Engineer in his/her sole discretion.

(c) Roof gutters are required at all locations where stormwater drains off a roof, unless and within the discretion of the County Development Engineer, a more effective method of stormwater management of roof run-off is demonstrated that does not have adverse impacts on adjacent properties. The downspouts shall be directed into the detention areas, with the locations approved by Flagler County Development Engineer. No stormwater from gutters are to be directed onto adjacent lots.

(d) Any structure that prevents or severely restricts the natural percolation of water from the surface of the ground to the water table cannot be used as a water detention facility. This shall include, but is not

limited to: swimming pools, spas, ornamental fishponds and/or parking areas, etc.

(2) Off-site/roadway swale stormwater.

(a) All lots are to provide additional detention areas in the public roadway rights of way and private roadway easements (Oceanside Drive), in the form of roadway swales along the front property line in accordance with the following standards; minimum one and one-half feet of depth, minimum two feet of bottom width, maximum 3:1 side slopes. The stormwater volume in these swales are in addition to the amount required to be detained in subsection 6.3.E.2.b.(1)(a) above. The roadway swales shall be aligned and connected to any adjacent roadway swales utilizing swale blocks or other discharge controls. The placement of the swale shall allow for a 24 feet vehicular travel width for the roadway within the right of way.

(b) The Flagler County Development Engineer has the authority to modify this swale requirement. Final positioning and approval of any specific details of the swale design shall be approved by the County Development Engineer based on site specific conditions.

(c) Swale blocks shall be placed to separate the lot detention areas from the front roadway swales. Sod or other drought-resistant vegetative groundcover shall be placed in all disturbed areas, no other landscaping is permitted.

c. Maintenance. The property owner, following issuance of a certificate of occupancy (CO), shall be responsible for maintaining the onsite stormwater detention areas and the roadside swales between the roadway and the front property line. Such maintenance shall include, but is not limited to, mowing, prevention of erosion and removal of obstructions to the flow of stormwater.

d. Fill standards.

(1) In all circumstances, proposed fill shall be limited to the minimum amount necessary to provide positive drainage flow and to abide by any applicable flood plain protection and/or State and local regulations. The use of non-structural fill shall be limited to two feet unless it has been

demonstrated through appropriate engineering analysis to the County Development Engineer that the subject fill is otherwise necessary and does not cause any adverse impacts to the structure on site or adjacent properties.

(2) For lots located in a FEMA designated V or VE Special Flood Hazard Areas and Coastal AE Zones new construction or applicable improvements shall be elevated on pilings or columns to raise the finished floor of the structure above the flood elevation. The use of fill for structural support is prohibited in these areas.

(3) For lots located in A or AE Special Flood Hazard Areas on grade Finished Floor Elevation shall be at least 12 inches above and not greater than 18 inches above the FEMA Base Flood Elevation (BFE) for structural support. Stem wall construction is encouraged to eliminate or minimize fill. In the event that stem wall construction is utilized, the volume of stormwater runoff required to be detained on the lot as calculated pursuant to subsection 6.3.E.2.b.(1)(a) above may be reduced five percent.

(4) For lots located in FEMA designated X zones on grade Finished Floor Elevation shall be filled no higher than 18 inches above the adjacent centerline elevation of the road. Stem wall construction is encouraged to eliminate or minimize fill. In the event that stem wall construction is utilized, the volume of stormwater runoff required to be detained on the lot as calculated pursuant to subsection 6.3.E.2.b.(1)(a) above may be reduced five percent.

e. Lot clearing. For a vacant lot, land clearing shall not be permitted except in conjunction with the issuance of a permit to construct a single family residence on the lot.

f. Tree preservation credit.

(1) The volume of stormwater runoff required to be detained on the lot as calculated pursuant to subsection 6.3.E.2.b.(1)(a) above may be reduced one percent for every index tree species preserved on the lot that is a minimum caliper of three inches dbh and for every wax myrtle preserved on the lot that is a minimum of six feet tall, two inches caliper, with a crown spread of five feet. Preservation of scrub species and native vegetation are highly encouraged.

(2) The maximum cumulative reduction of stormwater volume detained on site may not exceed 10 percent of the required volume.

(3) The credit will be determined by the county development engineer based upon the index trees being preserved through the issuance of a certificate of occupancy and adequate safeguards being provided for tree protection after construction.

g. Setbacks.

(1) The minimum side yard setback shall be 10 feet from interior property lines to accommodate side yard drainage swales unless the county development engineer determines that the swale is not necessary.

(2) All accessory structures shall be set back a minimum of 10 feet from all side and rear property lines and may not be placed within any recorded easement.

(3) All impervious and semi-impervious areas shall be set back a minimum of 10 feet from all side and rear property lines.

3. Penalties and remedies. Any person violating any provision of this overlay shall be subject to the penalties and remedies provided for in Chapter 11 of this LDC.

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CHAPTER 7 USE REGULATIONS

Section 1 Purpose and intent.

This Chapter provides for use regulations for particular classifications of use, based on the actual list of permitted and permissible list of uses within each zoning district. These requirements are included in tandem with other processes to establish the County's land use program and implement the Comprehensive Plan.

Section 2 Specific use standards.

A. Permitted uses.

Permitted uses are as listed in Chapter 6 for each zoning district. While a permit may be necessary to initiate a permitted use on a lot or parcel appropriately zoned for such use, no other zoning approval shall be necessary.

B. Accessory uses.

1. General requirements for accessory uses.

a. Accessory buildings and uses shall be located on a building site occupied by a principal structure.

(1) If a proposed accessory building or use is located on an adjacent lot or parcel and is in the same ownership as the lot or parcel upon which the principal structure is located, then a unity of title is required prior to permit issuance.

(2) Except as otherwise provided herein, no accessory building or use shall be permitted unless a principal structure exists or is simultaneously constructed

b. No detached accessory building – except for a well pump house, lift station cover, or similar utility installation no greater than seven feet in height and no greater than 20 square feet in area – shall be located in the front setback area.

c. An accessory building shall not exceed more than 12 feet in height.

d. No accessory building or structure shall be located within any recorded easement, except that:

(1) driveways and walkways may cross easements; and

(2) walls and fences may be constructed within an easement under the condition that should the government entity, homeowner's association, or utility company to whom the

easement is dedicated and/or maintained ever need to utilize the easement, the wall or fence will be removed and relocated at the expense of the property owner.

e. Setback requirements.

(1) When an accessory building is attached to a principal building by a breezeway, roofed passage or similar structure, it shall be deemed to be part of the principal building and shall maintain the minimum setback requirements of the principal building.

(2) A detached accessory building shall be located:

(a) at least 10 feet from any other building; and

(b) a distance equal to its height from any rear lot line.

(3) Unless otherwise stated the minimum side setback shall equal the side setback requirements of the district in which it is located.

(4) On corner building lots, accessory buildings shall not be located closer than the required street side setback line of the district in which it is located.

2. Air conditioner compressor units.

a. Air conditioner compressor units in residential zoning districts shall:

(1) not be located in any minimum required setback; and

(2) be located no farther than three feet from the principal structure which it serves.

(3) However, where an existing air conditioner compressor unit is within a required side or rear setback, but not within any recorded easement, a replacement air conditioner compressor unit may be located in the same location, subject to the sound level restriction below.

(4) The following maximum ARI sound levels (in accordance with ARI Standard 270-95, as established by the Air-Conditioning & Refrigeration Institute as a uniform method of sound-rating outdoor unitary equipment in terms of sound pressure levels) apply where:

(a) a replacement unit may be located within a required

side or rear setback;

(b) air conditioner compressor units are closer than five feet from any side or rear property line; or

(c) an air conditioner compressor unit is within the required minimum side or rear setback, but is installed 30-inches above ground level.

Table 7-1 – Maximum ARI Sound Levels for Air Conditioner Compressor Units (in Decibels)

Unit Size	ARI Sound Rating
Four ton units and under	80 decibels (8.0 bels) or less
Between four and five ton units	84 decibels (8.4 bels) or less
Five ton units or greater	Prohibited from required minimum setbacks in residential districts

3. Antennas and satellite dishes.

a. General requirements.

(1) This section provides for the installation of ground-based (also referenced as "Earth-based") antenna systems and satellite dishes as an accessory use within applicable zoning districts for purposes of radio communication and private reception of radio, television, and data signals.

(2) While this section does include broadcast under applicable Federal Communications Commission (FCC) frequencies and rules for business purposes (i.e., for radio dispatch), the intent of this section is to provide for non-commercial broadcast and reception.

(a) As it relates to the siting and permitting of amateur radio facilities, the County recognizes the limited Federal preemption provided through FCC Memorandum Opinion and Order FCC 85-506.

(b) Commercial broadcast antennae are subject to review as special uses pursuant to subsection 4.6.G. of this LDC.

(3) For purposes of this section, antennas do not include those utilized for cellular or personal communication system (PCS) transmission and regulated by the FCC as a personal wireless services facility (PWSF); these are subject to review

as special exception uses pursuant to subsection 7.2.D.11.

(4) Antennas and satellite dishes shall be engineered and may be guyed or free-standing.

(5) Antennas are for single-use, although a single antenna may include multiple frequency bands, by the property owner and may not be leased.

(6) Antennas as provided for in this section shall not permit collocation.

b. Aesthetic standards.

(1) Antenna structures and satellite dishes shall be painted with a uniform neutral, non-contrasting color and repainted as necessary so as to prevent rust.

(2) Antenna structures and satellite dishes shall not be camouflaged or decorated, nor shall the structure be utilized for any other purpose, including advertising.

(3) All antennas and satellite dishes subject to this section shall be permitted and for such purposes, a site plan will be required.

(a) Satellite dishes measuring 18-inches or less in diameter and intended for household television reception of direct broadcast satellite services are not subject to permitting requirements.

c. Development standards.

(1) In agriculture and government zoning districts:

(a) Maximum height: 100 feet, subject to Federal Aviation Administration (FAA) height restrictions if located proximate to a civil airport, private airport, military airport, or heliport.

(b) Illumination: antennas shall be non-illuminated unless otherwise required by the FAA.

(c) Setbacks:

i. minimum setback from all parcel lines of one and one-half times the height of the antenna; and

ii. minimum setback from any residential use or adjacent residential zoning district of two times the height of the antenna.

(2) In residential zoning districts:

(a) Maximum height: 50 feet.

(b) Setbacks:

i. For guyed antennas, minimum setback from all parcel lines of one and one-half times the height of the antenna.

ii. For free-standing ("lattice") antennas, minimum setback for all parcel lines 10 feet.

iii. For pole-mounted antennas for private reception of radio, television, and data signals, minimum setback for all parcel lines to conform to the setbacks for the district within which the antenna is located.

(3) In all other zoning districts:

(a) Maximum height: 75 feet, subject to Federal Aviation Administration (FAA) height restrictions if located proximate to a civil airport, private airport, military airport, or heliport.

(b) Illumination: antennas shall be non-illuminated unless otherwise required by the FAA.

(c) Setbacks:

i. minimum setback from all parcel lines of one-half times the height of the antenna; and

ii. minimum setback from any residential use or adjacent residential zoning district of two times the height of the antenna.

4. Docks, boathouses and piers.

a. Docks, boathouses and piers shall be permitted:

(1) subject to the setback requirements of the district within which the dock, boathouse or pier is located, as determined – unless otherwise described – by a projection of any lot or parcel line into a water body or wetland within which the construction is occurring;

(2) provided that no boathouse may be used as a permanent residence; and

(3) provided that commencement of construction does not occur prior to issuance of any required permits or approvals of other agencies.

b. Within or adjacent to the waters of Bulow Creek, from its tributaries south to the Volusia County line, no dock, boat ramp, boathouse or other water-dependent structure shall be erected, constructed or placed, except that:

(1) viewing platforms that are at least 25 feet landward of the stream bank and elevated at least 5 feet above existing grade shall be permitted;

(2) existing structures that have been duly permitted may be maintained and repaired but not expanded or enlarged; and

(3) the Board of County Commissioners may, after a public hearing and when determined to be in the public interest, authorize public or community use docks on Bulow Creek, subject to reasonable conditions on construction or use.

(4) This section shall not affect the right to construct docks that have been authorized pursuant to a development order or agreement which has been previously approved by Flagler County.

5. Emergency generators.

a. Permanent emergency-only generators may be installed in any zoning district following issuance of required permits and compliance with this subsection.

b. General requirements.

(1) Permanent emergency-only generators shall not exceed 70 decibels in maintenance operation as demonstrated by the manufacturer's specifications, to be submitted with the building permit application.

(2) The permanent emergency-only generator shall be used only during electrical power outages and as required by the manufacturer for maintenance purposes.

(3) Maintenance operation shall be restricted to once per week, to occur between the hours of 10:00 a.m. and 5:00 p.m.

(4) Permanent emergency-only generators shall meet all applicable codes and standards prior to their installation and for the duration of their installation and use.

c. Location standards.

(1) Permanent emergency-only generators shall be placed within:

(a) a principal or accessory building; or, if not feasible,

(b) an underground facility purposely constructed to house the generator; or, if not feasible,

(c) a side or rear yard, but not within a front yard, subject to the setback requirements listed below.

(2) Permanent emergency-only generators shall be setback a minimum of:

(a) five feet from any side lot or parcel line; and

(b) 10 feet from any rear lot or parcel line.

6. Flagpoles.

a. A building permit must be obtained prior to constructing a flagpole.

b. No more than three flagpoles may be permitted on any lot or parcel.

c. Any flagpole shall be set back from the edge of the pavement of any existing street right-of-way and from any adjoining property a distance that is equal to the height of the pole plus three feet.

d. No flagpole may exceed 35 feet in height, measured from the adjacent grade of the lot or parcel, unless a variance is obtained.

e. Each flagpole may display up to three flags, with any single flag not to exceed 32 square feet in area. The area of flags, regardless of type or content, shall not count towards any sign area limits.

7. Propane tanks.

   a. Tanks shall not exceed 500 gallons without a variance.

   b. Tanks may be mounted above- or below-ground, or vertically, and shall adhere to the standards of subsection 7.2.B.1. above.

   c. Separation requirements – from other buildings and structures, from other tanks, and from sources of ignition/combustion – shall be met consistent with best management practices of the fuel provider or applicable codes and standards, whichever are more stringent.

8. Solar panels.

   a. This section applies to both photovoltaic panels and those utilized for hot water heating of water or air.

   b. Solar panels may be mounted directly to a roof or roof structure of a principal or accessory structure or building, subject to permitting requirements.

      (1) Solar panels which are not mounted to a structure or building and instead are mounted to a self-supporting frame shall comply with the standards of subsection 7.2.B.1. above.

   c. Reasonable effort shall be made to reduce glare impacts onto neighboring properties through the use of anti-reflective coatings to increase absorption and reduce reflection.

9. Swimming pool and pool screen enclosure regulations in all residential districts.

   a. General requirements.

      (1) All swimming pools shall conform to the requirements of the Florida Building Code and the provisions of this section.

      (2) Lights used to illuminate any swimming pool shall be arranged and shaded so as to reflect light away from adjoining premises.

   b. Swimming pool, pool deck and pool screen enclosure setback requirements.

      (1) All setbacks shall be measured from the outside edge of the pool, pool deck or pool screen enclosure, whichever lies

closest to the property line and, unless otherwise stated, minimum setbacks shall equal the following:

Table 7-2 – Minimum Swimming Pool, Pool Deck and Screen Enclosure Setbacks (in Feet)	
Location	Minimum Setback
Front	Equal to zoning district front setback
Side	Equal to zoning district side setback
Street Side	Equal to zoning district side setback
Rear	Five feet

10. Tree houses and playhouses.

a. A tree house or playhouse may be located in any part of any side or rear yard, but is not permitted in any front yard, provided that the tree house or playhouse does not exceed seven feet in height.

b. If the tree house or playhouse exceeds seven feet in height, it must be setback at a minimum distance equal to its height from any side or rear lot line.

c. The height of the tree house or playhouse is measured from the highest point of the house to the lowest point of the finished ground adjacent to the tree house.

d. Building permits are not required for tree houses, playhouses, or other playground equipment, but the size of tree houses and playhouses shall not exceed 100 square feet in area.

11. Walls and fences.

a. A permit will be required prior to the erection of any wall or fence in any zoning district:

(1) provided that the lot or parcel is developed with a permitted principal use or structure, unless the owner can demonstrate to the Director that the wall or fence is necessary for security purposes to prevent trespass or illegal dumping and similar activities.

(2) Except that in the CN (Conservation), AC (Agriculture), and AC-2 (Agriculture/forestry) districts, no permit shall be required for perimeter or cross-fencing consisting of:

(a) barbed wire, from three- to six-strand;

(b) wire fences, including chicken-wire, woven, cable, and mesh wire fences; and

(c) wood fences, including standard board, crossbuck, snakerail, and split-rail fences.

b. The property owner is responsible for establishing lot or parcel boundaries prior to commencement of construction. Any encroachment onto a neighboring property is a civil matter to be resolved by the parties.

c. Barbed wire, wire mesh, wire grid, and chicken-wire fences along the perimeter or boundary of any residentially zoned parcel is prohibited.

d. Walls and fences shall not extend into public right-of-way or onto public property.

e. Walls and fences located within or across drainage and/or utility easements shall not impede the flow of stormwater. If a government entity, homeowner's association, or utility company needs to utilize the easement, the wall or fence will be removed and relocated at the expense of the property owner.

f. The finished side of a fence having no structural supports shall face abutting property or street right-of-way.

g. Fences must be at least five percent open for passage of air, light, and drainage.

h. Walls and fences outside the buildable area of a lot, but not located within any front or street side yard, may not exceed six feet in height.

i. Walls and fences inside the buildable area of a side or rear yard:

(1) shall not exceed eight feet in height;

(2) must be setback at least five feet from any side lot line; and

(3) must be setback at least 10 feet from the rear lot line.

j. Walls and fences within front yards and street side yards:

(1) shall be no closer to the front lot line than a point intersecting the front line of the principal building unless:

(a) the wall or fence is four feet or less in height and

the wall or fence is at least 75 percent open for the passage of air and light; or

(b) the fence is five feet or less in height and chain-link with open slats; and

(2) the wall or fence must be constructed so as to maintain unobstructed visibility within a height of three feet and eight feet within the sight triangle described as beginning at the intersection of the projected curb lines of two intersecting streets, 25 feet along each curb line, and diagonally from those two points.

k. At least 50 percent of the street side of a screening wall or fence shall be landscaped with plant materials.

(1) Plant materials shall be at least equal to the wall or fence height.

(2) Walls and fences may be exposed no more than a maximum length of 20 feet between landscaping areas.

(3) Plant materials may not be located within any right-of-way.

(4) Plant materials are to be maintained by the owner.

l. Posts and supporting columns may exceed the maximum fence height as listed herein by not more than six inches.

m. Walls and fences in commercial and industrial zoning districts:

(1) shall not exceed six feet in height, provided that any fence may incorporate an 18-inch barbed wire or similar extension above this height, where any barbed wire or similar extension may not extend outward over any sidewalk, street or right-of-way or over the property of an adjacent owner; and

(2) where a commercial or industrial lot or parcel abuts a residentially-zoned lot or parcel, the owner of the commercial or industrial site shall at the time of development construct a solid wall or fence or equivalent natural buffer achieving 100% opacity, at least six feet in height, in order to provide a buffer between the land uses.

C. Limited uses. Limited uses are those which are subject to approval by the Director following TSR review and comment. In addition to the requirements of other agencies, the following requirements shall also apply. Zoning approval for purposes

of business tax receipt issuance, if applicable, will be provided upon verification that these requirements have been satisfied.

1. Campgrounds.

   a. Must meet the minimum state code requirements for sanitary facilities and potable water supply.

2. Cemeteries.

   a. Any new cemetery shall be located on a site containing not less than 10 acres.

   b. All graves or burial lots shall be set back not less than 50 feet from all parcel lines, except where adjacent to a public street, then the minimum setback shall be 40 feet from the right-of-way line.

3. Community residential homes and adult family-care homes.

   a. While the state has in large part preempted local zoning authority over these facilities through s. 419.001, F.S., the County encourages siting of community residential homes and adult family-care homes in areas which encourage accessibility and convenience to services, together with availability of public infrastructure. Whenever possible and feasible, the County encourages that new community residential homes and adult family-care homes shall be located:

      (1) within five miles of commercial uses, including retail sales and services;

      (2) within 10 miles of medical services, including medical clinics and pharmacies;

      (3) where public infrastructure is available; and

      (4) proximate to a publically-maintained roadway.

   b. The County discourages the siting of community residential homes and adult family-care homes within the Coastal High Hazard Area (CHHA); however, if siting within the CHHA is approved by the state, then the County encourages operators to ensure that plans are in place to evacuate residents upon initial notification of a tropical storm watch or hurricane watch.

4. Construction and sales and leasing office permits.

   a. Construction and sales and leasing office. A manufactured building meeting the requirements of the Florida Building Code for

commercial use may be utilized as a temporary construction office or a sales and leasing office on a construction site, including a residential subdivision, for which a land development permit has been issued. Authorization for a construction and/or sales and leasing office may be provided by the Director, as prescribed below:

(1) Location. The location of such temporary offices shall be shown on an approved site development plan. The building must be permitted through the building permit process. Where a construction or sales and leasing office is not shown on an approved site development plan, an office may be approved through the building permit process where the location of the office can be shown so as not to interfere with construction of the site or impact protected natural resources. Such location shall require the approval of the County Development Engineer.

(2) Restrictions.

(a) Single-family dwelling permits excluded. A permit for an office of this nature shall not include a construction project which is limited to the building of only one single-family residential structure.

(b) Use as a living quarters. A construction or sales and leasing office shall not be used as a living unit.

(c) Maximum time period. A permit may be issued for a period not to exceed two years, and may be renewed by the Department as long as the project is under active construction, development, and sales or leasing. The temporary unit shall be removed within 90 days after expiration of the permit.

(d) Accessibility. Leasing and sales offices and their onsite installation and use, regardless of the duration of such use, must provide for accessibility as required by the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the Florida Accessibility Code for Building Construction (FACBC), as applicable.

5. Fuel sales and dispensing.

a. Except within the I (Industrial) district, fuel sales and dispensing shall be an accessory use, requiring the development of a principal use, like a convenience store, on the same lot or parcel.

b. The following standards apply:

(1) A lot or parcel including fuel sales and dispensing as a principal or accessory use shall have a minimum frontage on the primary street of 100 feet and a minimum area of 10,000 square feet.

(2) Canopies shall be set back a minimum of 15 feet from all street right-of-way lines.

(3) All gasoline pump islands shall be set back at least 20 feet from all street right-of-way lines. If a future street widening line has been established, the setback shall be measured from such line.

(4) Sufficient vehicular use area is provided to accommodate vehicles at pumps without interfering with other parking.

(5) This section shall not apply to propane tank exchange where no filling of the tanks occurs on the lot or parcel.

6. Home care for disabled adults.

a. Limited to single-family dwellings housing three or fewer disabled adults where a person or group provides basic services of maintenance and supervision, together with necessary specialized services as are needed, on a nonprofit basis within a full-time, family-type living arrangement in a private home.

7. Horse farms and riding stables.

a. Minimum lot or parcel size is five acres.

b. No roofed structure housing any horse is located within 100 feet of a residential dwelling located on an adjacent lot or parcel or within 50 feet of a lot of parcel line.

c. Off-street parking is provided in sufficient size and number consistent with Chapter 9; however, horse farms and riding stables are exempt from paving requirements. Required off-street parking spaces may be surfaced with grass, gravel, crushed shell, or other surface as approved by the Development Engineer.

8. Migrant labor camps, temporary labor camps, and residential migrant housing.

a. Sites shall be:

(1) located, whenever possible and feasible, where:

(a) public infrastructure is available;

(b) proximate to a publically-maintained roadway; and

(c) intended to decrease travel distances from the site to the work site;

(2) adequately drained so the drainage from and through the site will not endanger any domestic or public water supply;

(3) adequately graded so as to eliminate depressions where water may become a nuisance;

(4) not located within 200 feet of surface waters unless water surfaces are subjected to mosquito control measures;

(5) adequate in size to prevent overcrowding and either:

(a) located on its own parcel, a minimum of five acres in size; or

(b) located on a larger parcel, which is not intended to be cut out from the parent parcel or if cut out, would conform to the dimensional requirements of the parent parcel's zoning district classification;

(6) located so that the principal area where food is prepared and served and where sleeping quarters are located is at least 500 feet from any area where livestock is kept; and

(7) the site shall be kept in a clean and sanitary condition free of rubbish, debris, waste paper, garbage, or other refuse.

b. Buildings and structures of migrant labor camps, temporary labor camps, and residential migrant housing shall be weather-tight and provide protection from the elements.

c. All private living quarters constructed, renovated, or used in migrant labor camps, temporary labor camps, and residential migrant housing shall provide:

(1) a minimum of 50 square feet for each occupant for sleeping purposes; or

(2) a minimum of 100 square feet for each occupant in a room where workers cook, live, and sleep.

9. Outdoor parking of commercial vehicles.

a. The following types of commercial vehicles are permitted within identified residential zoning districts:

(1) any truck greater than one ton capacity (manufacturer's standard) including, but not limited to:

(a) pick-up trucks;

(b) flat-bed and stakebed trucks;

(c) step vans;

(d) wreckers; and

(e) semitractor/trailers;

(2) tractors; and

(3) commercial recreational vehicles.

b. All vehicles shall be kept in operable condition at all times and, where applicable, shall evidence such condition by display of current State of Florida license plates.

10. Outdoor parking of recreational vehicles.

a. All non-commercial recreational vehicles, including motor homes, travel trailers, campers, boats, boat trailers or similar vehicles may be parked or stored within identified residential zoning districts, subject to the following regulations:

(1) No recreational vehicle may be parked within any required front or side setback area.

(2) Any recreational vehicle parked or stored in a front, side or rear yard shall be screened from adjacent lots, waterways and streets. Approved fences, walls, hedges, trees, other plant materials, landscape treatments or combination of such items shall be used for screening. Any screening shall be no more than six feet in height and provide a visual barrier that is at least 75 percent opaque.

(3) No recreational vehicle shall be parked or stored within any space obstructing any door, window or other entrance to or exit from the dwelling necessary to or serving the health,

safety and general welfare of occupants of the dwelling or lot.

(4) Resident owned vehicles may be temporarily parked in the residence driveway for the purpose of repair, maintenance or being prepared for use. However, such temporary parking shall not occur continuously for more than 72 hours in any consecutive seven-day period.

(5) For temporary periods, not to exceed seven consecutive days, recreational vehicles owned by guests of the residents of such premises may be parked in residence driveways as far from the street right-of-ways as practicable, but shall in no event be used for overnight lodging.

11. Outdoor sales.

a. This section shall not apply to musical or entertainment festivals governed by Chapter 21 of the Flagler County Code of Ordinances or to the activities specifically permitted in the AC (Agriculture) district.

b. An outdoor retail sale, which is temporary in nature, and occurs on the same lot or parcel as an approved existing retail business is allowed if:

(1) in compliance with applicable Flagler County Land Development Code, County Ordinances, and Florida Building Code and Life Safety Code requirements;

(2) conducted by the owner or lessee of the premises;

(3) limited to the goods and services normally offered by the owner or lessee, or goods and services that are seasonal in nature;

(4) consistent with the zoning for that parcel;

(5) required access to the premises is not hindered;

(6) parking spaces are not reduced to less than the required minimum;

(7) the total number of temporary outdoor sales per site, lot or shopping center during a calendar year is limited to six;

(8) the maximum time limit per site or lot for holiday sales and all other temporary outdoor sales events shall be 60 days per calendar year (the time limit includes setup and

dismantling of all activities, sales displays, and merchandise and completion of all site clean-up activities); and

(9) temporary outdoor sales events are limited to: New Year's, President's Day, Valentine's Day, Mother's Day, Memorial Day, Father's Day, Fourth of July, Labor Day, Halloween, Thanksgiving, and Christmas. The sales event shall only be operated two weeks before to three days after any of the days listed above, excepting that temporary outdoor sales shall be permitted throughout the period between Thanksgiving and Christmas.

12. Travel trailer parks.

a. The following regulations apply to all developments provided predominantly for the accommodation of transient recreational vehicles.

(1) Travel trailer parks shall be located near an arterial road or street and near a recreational resort or fish resort.

(2) No travel trailer park shall be located, except with direct access to a County, state or federal highway with a minimum lot width of not less than 50 feet for the portion used for entrance and exit.

(3) No entrance or exit shall be through a residential district.

(4) The minimum area per park shall be three acres and the minimum area per lot shall be 30 feet in width and 60 feet in length.

(5) Use of spaces in travel trailer parks shall be limited to travel trailers, motor homes and campers with a maximum length, exclusive of hitch, of 35 feet and a maximum width of eight feet.

(6) Users of the spaces shall meet all other applicable laws. Spaces shall be rented by the day or week only and an occupant of such space shall remain in the same trailer park for a period of not more than six months.

(7) Management, headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to operation of a trailer park are permitted as accessory uses in any district in which trailer parks are allowed, provided such establishments shall not occupy more than 10 percent of the area of the park.

(8) In addition to meeting the above requirements, the travel trailer park site plan shall:

(a) be accompanied by a certificate of approval of the County Health Department; and

(b) comply with the development regulations for road improvements.

D. Special exception uses. In addition to the special exception guidelines listed in Chapter 4 of this LDC, the following requirements shall also apply.

1. Accessory dwelling units.

a. For purposes of this section, accessory dwelling units shall:

(1) be limited to no more than one accessory dwelling unit located on the same lot or parcel as a permitted, legally conforming single-family dwelling unit;

(2) be a minimum of 150 square feet, but no more than 600 square feet in area;

(3) be either attached or detached to the single-family dwelling unit located on the same lot or parcel;

(4) conform to the minimum setbacks of the single-family dwelling unit;

(5) through its placement on the lot or parcel, not exceed any dimensional standards related to maximum height, maximum coverage, or minimum pervious area;

(6) be similar in architectural style and color as the single-family dwelling unit; and

(7) include a minimum of two additional off-street parking spaces.

b. An application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to an extremely-low-income person or persons consistent with Florida Statutes.

2. Bulk storage of fertilizer, fuels, lubricants, and other hazardous, flammable, combustible or incendiary materials, subject to the following standards:

a. all storage is fenced or enclosed for safety purposes; and

b. all spacing requirements are met including those found in the United States Code of Federal Regulations (CFR) and the requirements of all other applicable agencies.

c. The term bulk is intended to imply large capacity storage and dispensing of the type that occurs within a storage terminal, tank farm, or similar facility, not to include consumer dispensing.

3. Child care centers, with enrollment limited to no more than 20 children.

4. Common household pet animal sanctuary/shelter facilities, subject to the following standards:

a. The applicant must demonstrate to the Planning and Development Board, utilizing competent, substantial evidence, that the proposed common household pet animal sanctuary/shelter facility will initially and on a continuous basis adhere to the following standards:

(1) Residential dwelling unit required. Within all zoning districts in which a common household pet animal sanctuary/shelter facility is permitted as a special exception, a common household pet animal sanctuary/shelter facility shall be accessory to a residential dwelling unit located on the same lot or parcel. For purposes of this requirement, a contiguous lot or parcel may be utilized, provided that all lots or parcels used as part of the common household pet animal sanctuary/shelter facility are combined with the lot or parcel on which the residential dwelling unit is located into a single parcel for assessment purposes. A residential dwelling unit will not be required for any common household pet animal sanctuary/shelter within the AC (agriculture) zoning district or within other zoning districts where common household pet animal sanctuary/shelter facilities are permitted as a special exception use on lots or parcels an acre or greater in size.

(2) Animal containment. All outdoor areas allocated for use by the animals shall be fenced, walled, caged, or otherwise humanely housed, but not chained, to safely contain the animals. A detailed animal containment plan shall be provided for each and every animal species, to include separation facilities for quarantine and treatment. Additionally, sheltering facilities to protect the animals during severe heat, cold or other inclement weather shall be fully demonstrated. All animal containment areas/structures

shall be maintained and kept in good condition at all times.

(3) Compatible layout/design. Any structures, outdoor runs, and feeding areas on the site shall be laid out and designed in such a manner so as to provide maximum noise reduction, odor prevention, and compatibility with adjoining properties, as appropriate for the type of animal to be housed therein and any existing adjacent uses.

(4) Maximum number of animals for facilities with outdoor animal areas. The maximum number of animals for facilities with outdoor animal areas shall be limited to:

(a) On sites less than or equal to one-quarter acre in size, up to 10 animals.

(b) On sites greater than one-quarter acre in size, but less than or equal to one-half acre in size, up to 20 animals.

(c) On sites greater than one-half acre in size, but less than or equal to three-quarters acre in size, up to 30 animals.

(d) On sites greater than three-quarters acre in size, but less than or equal to one acre in size, up to 40 animals.

Note 1: A higher numeric threshold than provided herein may be set for additional animals as approved through a super-majority vote of the planning and development board as part of the special exception.

Note 2: A lower numeric threshold of animals permitted per site may be set by the planning and development board based on specific site, surrounding site, and other application circumstances as part of the special exception process.

Note 3: The maximum number of animals for facilities with both outdoor and indoor areas shall be set by the planning and development board.

Note 4: The planning and development board shall also set the numeric standards for sites greater than one acre in size through the special exception process.

(5) Maximum number of animals for facilities with indoor

animal areas. The maximum number of animals for facilities with indoor animal areas shall be set by the planning and development board based on specific layout and amenities of the indoor facilities, the specific animals being cared for, occupants, and similar considerations.

(6) Hours of operation. The hours for any public visitation/adoption activities shall be restricted to occur daily between dawn and dusk.

(7) Evacuation plan. A written evacuation plan shall be required as part of any application. The plan should establish procedures for evacuating animals during disasters such as wildfires, flooding and hurricanes.

(8) Sanitation. At a minimum, outdoor facilities shall be required to collect and dispose of animal waste on no less than a weekly basis.

(9) Annual facility report. On an annual basis, the facility operator shall provide a written report to the County attesting as to the number of animals maintained on the property and continued compliance with these standards and other special conditions made a part of the approved special exception.

(10) Semiannual inspection. All facilities shall be subject to semiannual inspections performed by the County and/or its agents verifying that care of the animals is in accordance with the standards of the Humane Society of the United States (HSUS). In conducting the semiannual inspection as provided under this section, the County shall utilize two inspectors, one of which shall be either a County code enforcement officer, a Sheriff's Office deputy, or other designated person with credentials related to animal care as approved by the County Administrator.

(11) Required spay/neutering. All animals maintained at the facility shall be spayed or neutered, as applicable to a particular species, prior to any adoption. The operator shall maintain paperwork on site available for inspection at any time demonstrating compliance with this requirement.

(12) Prohibited applicants. An applicant for a special exception or an operator of an approved facility shall be deemed ineligible for application or continued operation if the applicant or operator has been convicted of animal cruelty

or neglect, or entered a plea of no contest or otherwise had adjudication withheld.

(13) Nuisances. In addition to these standards and any specific conditions, an approved facility shall be obligated to be free of any animal-related nuisance as described within the LDC, the Code of Ordinances, and Florida Statutes. Any failure to remedy an animal-related nuisance shall be grounds for the County to pursue relief including, but not limited to: code enforcement action including the issuance of a citation and/or the posting of the facility as unsafe; a hearing before the Planning and Development Board or the Board of County Commissioners, as applicable, to reconsider the special exception approval; and, where feasible, injunctive relief.

(14) Compliance inspections/noncompliance remedies. Flagler County or its agents reserve the right to monitor compliance with the conditions specified above from time to time and for this limited purpose the applicant consents as a condition to its special exception to entry on its property by authorized employees of the County or its agents to determine compliance. In the event the County determines there is noncompliance with any of these standards or any conditions of approval provided by the Planning and Development Board, the County reserves the right to either order:

(a) compliance with the condition; or

(b) correction of the condition; or

(c) revocation of the authorization for the special exception.

Nothing included herein shall prevent the County from pursuing other remedies including, but not limited to, injunctive relief. In conducting the inspections as provided under this section, the County shall utilize two inspectors, one of which shall be either a County code enforcement officer, a sheriff's office deputy, or other designated person with credentials related to animal care as approved by the County Administrator.

5. Home occupations, subject to the following standards:

a. The applicant must demonstrate to the Planning and Development Board through clear and convincing evidence that the proposed

home occupation will not:

(1) disturb the peace, quiet and domestic tranquility of the residential neighborhood;

(2) create excessive odor, noise, parking or traffic above that of the residential neighborhood;

(3) create a fire hazard or nuisance; or

(4) use or generate toxic or hazardous materials or waste.

b. The following standards additionally apply:

(1) No more than one home occupation shall be permitted within any single dwelling unit (excluding cases where a person requires multiple professional or vocational licenses and the actual performance or work occurs somewhere other than the applicant's dwelling unit).

(2) Permitted home occupations shall not include the employment of any persons not residing on the premises in the performance of the occupation.

(3) No one other than residents of the dwelling shall be employed in the conduct of a home occupation (excluding those cases where actual performance of work occurs somewhere other than the applicant's dwelling unit).

(4) No stock-in-trade shall be displayed or maintained on the premises, and no retail sales on the premises shall occur.

(5) A home occupation shall produce no noise or obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception.

(6) No traffic or parking shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

(7) There shall be no exterior indication of the home occupation; no exterior signs shall be used; no other onsite advertising visible from the exterior shall be used that informs the public of the address of the home occupation.

(8) No mechanical equipment shall be used or stored on the premises in connection with the home occupation except that which is normally used for purely domestic or

household purposes or as specifically provided for in a special exception permit.

c. All special exceptions for home occupation land uses are subject to review and a rehearing of the approved special exception by the planning board upon written and justifiable complaints from surrounding property owners. Such rehearing may result in the revoking of the special exception or additional conditions for continued operation of a home occupation.

d. Home occupation uses shall be subject to all applicable County occupational licenses and other business taxes.

e. In the event that the applicant has not had an occupational license in effect for the duration of time that the applicant has been operating the business out of the home, as a condition of any special exception the applicant shall be required to pay all occupational license fees that would have been due plus the maximum statutory penalties and fees as prescribed by state and local law.

6. Junk, salvage or recycled metal yards, subject to the following standards:

a. no such operation shall be permitted to be located closer than 1,500 feet to a residential district or use;

b. no such operation shall be permitted to be located closer than 1,000 feet to any property line; and

c. operations shall be fenced for safety purposes and screened from view from adjacent properties and roadways.

7. Land clearing business, provided that any outside storage is completely enclosed by a solid fence or otherwise screened from the public view.

8. Non-common household pet and wild animal sanctuary/shelter facilities, subject to the following standards:

a. State and federal permits. If confining any animals at a facility requires state or federal permits, they shall be obtained prior to commencement of operations, including, but not limited to: Class I, II or III permits for captive wildlife, as applicable, in accordance with Rule Ch. 68A-6, F.A.C. A copy of such permit(s), if required, shall be furnished to Flagler County as a condition of the special exception approval.

b. Maximum number of animals. Facilities shall be limited to numeric thresholds established by the planning and development board and

shall be based on site characteristics and the type(s) of animals intended to be housed on and within the facility. Facilities with over 100 animals shall require approval by the Board of County Commissioners following the public hearing procedures for special exceptions at Chapter 4.

c. Minimum facility site size. The minimum size site for any facility shall be five acres. Facilities that have any exterior animal use and exceed 25 animals shall be required to have a minimum of one additional acre of land for each additional five animals or fraction thereof. Additional acreage may be required to address best practices for specific species and to reduce impacts to surrounding properties.

d. Animal containment. All outdoor areas allocated for use by the animals shall be fenced, walled, or caged to safely contain the animals. No animal shall be chained except for a limited duration for purposes of sanitation (i.e., facility cleaning) or similar reasons and not as a regular means of containment. A detailed animal containment plan shall be provided for each and every animal species, to include separation facilities for quarantine, treatment, and/or breeding. Additionally, sheltering facilities to protect the animals during severe heat, cold or other inclement weather shall be fully demonstrated. All animal containment areas/shelters shall be maintained and kept in good condition at all times.

e. Compatible layout/design. Any structures, outdoor runs, and feeding areas on the site shall be laid out and designed in such a manner to provide maximum noise reduction, odor prevention, and compatibility with adjoining properties, as appropriate for the type of animal to be housed therein and any existing adjacent uses.

f. Setbacks. Structures allocated for animal use shall be set back a minimum of 100 feet from any property line. Additional setbacks may be required for the facility based on the species, surrounding uses, proposed layout, and other specifics of the application.

g. Hours of operation. The hours for any public visitation and activities related to the care/feeding of the animals shall be restricted to occur between dawn to dusk. Visitation hours for the public may be further restricted by the Planning and Development Board or the Board of County Commissioners in the special exception review process.

h. Public visitation. Should public visitation be part of any facility, the operator shall be responsible for any improvements necessary to accommodate public access to the site to include parking, stormwater, ADA-equipped facilities, fire/life safety improvements

and additional safety precautions to protect the public from the animals.

i. Emergency plan. A written emergency plan shall be required as part of any application. The plan shall be kept and used on site. The plan shall address appropriate measures to address the safety of the facility workers and the public for potential animal attack/escape, disease transmission, and animal evacuation. The plan should establish procedures for recapturing escaped animals, for evacuating animals during wildfires and hurricanes, and for advanced medical coordination (as necessary) related to specific situations. The plan shall include any sources for developing the emergency plan and demonstrate that the sources are appropriate for achieving public safety for the species of animals being housed and/or exposed to the public. The plan shall be annually reviewed by the facility manager and documented.

j. Sanitation/animal waste disposal/odor abatement plan. A sanitation, waste disposal, containment, and odor abatement plan shall be required to be submitted as part of the application and approved as part of the special exception. Major goals of the plan shall be to ensure optimal sanitary conditions and the minimization of odors emanating from the facility.

k. Feeding and care plan. A dietary feeding and care plan for the types and numbers of animals planned for the facility shall be provided, along with a care plan for the animals based at the facility. This plan shall include appropriate space needs, exercise areas, climate control, and the type of confinement habitat. The plan shall be required to be signed by the veterinarian of record and submitted as part of the application and approved as part of the special exception.

l. Financial feasibility/insurance plan. The applicant shall at the time of application demonstrate the capacity to fund the facility on an ongoing basis. Additionally, the applicant shall provide proof that the applicant has purchased liability insurance for this type of facility and the animals housed therein.

m. Residences. Residences may be allowed on the site and shall conform to the requirements of the AC (agriculture) district.

n. Veterinarian of record/animal care reporting. All facilities shall have a veterinarian of record whose principal place of business is within a one hundred-mile radius of the facility and who has experience with the specific animal species planned to be housed at the facility. The veterinarian of record shall be required to annually certify to the Department that care of the animals is proper in accordance with

acceptable veterinarian standards.

o. Required sterilization. All animals maintained at the facility shall be sterilized, as appropriate for each species, unless:

(1) The Planning and Development Board and Board of County Commissioners, as part of the approved special exception, waives this requirement; or

2) Such animals are part of a breeding program authorized by a state or federal government for any managed, imperiled, threatened, or endangered species. The Planning and Development Board and the Board of County Commissioners, in approving any waiver under this section, shall include considerations particular to each species and on-site strategies to eliminate uncontrolled breeding at the facility, including, but not limited to, the separation of males and females.

p. Annual facility report. Upon initial approval and on an ongoing annual basis thereafter, an operator of an approved special exception for a non-common household pet and wild animal sanctuary/shelter shall provide a written report to the County attesting to the number of animals maintained on the property and to the continued compliance with these standards and other special conditions made a part of the approved special exception. This report shall accompany the veterinarian's animal care report referenced above.

q. Semiannual inspection. All facilities shall be subject to semiannual inspections performed by the County and/or its agents verifying that care of the animals (as applicable to a particular species or breed) is in accordance with the standards of the Humane Society of the United States (HSUS) for non-common household pets and the standards of the Florida Fish and Wildlife Conservation Commission (FWC) for wild animals. In conducting the semiannual inspection as provided under this section, the County shall utilize two inspectors, one of which shall be either a County code enforcement officer, a Sheriff's Office deputy, or other designated person with credentials related to animal care as designated by the County Administrator.

r. Compliance inspections/noncompliance remedies. Flagler County reserves the right to monitor compliance with the conditions specified above, and for this limited purpose, the applicant consents to entry on its property by authorized County officials to determine compliance. In the event the County determines there is noncompliance with any of the conditions, the County reserves the right either:

(1) to order compliance; or

(2) correction of the condition; or

(3) revocation of the authorization for the special exception.

Nothing included herein shall prevent the County from pursuing other remedies including, but not limited to, injunctive relief. In conducting compliance inspections as provided under this section, the County shall utilize two inspectors, one of which shall be either a County code enforcement officer, a Sheriff's Office deputy, or other designated person with credentials related to animal care as designated by the County Administrator.

s. Prohibited applicants. An applicant for a special exception or an operator of an approved non-common household pet and wild animal sanctuary/shelter shall be deemed ineligible to apply or to operate, as applicable, if the applicant or operator has been convicted of animal cruelty or neglect, or entered a plea of no contest or otherwise had adjudication withheld on charges of animal cruelty or neglect.

9. Outdoor storage, provided that the site is completely enclosed by a solid fence or otherwise screened from the public view.

10. Personal storage facilities, provided that no outdoor storage of any kind shall be permitted on the site.

11. Personal wireless services facilities (PWSF) and telecommunication towers, subject to the following standards:

a. The Board of County Commissioners finds that the promulgation of policies for the siting of personal wireless services facilities (PWSFs) is warranted and necessary:

(1) to direct the location of PWSFs in unincorporated Flagler County;

(2) to protect residential areas, regional natural resource parks and other land uses from potential adverse impacts of PWSFs;

(3) to minimize potential adverse visual impacts of PWSFs through careful design, siting and landscape screening;

(4) to accommodate the growing need for PWSFs, particularly after the adoption of the Federal Telecommunications Act of 1996;

(5) to promote and encourage shared use/co-location of existing and new PWSFs as a primary option rather than construction of additional single-use towers;

(6) to consider the public health and safety impact of PWSFs; and

(7) to avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures and related personal wireless services facilities.

b. All new PWSFs in unincorporated Flagler County shall be subject to these regulations and all other applicable regulations.

c. All PWSFs and telecommunication towers existing on the effective date of these regulations shall be allowed to continue their usage as they presently exist.

(1) Routine maintenance shall be permitted on such existing towers, including replacement with a new tower of like construction and height.

(2) New construction other than routine maintenance on an existing telecommunication tower shall comply with the requirements of this section.

(3) Replacement towers which exceed the height of the existing tower shall be subject to these regulations.

d. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array (see Tables 7-3 and 7-4).

e. A PWSF or telecommunication tower that has received County approval in the form of either a special use or building permit, but has not yet been constructed, shall be considered an existing tower so long as such approval is current and not expired.

f. The use of a PWSF or telecommunication tower shall comply with the following supplementary use standards.

(1) If this section prohibits a government-owned PWSF or tower from being located at a specific site and the PWSF or tower

is required to protect the public welfare or safety, the applicable criteria of this section may be waived or modified by the Board of County Commissioners. In cases of waiver or modification, the Board of County Commissioners shall make findings of fact indicating the justification for the waiver or modification.

g. Performance standards.

(1) PWSF setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located. PWSFs shall comply with the minimum setback requirements of the district in which they are located and with major street setbacks as established. In cases where there is a conflict between the minimum setback requirements and the major street setbacks, the greater setback shall apply.

(2) For PWSFs located in planned unit developments (PUDs), the setback requirements shall be the same as required for the parcel.

(3) PWSF and telecommunication tower separation shall be measured from the base of the tower to the closest point of off-site uses or zoning designated lands as specified in the following table:

Table 7-3 – PWSF Separation from Nearest Off-Site Uses/Zoning Designated Lands

Nearest Off-Site Use/ Designated Area	*Separation Distance*
Single-family or duplex residential units[1]	300 feet or 200% of height of tower[2], whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which has not expired	300 feet or 200% of height of tower[2], whichever is greater
Regional natural resource parks	300 feet or 200% of height of tower, whichever is greater
Vacant unplatted residentially zoned lands[3]	200 feet or 100% of height of tower[2], whichever is greater
Existing multi-family residential units greater than duplex units	200 feet or 100% of height of tower[2], whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

Notes:

1 - Includes modular homes and mobile homes used for living purposes.

2 - Separation measured from base of tower to closest property line of the off-site residential use.

3 - Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.

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(4) Separation distances between PWSFs and telecommunication towers shall be applicable for, and measured between, the proposed tower and those towers that are existing and/or have received Flagler County land use or building permit approval after February 10, 1997, the original effective date of these regulations. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as follows:

Table 7-4 – Separation (in Linear Feet) Between Existing Facilities By Type

Proposed Tower Types	*Lattice*	*Guyed*	*Monopole 75 ft. in height or greater*	*Monopole Less than 75 ft. in height*
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 ft. in height or greater	1,500	1,500	1,500	750
Monopole Less than 75 ft. in height	750	750	750	750

(5) Inventory of existing sites. Each applicant for a PWSF and/or antenna shall provide to the department an inventory of existing PWSFs within two miles of the proposed site that are within the jurisdiction of Flagler County or within one-quarter mile of the border thereof, including specific information about the location, height and design of each tower. The Department may share such information with other applicants applying for special exception approval or other organizations seeking to locate antennas within Flagler County, provided however that the Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(6) The separation distances between telecommunication towers as set forth in Table 7-4 shall not be applicable to those PWSFs located on property zoned I (Industrial) district. It is deemed appropriate and desirable for future PWSFs and towers to be located within industrial parks or properties zoned I (Industrial) and to encourage shared use and co-location of towers.

(7) Height restrictions and method of determining PWSF tower height. The maximum height of towers shall be:

Table 7-5 – Maximum Tower Height (in Feet)

District	*Single User*	*Two Users*	*Three or More Users*
Residential	90	150	150
All other districts	150	250	300

(a) A PWSF tower shall be considered to be constructed for more than one user if:

i. it is constructed so as to provide sufficient excess capacity over the initial single user loading for one or more additional comparable users; and

ii. the applicant consents in writing with the County to permit one or more additional comparable communication providers to use the proposed tower where feasible and subject to reasonable terms.

(b) Measurement of communication tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the tower site.

(8) Illumination. PWSF towers shall not be artificially lighted except to ensure human safety or as required by the Federal Aviation Administration. At time of construction of the tower, in cases where there are residential uses located within a distance which is 300 percent of the height of the tower from the tower, dual mode lighting shall be requested from the FAA.

(9) Finished color. PWSF towers, except to the extent required by the FAA, shall be painted in a noncontrasting forest green the first 50 feet in height and either a galvanized finish or

noncontrasting blue or gray finish for the remaining tower height over 50 feet.

(10) Structural design. PWSF towers shall be constructed to the EIA/TIA 222-E Standards, as published by the Electronic Industries Association, and as may be amended from time to time, and the Florida Building Code. Further, any improvements and/or additions (i.e. antenna, satellite dishes, etc.) to existing towers shall require submission of site plans, sealed and verified by a professional engineer, which demonstrate compliance with the EIA/TIA 222-E Standards and the Florida Building Code in effect at the time of said improvement or addition.

(11) Fencing. A chain link fence or wall not less than eight feet in height from finished grade shall be provided around each PWSF tower. Barbed wire or appropriate anti-climbing devices shall be used along the top of the fence or wall to preclude unauthorized access. Access to the tower shall be through a locked gate.

(12) Landscaping. The visual impact of a PWSF tower shall be mitigated for nearby viewers through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering of towers shall be required around the perimeter of the tower and accessory structures, except that the standards may be waived by the Director for those sides of the proposed tower that are located adjacent to undevelopable lands and lands not in public view. Landscaping shall be installed on the outside of fences. Further, the use of existing vegetation shall be preserved and may be used as a substitute of, or in supplement towards meeting landscaping requirements, provided such existing vegetation provides equivalent landscaping functions as determined by the Director.

(a) A row of shade or evergreen trees a minimum of eight feet tall and a maximum of ten feet apart shall be planted around the perimeter of the fence;

(b) A continuous hedge at least 30 inches high at planting, capable of growing to at least 36 inches in height within 18 months, shall be planted in front of the tree line referenced above;

(c) All landscaping shall be of the evergreen variety;

(d) All landscaping shall be xeriscape tolerant or irrigated and properly maintained to ensure good health and viability. Dead plant material shall be replaced within a time period appropriate to the growing season of the species in question, not exceeding 90 days. A violation of the landscape maintenance requirement may be subject to a civil citation in such amounts as the Board of County Commissioners may prescribe by resolution.

(13) Variances. Any request to deviate from any of the requirements of this section shall require variance approval from the Planning and Development Board, and shall conform to the procedures and standards governing variances included in Chapter 4.

(14) Abandonment. In the event the use of any telecommunication tower has been discontinued for a period of one year, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the planning and zoning director who shall have the right to request documentation and/or affidavits from the telecommunication tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have 90 days to dismantle and remove the tower. After the date for removal without reactivation, any variance and/or special use approval for the tower shall automatically expire. The owner/applicant shall submit an executed removal agreement at time of special use permit application to ensure compliance with these requirements.

(15) Incentives for co-location of communication licensees (antennas).

(a) A PWSF tower which co-locates two or more communication licensees (antennas) and which is located in an AC (Agriculture) or I (Industrial) zoning district or within an existing major electric transmission corridor shall be exempted from the separation distances for telecommunication towers as set forth in Table 7-4, from only those other towers that are located in either the AC (Agriculture) or I (Industrial) zoning district. A PWSF tower permitted under this subsection is still required to comply with the separation distances set forth in Table 7-3. The building permit application to install additional antennas, dishes, or

other similar receiving devices shall include certification from an engineer, registered in Florida, indicating that the additional device or devices installed will not adversely affect the structural integrity of the PWSF tower.

(b) Telecommunication antennas as accessory uses.

i. Any communication antenna which is not attached to a telecommunication tower shall be a permitted accessory use to any commercial, industrial, professional, institutional, multi-family or utility structure provided that:

1. The communication antenna does not exceed more than 20 feet above the highest point of the structure;

2. The communication antenna complies with all applicable FCC and FAA regulations; and

3. The communication antenna complies with all applicable building codes and laws, rules and regulations.

(16) Co-location requirements.

(a) Notwithstanding any other provisions of this section, an applicant for a special exception and/or variance, or an entity obtaining a development permit to construct a PWSF tower, shall cooperate with other telecommunication providers in co-locating additional antennas on PWSF towers permitted or otherwise authorized by Flagler County. Such applicant or permit holder shall exercise good faith in co-locating with other providers and sharing the permitted site, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference in broadcast or reception capabilities as opposed to a competitive conflict or substantial financial burden.) Such good faith shall include sharing technical information to evaluate the feasibility of co-location. In the event a dispute arises as to whether

an applicant or permit holder has exercised good faith on accommodating other users, the County may require an independent third party technical study at the expense of the applicant.

i. All applicants shall demonstrate reasonable efforts in developing a co-location alternative for their proposal.

(b) Availability of suitable existing towers or other structures. No new PWSF tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of Flagler County that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

i. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

ii. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

iii. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

v. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

vi. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(17) Aircraft hazard. PWSF towers shall not encroach into or through any established, public or private airport approach path, as established by the Federal Aviation Administration (FAA). Each application to construct a PWSF tower shall include proof of FAA review and/or approval and shall be submitted with each special use application for a telecommunication tower. A building permit for an approved PWSF tower shall not be issued until FAA approval is obtained.

(18) Engineer certification. All plans for construction of a PWSF tower, including foundation plans, shall be certified by an engineer licensed to practice in the State of Florida. The engineer must certify that the PWSF tower has been designed with a break point feature, which, in the event of tower failure, would result in the tower falling entirely within the boundaries of the property on which it is located.

(19) Camouflaged tower requirements.

(a) All lattice, guyed and monopole PWSF towers constructed in any zoning district up to 150 feet in height shall meet the definition of a camouflaged tower. These towers may be exempt from the finished color requirements of subsection 7.2.D.11.g.(9), Finished color, when the prescribed colors conflict with the selected camouflaged technique.

(b) All lattice, guyed and monopole PWSF towers constructed in any zoning district, except the AC (Agriculture) district, from 150 feet to 200 feet in height shall meet the definition of a camouflaged tower. These towers may be exempt from the finished color requirements of subsection 7.2.D.11.g.(9), Finished color, when the prescribed colors conflict with the selected camouflaged technique.

h. Land use compatibility factors to be considered in granting special exception approval.

(1) PWSF towers shall be located and buffered to ensure compatibility with surrounding land uses. To help ensure

such compatibility, the following will be considered:

(a) The Planning and Development Board shall consider the following factors in determining whether to grant a special exception, although Board may waive or reduce the burden on the applicant of one or more of these criteria if the Board concludes that the goals of this section are better served thereby:

i. height of the proposed tower as measured according to subsection 7.2.D.11.g.(7);

ii. proximity of the tower to residential structures and residential district boundaries;

iii. nature of uses on adjacent and nearby properties;

iv. surrounding topography;

v. surrounding tree coverage and foliage;

vi. design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

vii. proposed ingress and egress; and

viii. availability of suitable existing towers and other structures as discussed in subsection 7.2.D.11.g.(16)(b).

i. Application requirements. In addition to the requirements of Chapter 4 for special exception applications, the following is required:

(1) Each application for a special use for a proposed tower shall include, as a minimum, the following information:

(a) the exact location of the proposed tower on a scaled site plan;

(b) the maximum height of the proposed tower;

(c) the color or colors of the proposed tower;

(d) the location, type and intensity of lighting for the proposed tower;

(e) the location of the proposed tower, placed on a recent aerial photograph, indicating all adjacent land uses within a radius of 500 feet from all property lines of the proposed tower locations;

(f) an appropriate landscape plan meeting the requirements of subsection 7.2.D.11.g.(12), Landscaping;

(g) written documentation of reasonable efforts to co-locate antennas on existing PWSF towers;

(h) proof of FAA review and/or approval and engineer certification of tower construction plans; and

(i) other information and data as prescribed by the Director to meet the requirements of this section.

j. Franchise fees. A franchise fee on gross subscriber revenue shall be paid to Flagler County in the same percentage as is levied upon cable TV franchisees under the County's master cable TV regulatory ordinance or its successor if a PWSF tower is located on or uses any County public right-of-way. A franchise fee otherwise may be levied as allowed by any future state or federal statute or rule and shall be effective as of the date of such statute or rule in an amount prescribed by such statute or rule. If no fee is prescribed by the statute or rule, the fee shall be in an amount equal to the fee the County receives from cable TV franchisees on gross subscriber revenue.

12. Place of worship, to include as ancillary uses day care and VPK.

13. Private airstrips, subject to the following standards:

a. airstrip shall be grass or other pervious surface;

b. FAA approval; and

c. instead of the notification area required through the special exception application, notification of surrounding property owners located within 2,000 feet of the proposed airstrip.

14. Restaurant - sit down only in the A1A Scenic Corridor Overlay, subject to the following standards:

a. the maximum seating capacity shall be limited to 160;

b. no drive-through is permitted;

c. a maximum of 25 percent of the seating capacity may be outdoor or visually screened from adjacent right-of-ways; and

d. incidental consumption on premises of alcoholic beverages with meals may be considered as part of a special exception application.

15. Roadside vendor, subject to the following standards:

a. limited to operation at an approved site, but not within 500 feet, as measured from parcel line to closest parcel line, of an existing permanent business offering the same services or products;

b. must provide safe ingress and egress to the site; and

c. must obtain County business tax receipt (BTR).

16. Single-family dwelling unit to be used only in conjunction with the operation of a permitted business on the same premises, subject to the following standards:

a. such single-family dwelling unit shall be an integral and contiguous part of the principal business structure and located behind or above that portion of the business structure devoted to service of the public; and

b. the building structure must meet all applicable building codes for the respective residential and commercial uses including fire and public safety laws.

17. Temporary mobile home for aged or infirmed family member, subject to the following standards:

a. one mobile home dwelling consisting of a minimum of 600 square feet of living area on the same lot or parcel as that of a permitted use;

b. the mobile home dwelling shall be occupied exclusively by an aged (65+ years) or infirmed family member who requires personal nursing care similar to services of a nursing home;

c. a statement from a physician certifying that personal nursing care is required shall be submitted with the request;

d. the use shall be temporary in nature and subject to renewal every three years; and

e. this special exception use shall terminate and the mobile home be removed from the lot or parcel when the aged or infirmed family member moves from the site.

18. Storage yards and warehousing, provided that outside storage is completely enclosed by a solid fence or otherwise screened from the public view.

19. Temporary manufactured housing sales center, subject to the following standards:

a. the temporary sales center will be permitted for a specific time frame; and

b. the models and their stem wall foundation will be removed upon expiration.

20. Wood working shops, subject to the following standards:

a. wood working shops as used herein includes the structures, machinery, equipment, and facilities incidental to such operations provided that such operations:

(1) do not utilize electrical powered machines in excess of five horsepower;

(2) use no more than 240 volts single phase current with a maximum 200 amp buss;

(3) house and operate all machinery within an enclosed structure not to exceed 2,000 square feet in total size;

(4) said operation shall limit noise to a normal residential level of 55 decibels when measured at the property line of any abutting landowner;

(5) do not provide any wood treatment process; and

(6) are subject to annual inspections of the County Health Department and County Fire Inspector.

E. Special uses.

1. Special uses include:

a. Essential public and private uses, including:

(1) regional parks;

(2) places of worship, to include as ancillary uses day care and VPK;

(3) public and private schools, including day cares;

(4) hospitals;

(5) government uses and buildings;

(6) minor utility installations, which distribute water, sewer, gas, telephone, electricity, stormwater runoff, cable TV and similar utility services within the right-of-way;

(7) major utility installations, including telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television stations and towers, water and sewer treatment plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations; and

(8) transportation terminals, including bus, railroad, air and water facilities.

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CHAPTER 8 NATURAL RESOURCES

Section 1 Purpose and intent.

The purpose and intent of this Chapter is to:

A. preserve, protect, and improve the public health, safety, general welfare, and quality of life of the citizens of Flagler County, by conserving, managing, restoring, or enhancing natural and human-related resources that provide potable water, clean air, productive soils, and a healthful array of plant and animal life;

B. implement the Comprehensive Plan, with particular emphasis on preserving and protecting biodiversity and the ecological values and functions of uplands, wetlands, open bodies of water and flowing streams, floodplains, groundwater, significant geologic features, soils and slopes, and flora and fauna; and

C. protect the natural resources, open spaces, and historic character of the community in a manner that preserves and cultivates a unique sense of place while fostering economic well-being, maintaining adequate quality and quantity of water and land, and minimizing the present and future vulnerability to natural and man-made hazards.

Section 2 Relation to other approval processes.

A. Federal, state, and St. Johns River Water Management District. An applicant for any approval subject to this LDC shall provide to Flagler County copies of permit applications, approvals, and compliance and enforcement issues, with federal and state environmental permitting agencies and the St. Johns River Water Management District. Applicants are encouraged to coordinate site inspections between the County and other relevant agencies in order to streamline review and approval. Upon request by the County, an agricultural or silvicultural operation shall provide copies of permit applications, notice of intent of best management practice (BMP) implementation, approvals, and compliance with federal, state, St. Johns River Water Management District, and other environmental permitting agencies.

B. Administrative approvals. The developer of the proposed development site shall provide the County with proof that all required federal and state permits and approvals, or appropriate exemptions, have been issued or granted prior to the commencement of any land development activity. Issuance of a development order by the County does not in any way create any rights on the part of the applicant to obtain a permit from a federal or state agency and does not create any liability on the part of the County for issuance of the order if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a federal or state agency or undertakes actions that result in a violation of federal or state law. The County may attach such a disclaimer to the issuance of a development order and may include a permit condition that all other applicable federal or state permits be obtained before commencement of the development activity.

C. Bona fide agricultural activities.

1. Best management practices required. The most recent federal, state, and St. Johns River Water Management District best management practices (BMPs) shall be required, as applicable, to all agricultural and silvicultural activities including but not limited to the following [check dates and allow for updates]:

a. Silviculture Best Management Practices Manual, available from the Florida Department of Agriculture and Consumer Services (FDACS).

b. Best Management Practices for Agrichemical Handling and Farm Equipment Maintenance, published by FDACS and FDEP.

c. Water Quality Best Management Practices for Florida Cow/Calf Operations, published by the FDACS Office of Agricultural Water Policy.

d. Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic Crops, available from FDACS.

e. Protecting Natural Wetlands: A Guide to Stormwater Best Management Practices, published by the U.S. EPA.

2. Verification of best management practices. Where use of best management practices provides the basis for exemption to, or compliance with, any federal or state law or regulation, local regulation, code, or requirement, verification may be satisfied by participation in one or more of the following programs:

a. Non-silvicultural activities. Notice of intent filed with Department of Agriculture and Consumer Services as outlined in the Florida Administrative Code.

b. Silvicultural activities.

(1) Notice of intent filed with Division of Forestry, as outlined in the Florida Administrative Code; or

(2) Certification by one of the following, as they are now known or referenced in the future:

(a) Forest Stewardship Council (FSC, www.fscus.org);

(b) American Forest and Paper Association's Sustainable Forestry Initiative (SFI, www. sfiprogram.org);

(c) American Forest Foundation's American Tree Farm System (www.treefarmsystem.org);

(d) Green Tag Forestry (www.greentag.org);

(e) Forest Stewardship Program (FSP, www.floridaforestservice.com/forest_management/cfa_steward_index.html); or

(3) Participation in one of the following cost-share programs, as they are now known or referenced in the future:

(a) Conservation Reserve Program (CRP);

(b) Environmental Quality Incentives Program (EQIP);

(c) Wildlife Habitat Incentives Program (WHIP); or

(d) Forest Land Enhancement Program (FLEP).

D. Public projects. Public projects, including utilities, public facilities, new travel corridors, and travel corridor modifications, shall meet the same standards as private projects. In the case of a public project for which it is demonstrated that there is no prudent and feasible alternative that avoids adverse impacts to regulated natural and historic resources, the project shall incorporate appropriate design features that enhance habitat connectivity, provide for safe wildlife passage and other significant environmental benefits.

E. Other permits not determinative. The issuance of a dredge and fill permit, environmental resource permit, consumptive use permit, taking permit, or other such permit or approval by a federal or state agency, the St. Johns River Water Management District, or other governing body shall not obligate Flagler County to grant approval pursuant to this Chapter, and shall not be deemed to satisfy the requirements of this Chapter.

Section 3 Tree protection.

A. Applicability. Trees protected under this section are those with a diameter of eight inches DBH (diameter at breast height) or more.

B. Tree removal permit. A tree removal permit or approved tree plan or sketch shall be required for the removal or alteration of trees not otherwise exempted from the provisions of this Section. Alteration includes damaging, topping, root pruning, cutting, or taking any action including but not limited to a grade change, that can be expected to adversely affect the health of protected trees and vegetation. Any tree removed pursuant to a permit shall be replaced in accordance with this Chapter.

C. Tree permit requirements.

1. All tree removal permit applications or tree plans or sketches shall be filed with the Department, whether or not a site plan or other development approval is required. Review and approval shall be according to the procedures herein.

2. The following information depicted on a tree survey shall be submitted with the application, unless otherwise waived by the Director:

   a. Location and identification of all trees (using either common or botanical name), designating trees to be retained, altered, removed, relocated, or replaced. Groups of trees in close proximity may be designated as "clumps" or "dense tree cover" with the estimated number and type(s) of trees noted. Only those trees to be removed, relocated, or replaced must be named on the tree survey or site plan. The tree survey may show only that portion of the site directly involved or affected by the tree removal.

   b. Location of all existing and proposed structures, improvements, or uses of the site.

   c. Proposed changes, if any, in site elevations, grades and major contours.

   d. Location of existing or proposed utilities.

   e. Location of irrigation system, or drawing notes to indicate method of maintenance.

3. If any approvals have previously been provided for the site, such as a site plan, development order, variance, or plat, evidence of such approval shall be provided.

4. The applicant shall flag all trees to remain on a site in a manner sufficient to allow field verification of the tree survey and in such a manner that does not damage the tree.

5. A copy of the tree removal permit shall be posted on site during construction and tree removal activities.

6. Approval for tree removal shall only be granted on a developed lot or a lot with an application for development approval where such tree or trees unreasonably restricts the otherwise allowable use of the property.

D. Criteria for approval of tree removal permits.

1. The tree is diseased, injured, endangers existing structures, interferes with the safe provision of utility services, or creates a hazard to visibility for

motorists. The County may provide a list of arborists, foresters, landscape architects or other related professionals to ascertain the health of trees. In this case, a photo of the tree shall be provided. This exemption only applies in those instances where notice to the Director has been provided along with documentation acceptable to the Director and a determination has been made that the exemption applies.

3. Replacement or relocation of trees is required as described:

   a. Site development plans, tree plans, or sketches will be required to show all removed and replaced trees. If it is not feasible to place the required number of trees on a developed site, the applicant shall be required to provide off site tree mitigation utilizing one of the methods set forth in subsection 8.3.L.

   b. Replacement trees shall be a size three inches at DBH or greater, except for palm trees used for replacement which must be a minimum of ten inches at DBH. Plant materials used in conformance with the provisions of this code shall conform to the Standard for Florida No. 1 or better as given in Grades and Standards for Nursery Plants, State of Florida, Department of Agriculture and Consumer Services, Tallahassee.

   c. Trees removed illegally without a permit are subject to a one-to-one replacement, i.e. one inch replacement for each inch removed. The established fee schedule would apply to this requirement if replacement is not feasible.

   d. Any retained or relocated tree shall be replaced if the tree dies within two years after final approval.

4. In considering the application for tree permit and a site development plan, tree plans, or sketches for relocation or replacement of removed trees, the Director may allow a ten percent reduction in the otherwise required replacement trees (calculated in inches of diameter), based on the following criteria:

   a. Number, species and size of other trees and vegetation on site.

   b. Number, species, size, location and canopy of existing trees.

   c. Impact on stormwater runoff quantity and quality.

   d. Character of the site and its environs.

   e. Characteristics and amount of shrubs, grass, trees, or other vegetation proposed for the site.

5. When 10 or more trees are required to be planted on a site to meet the requirements of this Chapter, a mix of trees shall be provided, so that at least one of which shall be native to the Central Florida Region and no single tree species may constitute more than 50 percent of the trees planted. The minimum number of species to be planted is set forth below.

Table 8-1 - Required Mix of Tree Species	
Required Number of Trees Planted	Minimum Number of Species
10 - 20	2
21 - 30	3
31 - 40	4
41	5

E. Approved trees. Trees shall be selected utilizing the Florida-friendly Plant Database available at www.floridayards.org, with particular attention provided to:

1. ensure the long-term health of planted trees, by matching trees to:

   a. the appropriate light range, whether full sun, partial shade, or shade for the proposed planting location;

   b. the amount of soil moisture;

   c. the soil texture, whether clay, sandy, or loam; and

   d. the salt tolerance, whether high, medium, low, or not applicable if the tree is proposed in an inland location.

2. encourage the use of strategies like Right Plant, Right Place methods that reduce conflicts with utilities; and

3. require that a minimum of 50% of all required plantings must be native.

F. Credit for retained trees. Healthy trees retained on site and protected pursuant to this section shall count toward any required trees for replacement, buffers, parking lot perimeter landscaping, parking internal landscaping, or other requirements. Plants on the prohibited plant species list in this section will not be counted for credit.

G. Exemptions. A tree removal permit is not required under the following circumstances:

1. Emergency removal due to storm damage as well as removal by the County from the right-of-way shall not require a permit.

2. Land clearing in conjunction with a permitted bona fide agricultural use on land for which a development permit application has not been submitted or will not be submitted. The land must have an agricultural classification as determined by the Property Appraiser.

H. Prohibited plants. Plant species listed on the most recent Florida Exotic Pest Plant Council Invasive Plant List available from www.fleppc.org may be removed without a tree removal permit and are, therefore, exempt from the tree protection requirements of this section. Trees included on this List are also prohibited from planting and use and shall not be installed in any landscaped area or buffer area. In the event of a conflict between this List and the trees listed in the Florida-friendly Plant Database, the Director shall have the discretion whether to recognize a particular tree species as a prohibited plant with the County and for such purposes shall rely on the propagation and growing characteristics of the tree, with preference given to native species over nonnative species.

I. Maintenance.

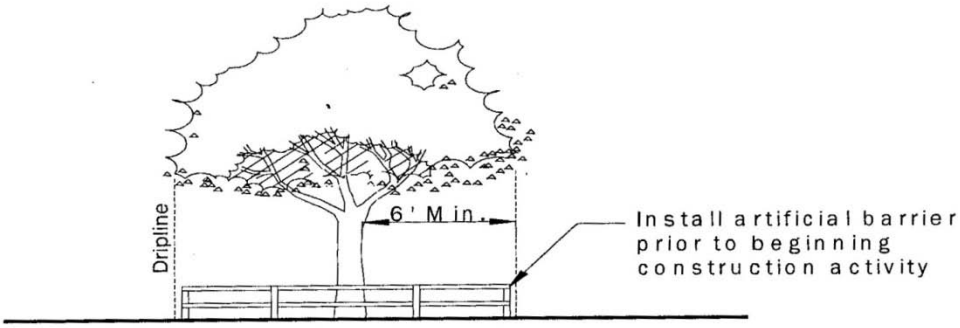
1. Crown trimming shall be limited to removal of less than one-fourth of the tree crown. Hatracking is prohibited.

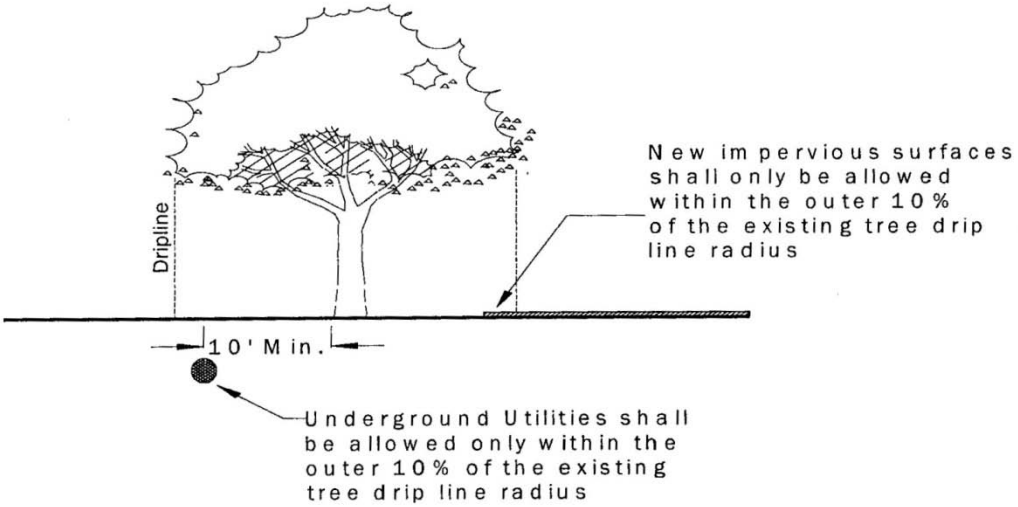
2. Trees and other vegetation shall be maintained to ensure that such trees and vegetation continue to be viable and thriving.

J. Protection during construction activities.

1. Each retained or installed tree shall be protected during all pre-construction and construction activities. The tree protection barrier area to be protected shall extend to the drip line of the tree, but shall be no less than a ten-foot radius from the trunk of the tree. Where trees are located in clusters or groups, the outermost drip line shall be the area of protection. The location of tree protection barrier areas shall be depicted on the required site development plan, tree plan or sketches, landscape plan, or permit site plan, as applicable.

TREE PROTECTION DURING CONSTRUCTION ACTIVITIES





2. All development activities, including construction, grading, paving, compaction, trenching, installation of stormwater retention ponds, or the like shall be prohibited within the tree protection barrier area, except as provided herein. Any existing brush and weeds to be removed inside the tree protection barrier shall be removed with hand tools only.

3. Temporary wooden or artificial barriers shall be erected around all protected trees or other vegetation during the period of construction activity.

4. Temporary wooden barriers, if used, shall be constructed of upright posts and railings constructed of lumber at least two inches by four inches in cross-section marked by ribbon, flags, or other easily visible connecting material, and shall extend to or beyond the drip line of all protected trees

on the property. Reference "Trees and Development: A Technical Guide to Preservation of Trees during Land Development" from the Florida Chapter of the International Society of Arboriculture, for additional guidance on methods of tree protection during construction.

5. No excess soil or additional fill, building materials, or debris shall be placed within protective barriers.

6. No tractors, vehicles or heavy machinery shall be allowed to work, park, or locate within barrier areas.

7. No attachments or wires, other than protective guy wires, shall be attached to any trees or shrubs within protective barriers.

8. Installation of artificial barriers such as protective barricades, fences, posts, or walls shall not destroy or irreversibly harm the root systems of protected trees. Footers for walls shall end at the point where larger roots are encountered, outside of the construction barrier area, and the roots shall be bridged. Postholes and trenches located close to protected trees shall be adjusted to avoid damage to major roots.

9. Construction activity, including underground utilities and new impervious surfaces, shall be allowed to encroach no closer to the trunk of the tree than the outer ten percent of an existing tree drip line radius. In no case shall construction activity occur closer than ten feet from the center of the trunk of existing trees to be preserved.

K. Planting requirements.

1. Tree species with a height greater than 20 feet at maturity shall not be planted within a utility easement when power lines lie directly overhead.

2. No tree shall be planted within ten feet of a fire hydrant or utility pole, within 20 feet of a traffic sign, or within 25 feet of an intersection in order to ensure adequate visibility. Should this requirement severely limit the location of trees on the property, the Director may adjust these specifications.

L. Off-site tree mitigation.

1. Tree planting requirements for development as described in this LDC may be met by the contribution of fees to an off-site tree mitigation account or, at the discretion of the Director, by off-site tree mitigation in the form of either the direct contribution of trees to applicable County projects.

2. All funds collected as tree replacement fees shall be administered by the County Administrator. Disbursements from the tree replacement account shall be made only for the following purposes:

a. Purchasing trees for planting and any associated costs in accordance with the County's tree planting program; or

b. Protection of trees and enforcement of this LDC.

3. Fees for the off-site tree mitigation account are established by the Board of County Commissioners in the schedule of fees.

4. Fees for the off-site tree mitigation account shall be reviewed periodically by the Board of County Commissioners to reflect the cost of living adjustments and/or market conditions and may be modified by approval of the Board. In establishing fees, the County shall consider the cost of material, labor, transportation, planting, watering, and mortality rate of replacement trees.

5. Trees authorized for off-site mitigation shall be planted in County-owned properties and parks, County rights of way, and preservation and conservation areas owned by the County. The County may also plant trees within the medians and rights of way of State and County roads where an interlocal agreement authorizes such plantings. Contribution under this section will only be allowed for applicable County projects as determined by the County Administrator. Contribution may be made in advance of a proposed development and a record of all such contributions shall be maintained by the Department.

6. Fees for off-site mitigation shall be paid to the County prior to the issuance of any tree removal permit or building permit for new construction with an approved site plan or plat.

7. The County may agree to allow an applicant to provide trees to satisfy landscape requirements directly to County projects in lieu of a contribution of fees when consistent with this LDC and the following guidelines:

a. Trees provided as a contribution in lieu of fees must meet all applicable requirements for size and planting described in this section.

b. Applicants wishing to contribute trees in this manner must, on forms provided by the Department, detail the number and specifications of trees provided.

c. Contributed trees may count up to 50 percent of the trees required by this section, unless special circumstances exist on the parcel that would warrant consideration of a greater percentage.

Section 4 Protected flora and fauna.

A. It is the policy of the Board of County Commissioners to provide protection to species of flora and fauna which are recognized by federal and/or state authorities.

B. The County shall assist federal and state authorities in the implementation and enforcement of regulations intended to protect flora and fauna.

C. Except as otherwise provided within this LDC, the County shall not promulgate regulations which separately seek to provide additional protections to flora and fauna.

Section 5 Marine sea turtle lighting.

A. Protection of marine sea turtles. Florida state law provides protection against taking, possessing, disturbing, mutilating, destroying or causing to be destroyed, selling or offering for sale, transferring, molesting, or harassing any marine turtle or its nest or eggs at any time. Federal law provides even greater protection (and criminal penalties as severe as $100,000 and a year in prison) if you take, harass, harm, pursue, hunt, shoot, wound, kill, trap, or capture any marine turtle, turtle nest, and/or eggs, or attempt to engage in any such conduct. In support of federal and state efforts to protect marine sea turtles, the County recognizes that marine sea turtles nest or are likely to nest in an area of the beach within unincorporated Flagler County. These nesting areas are further regulated by the County as provided in this section.

B. Lighting standards.

1. It is the policy of Flagler County to minimize artificial light illuminating the entire coastal beach of the County, and said lighting for new development and permitted improvements to existing development shall be regulated as provided in this section. For purposes of this section, the regulated boundaries include the area between the Atlantic Ocean and the westerly boundary of the lot or parcel that abuts the westerly right-of-way of State Road A1A within unincorporated Flagler County.

2. To meet this intent, building and electrical plans and the construction of single-story or multi-story buildings or structures, signs, commercial or other structures, including electrical plans associated with parking lots, dune walkovers or other artificial lighting for real property within the unincorporated regulated boundaries shall be in compliance with the following:

a. Light fixtures shall be designed, positioned, shielded, or otherwise modified such that the source of light and any reflective surfaces of the fixture shall not be directly visible by a person who is in a standing position on the beach.

b. Lights shall not directly or indirectly illuminate the beach during the sea turtle nesting season.

c. Tinted glass, or any window film applied to window glass which meet the shading criteria for tinted glass, shall be installed on all windows or single-or multi-story buildings or structures within line of sight of the beach in the regulated boundaries.

d. Lights illuminating signs shall be shielded or screened such that they do not illuminate the beach and the source of the light shall not be visible by a person who is in a standing position on the beach.

C. Publicly owned lighting.

1. Streetlights and lighting at parks and other publicly owned beach access areas located within the regulated boundaries shall be in compliance with the following:

a. Streetlights, lighting at parks or other publicly owned beach access points shall be designed, positioned, shielded, or otherwise modified such that they shall not directly illuminate the beach and the source of the light shall not be visible by a person who is in a standing position on the beach.

2. Specifically exempted from the terms of this section are lights which are aids to navigation, motion sensors, and traffic control devices.

D. Application review. Any permit applied for under this section may be processed concurrently with building and land development permit review under the provisions of this LDC and the Flagler County Code of Ordinances.

E. Relation to Endangered Species Act.

1. This section is adopted for the purposes of implementing the provisions of the Comprehensive Plan to provide protection for sea turtles as a matter of local policy. It is the intent of the County that this section be consistent with, and in furtherance of, the provisions of the Endangered Species Act of 1973, 16 U.S.C. 1531-1544, and that it satisfy any obligation the County may have under the Act to prevent harm to sea turtles by its election to adopt this regulation. There are no definitive federal standards regarding artificial lighting. In establishing these regulations, the County has used as a guide the state's model lighting ordinance, followed the nesting season dates established by the State, and sought the advice of subject matter experts.

2. As an alternative to compliance with the terms of this section, a local government or person may adhere to: (a) a lighting plan approved in writing by the United States Department of the Interior, Fish and Wildlife Service, as likely to prevent harm to sea turtles; or (b) the conditions of a permit issued

under federal law authorizing the taking of sea turtles for an otherwise lawful activity.

3. Nothing in this section shall be construed to authorize or license any act prohibited by the Endangered Species Act. Artificial lighting not otherwise regulated by this section which may be in violation of the Endangered Species Act may be reported to the United States Department of Interior, Fish and Wildlife Service, for resolution and enforcement under federal law.

F. Violations. In addition to federal and state penalties, the violation of any of the provisions of this section shall be subject to the penalties and procedures as provided for in Chapter 9, Flagler County Code of Ordinances, the enforcement provisions of Chapter 12 of this LDC, and/or prosecution for a violation of this section in accordance with section 1-6, Flagler County Code of Ordinances.

Section 6 Wetlands.

A. Exempted activities. Activities which are exempted from this section include:

1. construction of single-family homes on existing recorded subdivisions where street and drainage improvements have been constructed to the lot, provided that siting of such homes will be reviewed during the building permit process to direct development activity away from wetlands where possible;

2. minor maintenance or emergency repair to existing structures of improved areas;

3. clearing of walking trails which have no structural components and do not exceed maximum width of 10 feet in width;

4. construction of timber catwalks and docks five (5) feet wide or less, and observation decks not to exceed two hundred (200) square feet which are related to passive nature walks as expressly provided in an approved site plan;

5. bona fide aquaculture activities;

6. utility crossings, easements, or rights-of-way that are related to transmission or conveyance of the utility's service to its customers;

7. maintenance, together with incidental, approved, dredge and fill activities in ditches, retention and detention areas, public road and other rights-of-way, and other related drainage systems;

8. approved mosquito control activities;

9. those activities impacting wetlands less than one-half (½) acre in size;

10. activities within artificial wetlands which are created as part of approved manmade treatment systems;

11. silviculture activities which follow the best management practices outlined in the most current publications entitled, "Silviculture Best Management Practices Manual", Florida Department of Agriculture and Consumer Services, Division of Forestry and "Management Guidelines for Forested Wetlands in Florida," Florida Department of Agriculture and Consumer Services, may be used as a guide for silviculture activities in wetlands. Provided however, failure to follow said practices shall be a violation of this LDC.

12. existing bona fide agricultural pursuits, including but not limited to, row crops, cattle grazing, sod farming and vegetable farming;

13. wetland impacts which are determined by the Director to have been otherwise unavoidable;

14. construction of driveways for single-family residences; and

15. those exemptions that Flagler County is legally required to recognize.

B. Prohibited activities.

1. All alteration, grading, filling, dredging, or impacts to any wetland, its water supply, or upland buffer are prohibited unless exempted by subsection 8.6.A. or as authorized pursuant to a wetland alteration permit. Any alteration of wetlands shall be mitigated in accordance with the requirements of subsection 8.6.E.

2. All uses and activities that were lawful before [insert effective date], but which do not conform with the provisions of this section, may be continued but may not be expanded, changed, enlarged, or altered except as provided herein.

C. Wetland alteration permit.

1. Permitting.

a. Application. Application for a permit shall be on the approved County form, accompanied by the documentation as specified therein. Additional reasonable information shall be submitted as requested by the County to complete a review of the project.

b. Public notice of application. When a wetland alteration permit application is received, a description of the project and its location

will be publicly available and public comment welcomed. Public notice will consist of mailed notice, posted notice, County website notice, newspaper publication, and email notice to interested registrants.

c. Public comment on permit application. Any person may submit comments regarding an application for wetland alteration permit. Written comments may be submitted to the Director throughout the application process for review and consideration.

d. Application review procedure. Within 30 days of the receipt of an application for a wetland alteration permit, the applicant may be requested to provide such additional information as is reasonably necessary to determine whether the permit should be issued or denied. A decision, which is based upon the criteria contained in this section, shall be in writing and mailed to the applicant's address no later than 90 days after the additional information is received from the applicant, or if a timely request for additional information is not made, no later than 90 days after receipt of the application. If an application is not approved or denied within the applicable 90 days, the applicant may, within 30 days of the last date when a timely decision could have been made, request the County to make a final determination on the license. Then the applicant may seek administrative review as provided by this LDC.

e. Application review criteria. When reviewing an application for a Wetland Alteration Permit, Flagler County may consider the recommendations of any governmental and/or professional agency. The issuance of a dredge and fill or environmental resource permit, or other similar permit, issued by a federal or state agency or the St. Johns River Water Management District shall not obligate Flagler County to grant a wetland alteration permit, and shall not be deemed to substitute for a wetland alteration permit. A wetland alteration permit shall not be issued unless the following criteria are met:

(1) There shall be no net loss of wetland function (as defined in Chapter 12).

(2) The activity is consistent with the applicable uses and criteria authorized under this LDC.

(3) Wetland impacts shall be avoided or minimized to the greatest extent practicable, as set forth in subsection 8.6.D.

(4) The activity is not in contravention with any other federal, state, or locally designated preserve or conservation area.

(5) The applicant shall provide proof of financial responsibility, as set forth in subsection 8.6.E, to conduct the mitigation activities and any necessary management and monitoring of the mitigation site.

(6) With the exception of approved road crossings and other minor activities, the activity will fully comply with the criteria for buffer zones set forth herein.

(7) Wetland impacts which are unavoidable after application of subsection 8.6.D., will be replaced by compensatory mitigation. Said mitigation shall replace the ecological functional values lost as a result of permitted wetland impacts. Ecological functional values and mitigation acreages shall be determined using Rule Chapter 62-345, F.A.C., and shall be specified in the Wetland Management Plan.

(8) An applicant who carries out mitigation in accordance with a wetland alteration permit shall grant an environmental or conservation easement on the newly created, enhanced, restored, or preserved wetland and buffer to protect it from future development. Whenever possible and subject to acceptance, the easement shall be granted to the St. Johns River Water Management District, the Florida Department of Environmental Protection, or the U.S. Army Corps of Engineers, as applicable based on ultimate jurisdiction. A legal mechanism other than an environmental or conservation easement may be deemed appropriate by the County Attorney on a case by case basis if it carries out the purpose of this subsection.

(9) The use will not threaten public safety or cause nuisances, increase flooding above predevelopment conditions on other lands, result in the unauthorized loss of species listed on the Florida Fish and Wildlife Conservation Commission, National Oceanic and Atmospheric Administration - National Marine Fisheries Service, or U.S. Fish and Wildlife list of plants or animals designated as endangered, threatened, or species of special concern, or violate pollution standards or other federal, state, or local regulations.

(10) The activity will be conducted by an entity with sufficient financial, legal and administrative capability to ensure that the activity will be undertaken in accordance with the terms and conditions of a valid permit. The applicant shall provide proof of financial responsibility in a form acceptable to

County staff. Financial responsibility must be sufficient to ensure completion of all mitigation, monitoring and corrective action indicated by the monitoring. These criteria are not applicable to wetland mitigation improvements with a cumulative estimated cost which is less than $25,000.00. Proof of financial responsibility of 125 percent of the cost of the wetland mitigation improvement is required in accordance with the provisions of the LDC. For the purpose of establishing financial responsibility, wetland mitigation improvements which are part of a subdivision development may be included in the subdivision performance bond. Platting does not relieve the applicant from executing a Wetland Management Plan Agreement. The County may recognize approved financial security that is acceptable to federal and/or state agencies.

f. Permit denial. In the denial of a license or permit related to this section, the applicant shall be provided with a written statement setting forth the reasons for denial and the rights of administrative review.

D. Minimization and avoidance. Applicants must demonstrate that alternatives for avoiding adverse impacts to the functions provided by the wetland system have been evaluated and, as practicable, adverse impacts to these functions have been avoided. The term "avoided" shall not be construed as including the alternative of not implementing the project in some form, nor shall it be construed as requiring a project that is significantly different in type or function. A proposed modification which is not technically capable of being done, is not economically viable, or which adversely affects the public safety through the endangerment of lives or property is not considered "practicable." A proposed modification need not remove all economic value of the property in order to be considered not "practicable." Conversely, a modification need not provide the highest and best use of the property to be "practicable." In determining whether a proposed modification is "practicable", consideration shall also be given to the cost of the modification compared to the environmental benefit it achieves.

E. Mitigation monitoring requirements.

1. As a condition of permit issuance by the County, copies of any monitoring and progress reports, and any violation notices and enforcement documents from other permitting agencies, shall be sent to the County.

2. A wetland alteration permit issued by the County that includes mitigation improvements, other than those in a state approved mitigation bank, shall be subject to a recordable and enforceable wetland management plan agreement. The agreement shall attach or incorporate by reference the Flagler County Wetland Alteration Permit and provide for:

a. Enforcement provisions assuring the mitigation improvements included in the permit are carried out as permitted. In said agreements, County shall reserve the right to issue cease and desist orders and thirty-day notices to cure violations, where applicable. The County shall retain its right to pursue enforcement action, including but not limited to, code enforcement action, court action, including, but not limited to, declaratory or injunctive relief, property liens, withholding of final plat approval or withholding of certificate of occupancy. The agreement shall also specify Flagler County Circuit Court venue and jurisdiction and the ability to recover costs, expenses, expert fees and attorney fees.

b. Application to successors and assigns.

c. Recordation of agreement in Public Records of Flagler County.

3. Agreements shall not include additional mitigation conditions beyond those found in the Flagler County wetland alteration permit. However, agreements shall contain language adopting the conditions of federal or state agency permits for the same project and allow Flagler County the ability to enforce said conditions. Wherever possible, the County shall obtain rights as a co-grantee to enforce conservation easements granted to a federal or state agency, or failing to be named as co-grantee, an assignment of third party enforcement rights under the easements.

4. The County shall administer a one-time monitoring fee for mitigation sites located outside of County jurisdictional boundaries. This fee shall not apply to the use of credits from a state approved mitigation bank. The fee shall be set by resolution and may be modified from time to time.

F. Wetland identification.

1. Wetland boundaries shall be delineated in accordance with the methodology contained in Rule Ch. 62-340, F.A.C., as amended or succeeded.

G. Upland buffer requirements.

1. Flagler County shall require an upland buffer adjacent to and surrounding all wetlands. The upland buffer may coincide with the setback required by the zoning article in effect in Flagler County or may coincide with wildlife corridors designated in Flagler County's Comprehensive Plan. An acceptable upland buffer will also satisfy the landscaping requirement of the LDC. However, said upland buffer shall not impede any existing easement or preclude reasonable access to a body of water (private or public). The upland buffer area along with all wetlands remaining under the permitted design shall be placed in a conservation easement in favor of Flagler County, the U.S. Army Corps of Engineers, the Florida Department of Environmental

Protection, and/or the St. Johns River Water Management District. Since avoidance and minimization takes precedence over the upland buffer requirement, under no circumstances will an applicant be authorized to fill jurisdictional wetlands in order to create the required upland buffer.

2. All activities, including clearing, within the upland buffer shall be consistent with the language of the conservation easement and may conform to the Firewise Community standards promulgated by the National Fire Protection Association and Division of Forestry of the Department of Agriculture and Consumer Services.

3. Upland buffer widths shall be measured landward of the delineated jurisdictional wetland line. Upland buffer widths shall be determined as follows:

   a. An upland buffer with a minimum width of 15 feet and an average width of 25 feet shall be required around all wetland areas not designated as areas of special concern. The Director shall have the ability to adjust the upland buffer line while maintaining a fifteen-foot minimum and twenty-five foot average buffer width.

   b. All wetlands immediately adjacent to designated areas of special concern shall have a minimum upland buffer width of 75 feet.

   c. In areas of special concern, an applicant shall have the option to perform a professional qualitative analysis of the subject wetland and have the upland buffer width adjusted. As part of the application to adjust the upland buffer width the applicant shall submit forms 62-345.900(1) and 62-345.900(2) F.A.C for review. Adjustments shall be as follows:

      (1) For a "current score" from 0.75 - 1.0: minimum width = 75 feet.

      (2) For a "current score" below 0.75 and greater than or equal to 0.5: minimum width = 50 feet.

      (3) For a "current score" below 0.5 the minimum width of 15 feet and an average width of 25 feet shall be required.

4. Areas of special concern.

   a. The following areas are designated as areas of special concern:

      (1) Bulow Creek (as defined in Tomoka Marsh Aquatic Preserve Management Plan)

      (2) Bulow Plantation Ruins State Park

(3) Pellicer Creek Conservation Area (as defined in Management Plan)

(4) Haw Creek Preserve State Park

(5) Haw Creek Preserve Conservation Area (as defined in Management Plan)

(6) Little Haw Creek

(7) Blackwater Branch

(8) Sweetwater Branch

(9) Pringle Branch

(10) White Oak Branch

(11) Lake Disston (as defined in Rule 62-302.700(9)(i)(17), F.A.C.)

(12) Dead Lake (ordinary high water line)

(13) Crescent Lake (ordinary high water line)

(14) Black Lake (ordinary high water line)

(15) Speckled Perch Lake (ordinary high water line)

(16) Gore Lake (ordinary high water line)

(17) Tank Lake (ordinary high water line)

(18) Mud Lake (ordinary high water line)

(19) Princess Place Preserve (as defined in Management Plan)

(20) Heart Island Conservation Area (as defined in Management Plan)

(21) Washington Oaks State Gardens (as defined in Management Plan)

(22) All jurisdictional wetland areas lying within the Guana Tolomato Matanzas National Estuarine Research Reserve boundary, including those portions of Longs Creek within the Reserve boundary and within unincorporated Flagler County, but excluding the Intracoastal Waterway.

(23) Graham Swamp - to include the area defined in the SJRWMD Management Plan and the wetlands located in the unincorporated area south of State Road 100, bounded on the west by Old Kings Road, to the east by John Anderson Highway and to the south by the Section 38 section line (this is the demarcation line used by FDEP as part of State Resolution No. 70-9).

H. Wetland preservation incentive; density transfers.

1. Density may be transferred to upland receiving areas in accordance with the following:

The receiving parcel must be rezoned to a Planned Unit Development (PUD). The transfer of density and any related requirements shall be memorialized in a development agreement. Any increased density must meet concurrency or be mitigated accordingly.

a. Transfer rate from wetlands, including those wetlands designated as Conservation on the Future Land Use Map, is one dwelling unit per five acres. Gross density of the sending and receiving areas combined cannot exceed the maximum density of the applicable Future Land Use Map category, for the sending or receiving areas. Provided however there shall be no transfer rate for sovereign submerged lands.

b. To ensure the construction and use of the uplands will not cause adverse secondary impacts to adjacent wetlands from the increased density of the receiving area and on the sending area to the extent applicable, one or more of the following shall be considered:

(1) Enhancement of the existing wetlands.

(2) Increasing the width or enhancing the quality of the upland buffer.

(3) Increased stormwater performance standards.

(4) Increasing the amount of pervious surface.

(5) Use of adjacent mitigation.

(6) Other site design features.

The foregoing measures shall not be considered exhaustive in addressing secondary impacts.

c. A conservation easement must be placed on all "sending" areas. The conservation easement shall be in standard form. An owner may request that the Board of County Commissioners consider a transfer of less dwelling units than specified herein for continued land uses such as farming. An owner may request that the Board of County Commissioners consider a transfer of greater dwelling units than specified in herein in exchange for enhanced or special management of the sending area. Continued land uses or maintenance and/or management of the easement area will require specific conditions for use described in the conservation easement.

d. The receiving area for the transferred units may be located on another parcel subject to a PUD rezoning for the receiving parcel.

e. The maximum density of the receiving areas are as follows:

1. Well and/or septic: two units/acre (approval conditioned on receipt of permits in accordance with Rule Ch. 40C-3, 64E-6, and 62-532, F.A.C.).

2. Central water and central sewer: six units/acre.

3. Multifamily shall be limited to the maximum set by the board of county commissioners via the public hearing process.

f. The transfer rate limitation found herein shall not apply to a property that is vested, as long as the transfer is from an on-site wetland.

g. The transfer of floor area ratio (FAR) from a commercial land use parcel to another commercial land use parcel shall be at 50 percent of the sending FAR. The transfer of FAR must only take place between two commercial parcels.

I. Rules, regulations and fees.

1. By resolution, the Board of County Commissioners may promulgate and adopt, rules and regulations and set fees to implement the provisions of this regulation. Such rules and regulations shall not be inconsistent with the terms and provisions of this regulation.

J. Additional civil remedies.

1. Any aggrieved person may resort to such relief at law or in equity as may be necessary to ensure compliance with the provisions hereof, including injunctive relief to enjoin and restrain any person violating the provisions of this section of this regulation.

K. Penalties.

1. Any person who violates a provision of this code shall be subject to enforcement action under section 1-6 and Chapter 9 of the Code of Ordinances, together with Chapter 11 of this LDC. Each day a violation continues shall constitute a separate offense.

Section 7 Aquifer recharge areas.

A. Creation of aquifer recharge overlay zoning classification. In addition to and supplemental to all Flagler County zoning requirements and land development regulations heretofore and hereafter established by designated zoning categories and classifications, there is hereby created an overlay zoning classification known as the "Aquifer Recharge Overlay Zoning Classification".

B. Scope and authority. The Aquifer Recharge Overlay Zoning Classification shall be considered as overlaying other zoning classifications. Any uses permitted in the portions of the districts so overlaid shall be permitted subject to compliance with the provisions of this classification. If conflicts should arise between the zoning supplemental regulations herein and any other existing regulations, the more restrictive regulations shall apply.

C. Affected area.

1. There is hereby established within the unincorporated area of Flagler County an aquifer recharge protection district consisting of the most effective recharge area as herein determined by data provided by the United States Geological Survey, the Soil Conservation Service and the St. Johns River Water Management District. The provisions of this part shall apply to all development within the most effective recharge area, designated as 8 to 12 inches per year, as depicted in Map F.5, Floridan Aquifer Prime Recharge 2005, of the Conservation Element of the Comprehensive Plan.

2. The most effective recharge areas for the Floridan aquifer in Flagler County are shown in Comprehensive Plan Map F.5 and have the following characteristics:

a. The natural surface drainage system is poorly developed and the amount of runoff with respect to rainfall is relatively low;

b. The potentiometric surface of the Floridan aquifer may show "bulges" as found;

c. The mineralization of water in the Floridan aquifer is less than that in the poor and very poor recharge areas;

d. The land surface and the water table are many feet above the potentiometric surface of the Floridan aquifer and the confining layer is either permeable/semipermeable or wholly absent; such areas are characterized by many closed depressions, lakes and ponds which may indicate past sinkhole activity; and

e. The soils are generally well drained. Recharge rates in the most effective recharge areas range from eight inches to as much as 20 inches of rainfall annually.

D. Recharge area designation. An applicant may object to the designation of land as a most effective recharge area by demonstrating through the submittal of competent expert evaluations including, but not limited to, data derived from soil analyses and sampling and hydrological studies, to the Director that the land does not have the associations and characteristics set forth in this part. If the Director concurs with the evaluations submitted by the applicant, these provisions shall not apply to the subject land.

E. Recharge area off-street parking and landscaping regulations. In addition to all other provisions in this LDC, the following provisions shall apply:

1. With the exception of handicapped parking spaces, a minimum of 10 percent but no more than 25 percent of the total number of required off-street parking spaces shall not be paved. In addition, all parking spaces exceeding the minimum number shall not be paved. These spaces shall be clearly delineated on the site plan and located at the periphery of the building site or otherwise located where they are unlikely to be used on a continuing basis. All accessways and aisles serving these spaces shall be paved. Grass, mulch, gravel, turf block or any durable dust free surface shall be used in the unpaved spaces if permitted by state law.

2. With the exception of parking spaces that are required by law to be of certain dimensions or of a certain area, a maximum reduction of up to two feet from the required depth of a parking stall and one foot from the required width of a parking stall shall be permitted for paved parking spaces.

3. The Director may permit shared parking facilities for those projects located within the higher intensity planned development land use designation.

4. Reasonable efforts shall be made in the design and construction of all site improvements and alterations to save existing trees and native vegetation. Existing native vegetation that is specified to remain shall be preserved in its entirety with all trees, understory and ground cover left intact. Every effort shall be made to minimize alteration of the existing topography to preserve existing vegetation and maintain natural flow regimes.

F. Recharge area development standards.

1. Impervious area. The maximum area covered by structures and impervious surfaces shall not exceed 70 percent for non-residential uses and 60 percent for residential uses of the total land area. Pervious areas may be used to satisfy landscaping, setback, buffer strip, drain field and passive recreation area requirements or any other purpose not requiring covering with a material which prevents infiltration of water into the ground.

2. Stormwater detention. To the extent permitted by the St. Johns River Water Management District and/or the Florida Department of Environmental Protection, the multiple use of on-site wetlands for the detention of stormwater shall be highly encouraged. Any stormwater management system incorporating wetlands for stormwater treatment shall comply with Rule Ch. 40C-42, F.A.C., as amended, or its successor provisions, Design and Performance Criteria for Wetland Stormwater Management Systems.

3. Runoff. Each parcel shall be developed to maximize the infiltration of natural rainfall into the soil and to minimize direct overland runoff into adjoining streets and watercourses. Stormwater runoff from roofs and other impervious surfaces should be diverted into swales or terraces on the parcel when possible. Runoff from driveways, roofs or other impervious areas should be diverted so as to flow over grassed areas prior to flowing into any drainage system whenever possible.

G. Post-development recharge standards. Land alteration in conjunction with development should not significantly alter the recharge or storage characteristics of the site including, but not limited to, the removal of high permeability soils or replacement with lower permeability soils. Post-development groundwater infiltration rates and volumes within the most effective recharge areas shall meet the following standards:

1. Three inches of runoff from the directly connected impervious area shall be required within the project boundary, however, an applicant may demonstrate to the County Development Engineer and the Development Engineer may find that the post-development recharge will be equal to or greater than the pre-development recharge. This standard may be achieved by means of natural infiltration, ponding for stormwater retention/detention, structural exfiltration systems or any other method which complies with the requirements of the surface water management standards as set forth in this LDC.

2. Developed sites shall be required to retain the total difference between the pre-development and post-development runoff volume as generated by a twenty-five-year frequency, 24 hours duration storm event.

3. Development sites shall be required to detain stormwater for a period of time sufficient to ensure that the recharge potential of the site in its pre-

development condition is not significantly affected. The Development Engineer may require an applicant for development within the most effective recharge areas to submit reasonable and necessary information, studies or data to determine the pre-development and post-development recharge rates.

4. Runoff shall be discharged from impervious surfaces through retention areas, detention devices, filtering and cleansing devices and subject to industry accepted Best Management Practices (BMPs). For projects with substantial amounts of paved areas (for example, shopping centers and high density developments) provision shall be made for removal of oil, grease and sediment from stormwater discharges.

H. Site plan review requirements. In addition to the requirements of Chapter 4 of this LDC, the following information shall be included on site plans within aquifer recharge areas:

1. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling or disposal of hazardous substances.

2. Location of all underground and aboveground storage tanks for such uses such as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage and collection of contaminated stormwater or wash water and all similar uses.

3. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport stormwater. The point of discharge for all drains and pipes shall be specified on the site plan. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.

I. Additional protection standards. The following additional standards apply to development activities within the most effective aquifer recharge areas:

1. Outdoor water conservation for new development.

a. The following additional standards shall be incorporated into homeowner association codes, covenants and restrictions (CCR) documents and shall apply to development activities for new subdivisions within the designated most effective aquifer recharge areas:

(1) outdoor water conservation for new development shall be maximized;

(2) irrigation shall be minimized; and

(3) permanent high-volume irrigated areas shall not exceed 60 percent (Florida Water Star Silver basic prerequisite) of the landscaped area.

b. The maximum total irrigated area on residential lots, regardless of lot size, shall not exceed one-half acre (Florida Water Star standard). This requirement excludes agriculturally zoned lots and vegetable gardens and fruit or nut trees on individual lots.

c. Mixed use development shall utilize the standards listed above, excluding designated recreational areas.

2. The use of rapid infiltration basins or percolation ponds for wastewater effluent disposal is prohibited. Use of wetland treatment systems, such as infiltrating wetlands, that are designed to lower nutrient concentrations by denitrification and promote aquifer recharge are allowed.

3. New sites for land application of Class A and B residuals (biosolids) are not allowed in areas designated as most effective aquifer recharge areas.

4. New sites for land application of septage are not allowed in areas designated as most effective aquifer recharge areas.

J. Alternative compliance. Where avoidance of impacts is not feasible, strategies and designs that minimize the impact of development shall be implemented. Mitigation of development impacts may include design techniques, location requirements, additional buffering requirements or other site design standards.

Section 8 Wellfield protection.

A. Incorporation of rules and regulations.

1. Flagler County adopts and incorporates by reference the rules and regulations of the U.S. EPA, the DEP, the DOH, and the SJRWMD pertaining to protection of groundwater.

2. The County specifically adopts and incorporates by reference Title 40 of the Code of Federal Regulations Part 261 (Identification and listing of hazardous wastes); Title 40 of the Code of Federal Regulations Part 302.4 (Table 302.4) (List of hazardous substances and reportable quantities); Title 40 of the Code of Federal Regulations Part 355, Appendix A and B (List of extremely hazardous substances), as they all may be amended from time to time.

B. Permitting.

1. Any owner or developer shall furnish to the County Administrator or designee a copy of any applicable permits issued by the U.S. EPA, DEP, DOH,

or the SJRWMD, and including the permit application and any amendments thereto, and any testing or monitoring reports prepared in conjunction with or subsequent to the issuance of the permit.

2. Upon receipt of applicable federal or state agency permits and compliance with local regulations, Flagler County may issue a "wellfield zone of exclusion permit." The "zone of exclusion" is defined as all land within a two-hundred-foot radius of an existing or designated protected wellhead. Within this "zone of exclusion," no incompatible land uses shall be permitted. Incompatible land uses shall include those industrial and commercial land uses, which handle, store or process hazardous or toxic materials, landfills, borrow pits which penetrate through confining beds and waste storage, transfer, disposal and treatment facilities. The Department will provide applicable permit application forms, and permit fees shall be established by resolution.

C. Enforcement.

1. In addition to any enforcement actions initiated by the U.S. EPA, the DEP, DOH, or the SJRWMD, Flagler County shall enforce the provisions of this regulation. Such enforcement mechanisms shall include, but not be limited to, stop work orders, injunctions and recovery of costs, expenses, expert fees, and reasonable attorneys' fees or imposition of penalties, fines and liens as provided by this section and any other remedies provided by law. Flagler County reserves the right to inspect all permitted projects in addition to any regulatory agency inspections that may be conducted.

2. In the event of any permit violation, Flagler County shall notify the U.S. EPA, DEP, DOH, or SJRWMD, as appropriate, to inform them of the violation and such agency shall have at least 15 days within which to cure said violation. If after 15 days the violation is not cured, Flagler County at its option may pursue enforcement in its own name on behalf of its citizens. In the event of a serious violation as solely determined by the County, the 15 day notice to other permitting agencies shall not be required, and the County may seek to correct the violation immediately.

3. Any activity not in conformity with the requirements of this section is declared to be a nuisance. The County Administrator shall bring such activities to the attention of the Board of County Commissioners, which may direct the office of the County Attorney to bring appropriate civil action in the court of appropriate jurisdiction for their abatement.

D. Civil remedies. The Board of County Commissioners, or any aggrieved person, may resort to such relief at law or in equity as may be necessary to ensure compliance with the provisions hereof, including injunctive relief to enjoin and restrain any person violating the provisions of this regulation.

E. Civil penalties. Any violation of this regulation may be enforced through Code Enforcement processes as included in Chapter 12 of the LDC and Chapter 9 of the Code of Ordinances and the violator may be ordered to pay a civil fine of $250.00 for each day the violation continues past the date set for compliance, and up to $500.00 per day for repeat violators.

F. Criminal penalties. Violators also may be prosecuted criminally and be subject to a fine of up to $500.00 or imprisonment in the County jail for a term of up to 60 days, or both fine and imprisonment. With respect to violations that are continuous with respect to time, each day the violation continues shall constitute a separate offense.

Section 9 Historical and archaeological resource determinations.

A. All development applications which propose land development activities shall be evaluated to determine whether the construction activity and/or the final development proposal would disturb a historic resource listed on the master site file of the State of Florida or on the County historic register. Historic and archaeological sites shall be incorporated into required setbacks, buffer strips, or open spaces up to the maximum area required by this Land Development Code.

B. If any proposed construction activity and/or final development proposed would disturb a listed historic resource, the applicant shall, in turn, notify the Florida Division of Historical Resources, Bureau of Historic Preservation, Compliance Review Section or any successor agency. No land development activity shall commence on the site for such development until after the applicant has entered an agreement with the Florida Division of Historical Resources which binds the applicant to compliance with any recommended course of action or mitigation requested by the Division in accordance with State law.

C. Development responsibilities.

1. Every applicant/owner/developer who has a project in the County shall affirm to the County that he, she or it has notified the contractor responsible for the project of the potential for historical artifact discoveries during the construction process and that the contractor shall comply with the requirements of this section in the event of a discovery.

2. If an archeological site or individual artifacts are discovered during site preparation or construction, all activity within a radius of 20 feet of the site of the discovery shall immediately be suspended and remain suspended for a period of up to 120 days from the date such finding is reported in writing to the Florida Division of Historical Resources, Bureau of Historic Preservation, Compliance Review Section by the applicant/owner/developer. The Director shall be notified at the same time. Notification shall include an area site map which marks the final development area and includes areas to be disturbed during the construction process. The applicant/owner/developer shall comply with the

course of action, including mitigation, requested by the division in accordance with law.

Section 10 Wildfire hazard mitigation.

A. The Director shall recommend for all development applications west of U.S. Highway 1 that the applicant prepare a wildfire mitigation plan. For development applications east of U.S. Highway 1, the Director may recommend the preparation of a wildfire mitigation plan on a case by case basis. Typically, wildfire mitigation plans address developments which are proposed within the wildland/urban interface.

B. Strategies for the County in regard to identifying Firewise hazards. Communities should understand the importance of Firewise landscaping standards and education. Residents and businesses of Flagler County generally will either locate in the wildland/urban interface or in an urban area. Those residents and businesses should follow the Firewise guidelines outlined below, particularly creating a 30-foot wide defensive space between their home or businesses and the adjacent natural area. Those residents and businesses located in an urban area do not have a similar level of wildfire threat and should landscape according to their distance to a natural area. Developers and applicant should consult the Flagler County Community Wildfire Protection Plan and the Florida Forest Service's website (www.floridaforestservice.com) for additional strategies and advice.

C. Firewise landscaping strategies for residents and businesses in the wildland urban interface:

1. Create a defensible space around your house by clearing all of the most flammable vegetation within 30 feet of the structure.

2. Remove tree limbs within 15 feet of your chimney and remove limbs, especially dead limbs, hanging over your house or garage.

3. Eliminate underbrush located below larger trees.

4. Gradually eliminate low limbs on the trunk of a tall tree as the tree grows. It is best to raise the canopy to 10 or 15 feet above the ground on larger trees in two or more steps over a period of two or more years to avoid numerous or large wounds on the trunk.

5. Locate firewood piles away from the house.

6. Carefully space trees to reduce vegetation density.

7. Remove pine needles from roof and gutters.

D. Firewise landscaping strategies for residents and businesses in an urban area:

1. Locate firewood piles away from the house.

2. Remove excessive vegetation from around the house.

3. Remove pine needles from roof and gutters.

Section 11 Avoidance and minimization.

A. Applicability. Approval shall only be granted for proposed activities that are located, designed, constructed, and maintained to avoid, minimize, and, where necessary, mitigate adverse impacts on regulated natural and historic resources, consistent with:

1. listed plant and animal species habitat of this Chapter;

2. the requirements for surface waters and wetlands found in this Chapter; and

3. the requirements for tree preservation in this Chapter.

B. Avoidance measures. Specific measures for avoidance which will be required prior to authorization of any adverse impact may include, but are not limited to, the following:

1. Limiting the scope, degree or magnitude of the proposed activity.

2. Using appropriate and best available technology.

3. Sensitive site design, siting of facilities, and construction staging activities.

4. Exploring alternative on-site locations to avoid or reduce impacts of activities.

5. Scheduling proposed activities at times of minimum biological activity to avoid periods of migration, rearing, resting, nesting and other species-specific cycles and activities.

6. Managing the access to conservation management areas, such as fencing designed to separate wildlife and pets or to exclude humans from sensitive denning or breeding areas.

C. Minimization measures. The following special design standards may be required to minimize disturbance caused by activities adjacent to natural resources:

1. Minimum setbacks for clearing of native vegetation adjacent to regulated natural resources, or for construction of impervious surfaces greater than 100 square feet in base coverage.

2. Limiting native vegetation removal to the minimum necessary to carry out the proposed activity or to meet fire hazard standards. Protection of tree crowns and root zones may be required for all trees planned for retention.

3. Roads and other development features located to follow existing topography and minimize cut and fill.

4. Designing stormwater to maximize overland flow through natural drainage systems and grassed overland (roadside and lot line) swales; multi-purpose use of stormwater management systems; use across or for multiple properties.

5. Using performance-based treatment systems, or siting septic tanks and drainfields to prevent discharges that adversely impact the environmental quality of regulated natural and historic resources.

6. Limiting residential density and building area.

7. Other reasonable protective measures necessary to minimize adverse effects may be required depending on conditions specific to a particular site.

D. Mitigation measures. Where impacts to regulated natural resources cannot be avoided, mitigation may be required subject to the requirements of regulatory agencies having jurisdiction. Mitigation of significant adverse impacts to conservation or preservation areas within the County shall be required for both public and private projects, in accordance with criteria specific to the resource and criteria generally applicable to mitigation proposals as set forth within this Chapter.

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CHAPTER 9 GENERAL DEVELOPMENT STANDARDS

Section 1 Purpose and intent.

This Chapter includes information pertaining to specific development standards directing the development or redevelopment of land within the County.

Section 2 Measurement of setbacks, height, and other standards.

A. Setbacks, height and other standards are established in each district as listed in the table for each specific zoning district included in Chapter 6. This section provides for the method of measurement of the dimensional standards in the table below:

Table 9-1 – Method of Measurement of Dimensional Standards

Dimensional Standard	*Method of Measurement*
Lot area	Use Property Appraiser parcel data unless survey data is available with greater accuracy.
Lot width	Mean width, taking the average of the sum of the distance across the front lot or parcel line and the distance across the rear lot or parcel line.
Setback	Horizontal distance from the lot or parcel line to the building line. Setback excludes eaves.
Building height	Vertical distance from the established grade at the center of the front of the building to: the highest point of the roof surface for a flat roof; to the deck line for a mansard roof; and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
Lot coverage	Portion of the lot or parcel "covered" by principal and accessory buildings; expressed as a percentage of the total lot/parcel area.
Minimum pervious area	Portion of the lot or parcel to remain open without impervious surfaces; expressed as a percentage of the total lot/parcel area.
Maximum impervious area	Portion of the lot or parcel which is covered by impervious buildings and structures; expressed as a percentage of the total lot/parcel area.
Minimum living area	Total conditioned space in a residential dwelling unit; typically excludes an attached garage.
Density (units per acre)	Typically a maximum or range of dwelling units per acre which may be constructed on a lot or parcel; corresponds to Future Land Use designation or parcel-specific limiting policy related to a particular lot or parcel.
Maximum floor area ratio (FAR)	Non-residential measurement of intensity, calculated as the sum of all vertical floors as a portion of the total lot or parcel area; expressed as a ratio of floor area to lot/parcel area.

Section 3 Parking, loading, and stacking.

A. Minimum off-street parking space requirements.

Table 9-2 – Minimum Off-street Parking Space Requirements	
Use	*Requirement*
Single and two-family dwellings	Two spaces per dwelling unit
Multi-family dwellings	One and one-half spaces per dwelling unit (one bedroom units); One and three-quarters spaces per dwelling unit (two-bedroom units); Two spaces per dwelling unit (three bedrooms or more)
Adult congregate living facility	One space for each unit plus one space for each full-time employee
Planned unit development	Shall meet the space requirements of that particular occupancy. (Exception: The parking requirements for non-residential uses in a PUD may be approved by the Board of County Commissioners.)
Mobile home parks and travel trailer parks	Two spaces per mobile home or travel trailer
Hotels and motels	One space for each sleeping room, plus one space per peak shift employee. Additional spaces for accessory uses such as restaurants and lounges shall also be provided to the extent needed to serve the public other than hotel/motel guests.
All commercial uses excepting motels and hotels	One space for each 300 square feet of gross floor area
Convenience store	One space per 150 square feet of gross floor area devoted to sales, plus one space for each peak shift employee
Restaurant/bar use	One space for each 50 square feet of gross seating area, plus one space for each peak shift employee
Shopping center	Five spaces per 1,000 square feet of gross leasable floor area
Office uses	One space for each 200 square feet of gross leasable floor area
Medical and dental office uses	One space for each 150 square feet of gross leasable floor area
Manufacturing uses	One space for each peak shift employee, plus one space for each 5,000 square feet of gross floor area.
Rental warehouses	Calculations to be based on square footage of office (1 per 300 square feet) plus warehouse (1 per 1,000 square feet). Minimum number per rental unit is three spaces.
Wholesale/warehouse uses	One space for each 1,000 square feet of gross floor area
Institutional uses such as sanitariums, rest homes, hospitals, and nursing homes	One space for each two beds, plus one space for each employee
Place of public assembly such as auditoriums, churches, theaters, and recreational facilities	One space for each four seats
Clubs, lodges, dance, art and music studios and other similar uses	One space for each 200 square feet of gross floor area
Golf courses	Two spaces for each hole plus one space for each 200 square feet of clubhouse, plus one space for each employee

B. Design standards for off-street parking.

1. Standard parking space area and dimensions.

   a. Minimum standard parking space area: 180 square feet.

   b. Minimum standard parking space dimensions: 9 by twenty feet.

2. Handicapped-accessible parking space area and dimensions.

   a. Minimum handicapped-accessible parking space area: 240 square feet.

   b. Minimum handicapped-accessible parking space dimensions: 12 by 20 feet.

   c. Adjacent access aisle minimum width for cars: five feet.

   d. Adjacent access aisle minimum width for van-accessible spaces: eight feet.

3. A motor vehicle may encroach into any adjacent landscaped area a maximum of two feet provided that:

   a. the landscaped area is a minimum of four feet in width for each abutting parking space; and

   b. the landscaped area is properly protected by wheel stops or curbs.

   c. For purposes of measuring the depth of a parking space, no more than two feet of the required parking space depth may extend from the face of the wheel stop or curb into the landscaped area.

4. Drainage. Off-street parking and loading space areas shall be drained to prevent damage to abutting property and/or public street and alleys, and, where more than two off-street parking spaces are required, they shall be surfaced with concrete, paver block, or asphalt materials.

5. Entrances and exits. Landscaping, curbing or other barriers shall be provided along lot/parcel boundaries to control entrance and exit of vehicles. The design of the parking area shall be such that motor vehicles are neither required or encouraged to back into a public street.

6. Screening. See section 9.5.

7. Plans. All parking and landscaping plans shall be subject to site plan review.

8. Change of use for new or existing buildings and structures. Whenever a

change of use occurs, not involving structural enlargement, so that the available parking space count is less than the minimum number required, additional parking spaces shall be provided so as to comply with such requirements in this section.

9. Deviation from parking area surface requirements. Subsection 9.3.B.4. sets forth the pavement requirements for all off-street parking areas. Where the Board of County Commissioners determines that it is in the best public interest to allow alternative parking area surfaces for off-street parking areas based on environmental and development conditions and/or occasional use characteristics (such as overflow parking), the county commission may grant a parking area surface deviation. The total parking area surface deviation granted shall not exceed 25 percent of the area of the required off-street parking spaces of listed in Table 9-2.

10. Alternative parking area surfaces. Off-street parking areas that are not provided with the type of surface specified in subsection 9.3.B.4. shall be graded and surfaced with crushed stone, gravel, or shell material approved by the Development Engineer to provide a surface that is stable and will reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties or similar devices. In addition, whenever such an off-street parking area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the vehicle accommodation area that opens onto such streets) shall be paved as provided in subsection 9.3.B.4. for a distance of 20 feet back from the edge of the paved street. This subsection shall not apply to single-family or two-family residences. The design of the alternative parking areas shall be approved by the Development Engineer.

11. Parking space markings. Parking spaces in areas surfaced in accordance with subsection 9.3.B.4. shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with subsection 9.3.B.10. shall be demarcated with railroad ties or concrete curb stops.

12. Parking area maintenance. Off-street parking areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, parking area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines, curb stops and markings shall be clearly visible.

C. Off-street automobile parking required.

1. Off-street automobile storage or parking space shall be provided on every lot on which any permitted use or special exception is established in accordance with Chapter 6.

2. Off-street parking existing at the effective date of this LDC 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.

D. Flexibility in administration of parking requirements.

1. The Board of County Commissioners recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth in Table 9-2 may result in a development either with inadequate parking spaces or parking spaces far in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation wastes money as well as space that could more desirably be used for environmentally useful open space. Therefore, the Board of County Commissioners following review and recommendation from the Planning and Development Board, may permit deviations from the presumptive requirements of Table 9-2 and may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the standard set forth in Table 9-2.

2. Without limiting the generality of the foregoing, the Board of County Commissioners may allow deviations from the parking requirements set forth in Table 9-2 when it finds that:

a. A residential development is irrevocably oriented toward the elderly or second home retiree market.

b. A business that is primarily oriented to walk-in-trade.

c. There are unique circumstances such as environmental concerns or public and semipublic uses including public parks, churches, organizations operating as a nonprofit activity serving a public purpose, noncommercial clubs, cultural activities, etc.

3. Whenever the Board of County Commissioners allows or requires a deviation from the presumptive parking requirements set forth in Table 9-2, it shall enter into the record the reasons for allowing or requiring the parking deviation. The Board of County Commissioners may require the applicant to reserve a portion of the property in open space for future parking area expansion.

Section 4 Signs. TBD

Section 5 Buffering and screening requirements.

A. Applicability. This section applies to projects meeting at least one of the following criteria:

1. A change in land use or zoning shall be subject to this section. For purposes of this section, a change in land use or zoning shall include any of the

following:

a. a Future Land Use amendment;

b. a rezoning; or

c. a special exception use.

2. Additions or expansions to existing uses shall be governed as follows:

a. On sites two acres or smaller, additions or expansions greater than 5,000 square feet shall be subject to this section. This includes additions cumulatively totaling more than 5,000 square feet following the effective date of this LDC.

b. On sites greater than two acres, additions or expansions greater than 10,000 square feet to an existing structure shall be subject to this section. This includes additions cumulatively totaling more than 10,000 square feet following the effective date of this LDC.

c. Additions or expansions less than 100 feet from any property line shall provide the required buffer along the adjacent property line(s).

d. Additions or expansions more than 100 feet from any property line shall be exempt, except on property lines that abut parcels zoned R-1, R-1A, R-1B, R-1C, R-1D, or R-2.

e. Buffers shall extend between building lines.

3. For purposes of clearing or grading, the owner shall be required to follow at a minimum the standards set forth herein and the standards of stabilization as set forth by the development engineer and other appropriate authorities. The installation of buffers shall not be required until a certificate of occupancy is requested for the developed parcels and at that time only the buffer for each developed parcel should be required. This shall ensure that the proper buffer is established for each use as well as provide for the appropriate timing of installation.

4. Redevelopment of a site, as defined in Chapter 12, shall be subject to this section and shall additionally include any subsequent redevelopment cumulatively totaling more than a 50 percent expansion following [insert effective date], the effective date of this LDC.

5. In instances where a property owner or his agent is in possession of multiple contiguous undeveloped lots or parcels with differing zoning, or in instances where a single undeveloped lot or parcel includes multiple zoning designations, then the property owner may exclude the required buffers separating these differing zonings until such time as development is

commenced, the contiguous use is initiated, or until a certificate of occupancy is requested for the adjacent undeveloped lot or parcel or portion of a lot or parcel with differing zoning designations. In instances where a contiguous lot or parcel with differing zoning, or where a portion of a lot or parcel with differing zoning, is sold by a property owner and the required buffer has not been previously installed, then the required buffer shall immediately be required to be installed by the property owner. In no instance shall this exclusion be used by a property owner to intentionally avoid the installation of a required buffer and, further, the director reserves the right to require the installation of buffers where in his opinion a property owner is attempting to intentionally avoid the installation of the required buffers.

6. This criterion does not apply to a change of occupancy or use where such change is permitted within the subject zoning designation without any additional consideration or process.

7. This criterion does not apply to fences, only to the quantity of plantings and the width of the buffer.

B. Buffer determination. To determine the type of buffer required between two adjacent parcels, refer to the table of buffer requirements and cross-reference the zoning of the parcel proposed for development, redevelopment, or expansion with the zoning district of the adjacent parcel, regardless of whether it is developed or vacant, except as may be provided in any specific development agreement as approved by the Board of County Commissioners. The standards provided are minimum requirements and may be exceeded if so desired, except for fence heights, which shall require approval of the Planning and Development Board to be exceeded.

Table 9-3 – Table of Buffer Requirements

Zoning/use of adjacent parcel	Zoning of parcel proposed for development/redevelopment/expansion										
	CON	AC, AC-2	R-1, R-1A, R-1B, R-1C, R-1D, R-2, MH-1	R-3, R-3B	MH-2, MH-3	R/C	O-1, O-2, C-1	C-2	C-3	I	PLI, PUD, FDD
CON	-	-	A	B	B	B	C	D	D	D	D
AC, AC-2	-	-	A	B	B	B	C	D	D	D	D
R-1, R-1A, R-1B, R-1C, R-1D, R-2,	A	A	-	B	A	A	B	C	C	D	D

Table 9-3 – Table of Buffer Requirements											
Zoning/use of adjacent parcel	Zoning of parcel proposed for development/redevelopment/expansion										
	CON	AC, AC-2	R-1, R-1A, R-1B, R-1C, R-1D, R-2, MH-1	R-3, R-3B	MH-2, MH-3	R/C	O-1, O-2, C-1	C-2	C-3	I	PLI, PUD, FDD
MH-1											
R-3, R-3B	B	B	B	-	A	B	B	B	C	D	D
MH-2, MH-3	B	B	A	A	-	C	C	C	C	D	D
R/C	B	B	A	B	C	-	C	C	C	D	D
O-1, O-2, C-1	C	C	B	B	C	C	-	A	B	C	C
C-2	D	D	C	B	C	C	A	-	A	B	B
C-3	D	D	C	C	C	C	B	A	-	B	B
I	D	D	D	D	D	D	C	B	B	-	C
PLI, PUD, FDD	D	D	D	D	D	D	C	B	B	C	-

Note: - = Buffer not required

C. Buffer categories and options for rear and side yards. The applicant may choose the option to be used within the required category. Plant species selected by the applicant shall be from approved lists maintained by the St. John's River Water Management District for the Waterwise Landscaping program and shall otherwise conform to the provisions of this section.

Table 9-4 – Category A Buffer Options			
	Option 1	Option 2	Option 3
Width of Buffer	5 feet	10 feet	20 feet
Number of Canopy Trees per 100 linear feet	0	0	Undisturbed Natural Vegetation
Number of Understory Trees per 100 linear feet	0	2	Undisturbed Natural Vegetation
Number of Shrubs/Ornamental Grasses per 100 linear feet	20	15	Undisturbed Natural Vegetation
Fence, Wall or Earth Berm	6 to 8 foot wood stockade fence or masonry wall	None Required	None Required

Table 9-5 – Category B Buffer Options			
	Option 1	Option 2	Option 3
Width of Buffer	15 feet	10 feet	20 feet
Number of Canopy Trees per 100 linear feet	1	0	Undisturbed Natural Vegetation
Number of Understory Trees per 100 linear feet	4	4	Undisturbed Natural Vegetation
Number of Shrubs/Ornamental Grasses per 100 linear feet	25	20	Undisturbed Natural Vegetation
Fence, Wall or Earth Berm	None Required	6 to 8 foot wood stockade fence or masonry wall; or 2 to 6 foot earth berm with wood stockade fence or masonry wall installed at highest point to provide 6 to 8 foot high buffer	None Required

Table 9-6 – Category C Buffer Options			
	Option 1	Option 2	Option 3
Width of Buffer	20 feet	10 feet	30 feet
Number of Canopy Trees per 100 linear feet	3	0	Undisturbed Natural Vegetation
Number of Understory Trees per 100 linear feet	3	0	Undisturbed Natural Vegetation
Number of Shrubs/Ornamental Grasses per 100 linear feet	20	20	Undisturbed Natural Vegetation
Fence, Wall or Earth Berm	None Required	6 to 8 foot wood stockade fence or masonry wall; or 2 to 6 foot earth berm with wood stockade fence or masonry wall installed at highest point to provide 6 to 8 foot high buffer	None Required

Table 9-7 – Category D Buffer Options			
	Option 1	Option 2	Option 3
Width of Buffer	40 feet	30 feet	75 feet
Number of Canopy Trees per 100 linear feet	6	4	Undisturbed Natural Vegetation
Number of Understory Trees per 100 linear feet	6	5	Undisturbed Natural Vegetation
Number of Shrubs/Ornamental Grasses per 100 linear feet	33	25	Undisturbed Natural Vegetation
Fence, Wall or Earth Berm	None Required	6 to 8 foot wood stockade fence or masonry wall; or 2 to 6 foot earth berm with wood stockade fence or masonry wall installed at highest point to provide 6 to 8 foot high buffer	None Required

1. Berms shall have a maximum slope of 3:1, a minimum crown width of two

feet, and shall be planted with vegetative ground cover to prevent erosion.

2. Fence installation shall be consistent with acceptable building practices.

D. Buffer requirements for street frontages. The portion(s) of a parcel proposed for development, redevelopment, or expansion abutting on a public street or highway right-of-way shall be buffered as per Table 9-8.

1. Buffers may be planted within the public right-of-way and utility easements if the Development Engineer concludes that such plantings will not be impacted by utilities, roadway expansions, or traffic flow considerations. Planting within the right-of-way and utility easements may account for no more than 25 percent of the total landscape requirement. Parcels zoned R-1A, R-1B, R-1C, R-1D, and R-2 are exempt from this requirement.

Table 9-8 – Table of Street Frontage Buffers

	Parcel Size			
	2 acres or less		Greater than 2 acres	
	Option 1	Option 2	Option 1	Option 2
Planting Strip Adjacent to Public ROW	8 feet	5 feet	10 feet	7 feet
Number of large trees per 100 linear feet of frontage or fraction	1	2	1	2
Number of shrubs per 100 linear feet or frontage of fraction	25	30	25	30
Maximum height of a berm at 3:1 slope	6 feet	2 feet	6 feet	2 feet

2. Berms shall have a maximum slope of 3:1, a minimum crown width of two feet, and shall be planted with vegetative ground cover to prevent erosion.

3. Fence installation shall be consistent with acceptable building practices.

E. Location of buffers.

1. Buffers shall be located along the perimeter of a lot or parcel, and may be located within the public right-of-way or utility easement. If fencing is required, or desired, it shall be located at the property line. A fence shall be

erected so the best aesthetic surface faces the adjacent property.

2. Buffers may be located within the front, rear and side setback required by the LDC.

F. Planting specifications.

1. General requirements. All plant material shall meet American Association of Nurserymen Standards. Plantings shall conform to the following specifications, as applicable:

a. Ground cover of vegetative matter shall be provided throughout the buffer area except in undisturbed natural vegetation areas. If grass is used, it shall be of a species normally grown as permanent lawns in the vicinity of Bunnell, Florida. Grass areas may be sodded, plugged, sprigged or seeded.

b. Canopy tree species shall be a minimum of eight feet in height and have a caliper of at least two inches immediately after planting. Species shall have an average mature crown spread of at least 25 feet when grown in Bunnell, Florida. No canopy trees shall be planted within 20 feet of overhead wires.

c. Understory tree species shall be a minimum of five feet in height and have a caliper of at least one and one-half inches immediately after planting. Species used shall have an average mature crown spread of at least 15 feet when grown in Bunnell, Florida.

d. Shrubs and ornamental grasses shall be a minimum of 12 inches in height when measured immediately after planting.

e. Shrubs or ornamental grasses planted to form hedges shall be an evergreen species and a minimum of 18 inches in height when measured immediately after planting. Shrubs and ornamental grasses planted to form hedges shall be planted no further apart than 30 inches on center.

f. All plantings that die or are destroyed within two years must be replaced.

2. Specific requirements.

a. Placement, installation and irrigation.

(1) To achieve a more natural appearance, plantings should not be evenly spaced or planted in a straight line. Plantings shall be distributed throughout the length of the buffer.

(2) Plantings shall be installed to current nursery industry standards. Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement and shall be removed after 12 months.

(3) The buffer shall provide for the placement of topsoil of a depth sufficient to ensure plant survival.

(4) To ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering, all buffer areas should be provided with means of providing water with one of the following two options:

(a) A permanent built-in irrigation system; or

(b) A temporary watering system (hoses, water tank truck, etc.) which provides sufficient water to ensure that selected plant species can survive adequately on their own once established.

b. Existing vegetation. Preservation of existing stands of natural vegetation and mature trees is a highly desirable aspect of site development and encouraged whenever and wherever existing vegetation will aid in meeting the requirements of this section.

(1) As noted in the buffer category schedule, undisturbed natural vegetation can serve as an adequate buffer and can eliminate the need for any supplemental vegetation within the buffer areas. All such areas must be adequately protected during site development and construction activity.

(2) Mature trees are valuable community assets and should be saved whenever possible. If existing trees (hardwoods or pines) at least eight inches in diameter (measured four and one-half feet above the ground) are used in the buffer or landscaped area, each tree will count double toward meeting the buffer tree requirement.

c. Protection. All required buffer areas, particularly those including trees and shrubs, should be protected from potential damage by adjacent uses and development, including parking and storage areas. Adequate measures shall be installed at the dripline of the tree canopy to protect the tree and root zone.

G. Responsibility for installation and maintenance. The property owner is responsible for the installation and reasonable maintenance of the buffer area. Succeeding owners, lessees, and agents must also reasonably maintain the buffers. The penalty

for failing to install or maintain the required buffer areas is subject to enforcement through Chapter 11, except that in R-1A, R-1B, R-1C, R-1D, and R-2 zoning districts, maintenance of any buffer shall be at the discretion of the individual homeowner following installation of any buffer during initial development of the site.

H. Timing of buffer installation. Required buffers shall be installed in accordance with the following schedule:

1. New development, redevelopment, or expansions. Dimensions, category and option of buffer installation shall be submitted to the Department prior to the issuance of a certificate of occupancy.

2. Change in land use or zoning. Site plans submitted with the Future Land Use amendment, rezoning, or special exception application shall depict the location, dimensions, category, and option of required buffers and buffer installation and shall be submitted to the Department as part of the application submittal for the requested change in land use, zoning, or special exception. No change in land use, zoning, or special exception may be heard by the Planning and Development Board without the submittal of site plans addressing required buffers as provided in this section.

3. Where a buffer includes new plantings, a property owner or developer may submit an affidavit requesting a postponement in planting to allow for installation to occur at a time which better coincides with the normal planting season, generally between November 1 and March 30 of each year.

I. Exceptions and modifications.

1. All development including all County-owned property, school district property, etc. shall comply.

2. Modifications to the standards of this section may be granted in writing within 10 working days by the Director if any of the following circumstances exist on the proposed building site, or adjacent properties:

a. Natural land characteristics, such as topography or existing vegetation on the proposed building site, would achieve the same intent of this section.

b. Innovative buffering or architectural design is employed on the building site to achieve an equivalent screening or buffering effect.

c. The developer shall submit sufficient documentation in support of the request for modification to the Director a minimum of 60 days in advance of requesting issuance of a site development permit.

J. Screening required for trash areas, dumpsters and outdoor storage areas visible from any public street or from residential uses and zones. Trash areas, dumpsters

and outdoor storage areas visible from any public street or from residential uses and zones shall be screened with plants, opaque fencing, or masonry walls on three sides in such a manner as to provide a minimum of six feet, but no more than eight feet, of vertical visual obstruction. This section shall not apply to parcels zoned R-1A, R-1B, R-1C, R-1D, and R-2.

K. Variances. The Planning and Development Board may hear requests for variances from provisions of this section in accordance with the procedures set forth in Chapter 4.

L. Administration and enforcement.

1. Administration. In projects involving issuance of a building permit or certificate of occupancy, the Chief Building Official shall receive an affidavit executed by the property owner or developer acknowledging the completion of, or commitment of completing by a certain date, the buffer installation prior to issuance of the certificate of occupancy.

a. In instances where the buffer installation has not taken place prior to issuance of the certificate of occupancy, then an acceptable guaranty or surety in an amount equal to 110 percent of the value of the buffer and its installation shall be posted with the Department. This guaranty or surety shall remain in full effect until the required improvements are installed, inspected, and approved for release by the Director.

2. Appeals. The County Administrator may hear requests for appeals in accordance with the procedures set forth in Chapter 4.

3. Violation. It shall be unlawful for any person to violate or fail to comply with any provision of this section. Violators shall be subject to penalties as set forth in Chapter 11.

Section 6 Landscaping.

A. Applicability, scope and compliance.

1. General applicability. The requirements and standards for the installation and maintenance of the grasses, ground covers, shrubs, understory trees, and canopy trees required to be preserved or replaced on a lot or parcel under development or redevelopment are applicable as follows:

a. Minimum landscape development in publicly and privately developed land use areas;

b. Landscape planting areas in off-street parking facilities and other vehicular use areas shall apply to all new development and redevelopment in the County, except single- and two-family

dwelling units and agricultural uses;

c. Buffer yard area requirements between uncomplimentary land uses and districts as described in section 9.5.

2. Portions of a developed area left in its natural state. It is the intent of this section to encourage the use of natural areas as a partial or whole credit in meeting the landscape development requirements of this section.

B. Landscape development standards. To ensure the attainment of the objectives of this section, the design and installation of required landscaping shall be consistent with the following standards unless it can be demonstrated to the Director that alternative design and installation plans will meet the objectives of this section. The landscape development standards contained herein shall apply whenever a building permit or landscape plant are required.

1. Landscape area requirements. Multifamily residential, mobile home park, office, commercial or public land uses shall devote a minimum of 15 percent of the total developed area, including the buffer requirements of section 9.5, to pervious landscape areas. At least one-third of the minimum required area must be contained within the interior area of the site.

2. Industrial land uses. Industrial land uses shall devote a minimum of 10 percent of the total developed area to landscape development.

3. Single family dwellings. Each single family lot must provide at least one tree per 3,000 square feet of lot area for the first quarter acre of lot area. For lots exceeding one-quarter acre, one tree for every additional one-quarter acre, or major fraction thereof, must be preserved or planted. Existing shade trees, sabal palms, and pine trees may be used to satisfy this requirement, in whole or in part, provided that they have a minimum caliper of two and one-half inches DBH and overall height of 10 feet. When trees are planted to meet the minimum requirement they must be shade trees meeting the material standards of this section.

4. John Anderson Highway/Old Kings Road. All residential and commercial development lying south of State Road 100 and abutting John Anderson Highway or Old Kings Road shall provide a minimum 25 foot landscape buffer easement adjacent and parallel to the road right-of-way. This requirement does not apply to intersecting roadways, canals or electric transmission easements. Within said buffer, a minimum of one tree per 40 lineal feet must be preserved and/or planted. Shrubs and understory vegetation shall be planted between trees. This buffer may be included as part of a larger lot, tract or parcel. Except for fences and walls approved as part of a planned unit development (PUD), the minimum landscape buffer area must be kept free of structures such as fences, sheds, swimming pools, etc.

5. Off-street parking and vehicle use areas. Off-street parking facilities and other vehicular use areas, excepting permitted accessways, shall meet the following requirements; however, at the option of the owner, the perimeter buffer requirements of section 9.5 may alternately apply, except within the A1A Scenic Corridor:

a. Perimeter requirements.

(1) Front perimeter landscape areas. An average ten-foot-wide strip of land, located between the front property line and abutting a building or vehicular use area shall be landscaped. Width of sidewalks shall not be included within the average ten-foot-wide front perimeter landscape area. The landscaped strip of land shall be increased to 25 feet wide for properties abutting S.R. 100 or U.S. Highway 1. These minimum front perimeter buffer width requirements supersede those listed in section 9.5.

(1a) Front perimeter landscape areas in the A1A Scenic Corridor. Developments shall provide a wide landscaped strip located between the property line and the developed area. The width of this landscape buffer shall be a minimum average of 25 feet for properties with a lot depth of 100 feet or less, with no buffer width less than 20 feet. For properties with a lot depth greater than 100 feet the perimeter shall be a minimum average of 25 percent of the lot depth, up to a maximum of 40 feet, with no buffer width less than 25 feet. Width of sidewalks shall not be included within the front perimeter landscape buffer. The intent of this requirement is to create an undulating, diversified non-uniform perimeter buffer for the A1A Scenic Corridor that is in keeping with the existing natural and non-regimented character of the area. Developed areas such as septic systems, stormwater facilities, vehicular use areas including parking and access aisles (not including access driveways), solid waste facilities including dumpsters, storage buildings, and similar features or structures are not allowed in perimeter landscape buffers; provided however, that undulating dry retention basins may intrude up to 10 percent of the perimeter landscape buffer where necessary to save index trees elsewhere on the property.

(2) Side and rear perimeter landscape areas. A five-foot-wide strip of land, located between the side and rear property lines and the vehicular use area, shall be landscaped, except that where the strip of land to be landscaped is between a side or rear property line and a vehicular use area used as an accessway, a four-foot-wide strip of land shall be

landscaped. Common driveways serving adjacent property are exempt. The landscaped strip of land shall be increased to 25 feet wide for multifamily projects. These minimum side and rear perimeter buffer width requirements supersede those listed in section 9.5.

(2a) Side and rear perimeter landscape areas in the A1A Scenic Corridor. A 10 foot wide landscape strip buffer of land, located shall be required along the side and rear property lines. The minimum width of this landscape buffer shall be 15 feet for the side and 20 feet for the rear for a nonresidential use when adjacent to residential uses or zoning. No landscape buffer is required for a nonresidential use when it is adjacent to nonresidential uses or zoning, but tree planting shall still be required or in the case of like commercial uses, where no setbacks or landscape areas are required. Common driveways and sidewalks serving adjacent properties are exempt from perimeter requirements.

b. Material requirements in perimeter area.

(1) Tree count. The total tree count requirements within the front setback perimeter landscape area shall be determined by using a ratio of one tree for each 25 linear feet of lot frontage or major portion thereof with no less than 50 percent of said trees being native shade trees. The total tree count requirement within the side and rear perimeter landscape areas shall be determined by using a ratio of one tree for each 50 linear feet with no less than 50 percent of said trees being native shade trees. The total tree count requirement within the side and rear perimeter landscape areas for multifamily projects shall be determined by using a ratio of one tree for each 25 linear feet with no less than 50 percent of said trees being native shade trees.

(1a) Tree count in the A1A Scenic Corridor. The total canopy tree count requirements within the front, side, and rear perimeter landscape buffer shall be determined by using a ratio of one planted tree for each 25 linear feet of perimeter or one preserved tree of at least 14 inches of caliper for every 50 linear feet of perimeter. Perimeter calculations shall exclude up to no more than 24 feet of access ways through the perimeter in the calculation. Preserved trees may be located up to 15 feet outside the required perimeter landscape strips, or when no strip is required, away from the property line. If trees are preserved or planted outside of landscape strips, landscape islands must be at least 300

square feet and must conform with critical root zone standards, with the tree placed approximately in the middle of the island. No fewer than 75 percent of the required trees shall be native trees identified on the Interim Index Tree List. If salt air exposure is not a limiting factor as determined by the County Administrator, no more than 25 percent of the required trees may be palm trees, which must be at least 12 feet high in height at the time of planting. For development sites greater than one acre, no more than 50 percent of the new trees planted shall be from the same genus (for example oak).

(1b) Tree preservation required in the A1A Scenic Corridor. Preservation of all existing native trees larger than six inches in caliper is required within the perimeter area except for access ways.

(1c) Understory trees in the A1A Scenic Corridor. Installation or preservation of eight understory trees not less than six feet in height, and one inch caliper measured at six inches above ground from the Interim Understory Tree List for each 100 lineal feet of front perimeter abutting the public vehicular right-of-way less the frontage for access ways.

(1d) Trees shall be interspersed with understory shrubs using a ratio of one shrub for each 12½ linear feet of lot frontage or major fraction thereof. Shrubs shall be a minimum of 48 inches in height and shall be from the Interim Shrub List or those marked "U" on the Interim Index Tree List for the A1A Scenic Corridor.

(2) Ground cover. Grass or other ground cover shall be placed on all areas within the front, side and rear setback perimeter landscape areas not occupied by other landscape material or permitted accessways.

c. Visual screen in perimeter area.

(1) Perimeter landscape areas. A visual screen shall be placed within the perimeter landscape areas and shall run the entire length of such abutting property line, except at permitted accessways.

(2) Light penetration and height. A visual screen shall be installed to provide an opaque, continuous screen not lower than 30 inches, except at permitted accessways. The minimum visual screen height shall be increased to 48 inches for multi-family projects.

d. Cross-visibility standards for setback areas. A sight triangle shall be provided at those points where an accessway intersects a public right-of-way. The area within the sight triangle shall be provided at those points where an accessway intersects a public right-of-way. The area within the sight triangle shall be maintained in accordance with this section.

(1) Cross-visibility level. An unobstructed cross-visibility between three and eight feet above the level of the center line of the public right-of-way shall be maintained within the sight triangle.

(2) Trees. Trees having limbs and foliage trimmed so that the cross-visibility is not obscured shall be allowed to overhang within the sight triangle, provided the location of the tree itself does not create a traffic hazard.

e. Interior planting areas.

(1) Size. In vehicular use areas within the interior of a site, one 250 square foot planting area shall be required for each 5,000 square feet or majority portion thereof of vehicular use area, and a native shade tree together with other landscape material shall be planted within such planting area. Interior planting areas shall be located to most effectively relieve the monotony of large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic, and shall be no less than six feet in width.

(1.a.) Size of interior planting areas in the A1A Scenic Corridor. In vehicular use areas within the interior of a site, one planting area, containing at least one index tree with a minimum caliper of four inches at six inches above ground, of at least 400 square feet in area and no less than 15 feet in width shall be required for each 4,000 square feet or major fraction thereof, of vehicular use area. If palm trees are used to meet this requirement, a three to one ratio shall be used with a minimum height of 12 feet for each palm. If salt air exposure is not a limiting factor as determined by the County Administrator, no more than 30 percent of the required trees in the landscaped islands may be palm trees. Interior landscaped areas shall be dispersed so as to define aisle ends and to limit unbroken rows of parking to a maximum of 80 linear feet. For development sites greater than one acre, no more than 50 percent of the new trees planted shall be from the same genus (for example oak). Where it is suitable, trees may be planted and preserved in

clusters rather than individually to increase shaded areas and to improve long-term survivability and longevity of trees. Planting trees in clusters or groups rather than individually allowing a minimum of 400 square feet per tree in each group or cluster shall be encouraged. Planted trees shall conform to the requirements below.

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

6. Buffer standards relating to uncomplimentary land uses and zones.

a. The following shall constitute uncomplimentary uses and zones; however, at the option of the owner, the perimeter buffer requirements of section 9.5 may alternately apply, except within the A1A Scenic Corridor:

(1) Office use or zones, when abutting to single-family housing use or lands zoned for single-family housing.

(2) Mobile home park use or zones, when abutting to single-family housing, two-family housing, multifamily housing and office uses, and lands zoned for single-family housing, multifamily housing and office uses.

(3) Commercial uses or zones, when abutting to single-family housing, two-family housing, multifamily housing or mobile home park or mobile home subdivision uses or lands zoned for single-family housing, multifamily housing or mobile home park or mobile home subdivision uses.

(4) Industrial uses or zones, when abutting to any nonindustrial uses or zones.

(5) All residential uses or zones, when abutting any public park.

b. In uncomplimentary land uses or zones, a buffer strip shall be required. Said buffer strip shall be at least 10 feet in width the entire length of all such common boundaries.

b.1. A buffer strip in the A1A Scenic Corridor shall be required between uncomplimentary land uses or zones. No new structures shall be placed within 50 feet of an existing residential primary structure on an adjoining uncomplimentary land uses or zones. No new structures shall be placed within 50 feet of an existing residential primary structure on an adjoining parcel. Twenty-five feet of the buffer strip shall be used for a vegetative buffer. Such 25 foot buffer areas shall include a wall, fence, hedge, or natural vegetation area of

at least six feet in height that will screen single-family housing uses or lands zoned for single-family housing from more intensive uses. Any wall or fence installed or used for this purpose must be placed along the property line, but may be offset up to 10 feet from the property line or interrupted to avoid impacting trees.

c. Buffer material requirements shall be as follows:

(1) Tree count. The total tree count required within the buffer strip shall be determined by using a ratio of one tree for each 25 linear feet of required buffer strip, or majority portion thereof, with a minimum of 50 percent of said trees being native shade trees. Trees shall be spaced so as to allow mature growth of shade trees.

(2) Ground cover. Grass or other ground cover shall be planted on all areas of the buffer strip required by this section which are not occupied by other landscape material.

(3) Visual screen. A visual screen running the entire length of all common boundaries shall be installed within the buffer strip, except at permitted accessways. Such strips shall provide a minimum of 60 percent opacity for that area between the finished grade level at the common boundary line and six feet above said level and horizontally along the length of all common boundaries. A six-foot-high solid wall or fence may be substituted to meet the visual screen requirements of this section when existing trees located in the buffer strip prevent the development of a planted landscape screen.

(4) Prevailing requirement. Whenever parcels of land fall subject to both the perimeter landscaping requirements and the uncomplimentary land use buffer strip requirements of the article, the latter requirement shall prevail.

7. Buffer standards relating to multifamily uses and zones.

a. In multifamily land uses or zones, a buffer strip shall be required; however, at the option of the owner, the perimeter buffer requirements of section 9.5 may alternately apply, except within the A1A Scenic Corridor. Said buffer strip shall be at least 25 feet in width the entire length of all such common boundaries.

b. Buffer material requirements shall be as follows:

(1) Tree count. The total tree count required within the buffer strip shall be determined by using a ratio of one tree for

each 25 linear feet of required buffer strip, or majority portion thereof, with a minimum of 50 percent of said trees being native shade trees. Trees shall be spaced so as to allow mature growth of shade trees.

(2) Ground cover. Grass or other ground cover shall be planted on all areas of the buffer required by this section which are not occupied by other landscape material.

(3) Visual screen. A visual screen running the entire length of all common boundaries shall be installed within the buffer strip, except at permitted accessways. Such strips shall provide a minimum of 60 percent opacity for that area between the finished grade level at the common boundary line and six feet above said level and horizontally along the length of all common boundaries. A six-foot-high solid wall or fence may be substituted to meet the visual screen requirements of this section when existing trees located in the buffer strip prevent the development of a planted landscape screen. If the solid fence or wall is substituted, it must be located behind a visual screen of shrubs planted at a minimum height of 24 inches and not exceeding three feet on center. The minimum height of the shrubs shall be four feet and the maximum height shall be six feet.

(4) Prevailing requirement. Whenever parcels of land fall subject to both the perimeter landscaping requirements and the multifamily land use buffer strip requirements of this section, the latter requirement shall prevail.

8. Plant material standards.

a. Unless otherwise provided herein, only Florida No. 1 or better plant material as described in "Grades and Standards for Nursery Plants," Part I 1963 and Part II, State of Florida, Department of Agriculture, Tallahassee, shall be credited on the landscape development requirements of this section.

b. Portions of a developed area left in the natural state shall be credited in the landscape development requirements of this section.

c. Trees shall be subject to the following:

(1) Height. Trees shall have a minimum height of eight feet and minimum diameter of one and one-half inches measured at four and one-half feet aboveground at the time of planting.

(1a) Height and rootball size in the A1A Scenic Corridor. Trees

shall have a minimum height of 12 feet and a minimum diameter of four inches measured at six inches above ground at the time of planting. The rootball shall have a 95-gallon minimum container or equivalent rootball size. The minimum rootball size diameter shall be 40 inches or, if in a growbag, shall have a diameter of 30 inches minimum.

(2) Crown spread. Species of trees which will meet the twenty-foot mature height requirement, but will have an average mature crown of less than 20 feet, may be substituted by grouping the same so as to create the equivalent of a crown spread of 20 feet.

(3) Planting area. The planting area for each tree shall be a minimum of 100 square feet around the trunk of the tree and shall be maintained in either vegetative landscape material or pervious surface cover.

(4) Plant materials shall conform to the standards for Florida No. 1 or Florida Fancy as stated in "Grades and Standards for Nursery Plants," (current version) State of Florida Department of Agricultural and Consumer Services Division of Plant Industries. The preservation and use of native vegetation is highly encouraged. Plant materials selected shall be the best suited to withstand the soil and physical conditions of the site. Plant materials that are freeze and drought tolerant are preferred.

(5) Tree planting and maintenance procedures for replacement trees shall follow the "Tree, Shrub and Other Woody Plant Maintenance Practices," on pruning, fertilization and support systems called the ANSI (American National Standards Institute) A300 Standard. Transplanting and establishment of trees shall follow those described in Typical Tree Bid Specifications for Florida, part 2 (shipping and handling) part 3 materials, and part 4 (execution) developed by the University of Florida, the Florida Urban Forestry Council and the Florida Chapter of the International Society of Arboriculture.

(6) Maintenance practices on the protected trees on the site shall follow the pruning, fertilization and support practices contained in the ANSI A300 Standard.

(7) Plant materials must be maintained in a healthy condition in perpetuity.

d. Shrubs and hedges shall be subject to the following:

(1) Minimum height. They shall be a minimum height of 12 inches at the time of planting. The minimum planting height shall be increased to 24 inches for multifamily projects.

(2) Opacity conformance. When used to meet the visual screening requirements of this section, they shall conform to the opacity requirements within three years from the time of planting.

(3) Prohibited species. No species of deciduous shrub shall be credited on the visual screening requirements of this subsection.

(4) Placement. The placement of shrubs used to fulfill the visual screening requirements shall not exceed five feet on center, and shall be no closer than two feet to the edge of any pavement. For multifamily projects, the visual screening requirements shall not exceed three feet on center.

e. Vines, groundcover, lawn grasses, synthetic plant material, and architectural planters shall be subject to the following:

(1) Vines. Vines shall be 30 inches in length within one calendar year from the time of planting.

(2) Groundcovers other than lawn grasses. Groundcovers other than lawn grasses shall be planted so as to provide 75 percent coverage within one calendar year from the time of planting.

(3) Lawn grasses. Lawn grasses shall be subject to the following:

(a) Lawn grasses planted for credit on the landscaping requirements shall be perennial species capable of thriving in the County.

(b) Lawn grasses shall be planted so as to achieve complete coverage within two calendar years from the time of planting.

(c) Grasses may be sodded, sprigged, plugged or seeded except that solid sod shall be used in swales or other areas subject to erosion.

(4) Synthetic plant material. No credit shall be granted for use of artificial plant material.

(5) Architectural planters. Credit shall be given for use of architectural planters which meet the following criteria:

(a) Architectural planters for shrubs shall have a planting area of not less than 10 square feet and a depth of not less than 18 inches.

(b) Architectural planters for trees shall have a planting area of not less than 12 square feet and a depth of not less than four feet.

f. Irrigation or access to irrigation shall be provided for all landscaped areas. Such irrigation shall also be indicated on the landscape plan required herein.

C. Landscape plan and permit procedure.

Whenever the provisions of this section are applicable, a building permit shall be required.

1. Submission of landscape plan. A landscape plan shall be submitted where required for site plan review and upon application for a building permit. The landscape plan shall include sufficient information for the County to determine whether the proposed landscape improvements are in conformance with the landscape standards and other requirements of this section. General areas of native vegetation to be preserved shall be shown on the plan.

2. Contents of landscape plan. The landscape plan shall be submitted to the County and shall include at a minimum a description of the species, size, quantity and location of all trees, shrubs and landscape material and a depiction of the site including proposed structures, vehicle use areas and relationships of the site to adjacent public or private streets and properties.

3. Permit procedures. The following procedures and requirements shall be followed by the applicant and the County:

a. Applications for approval of landscape plans shall be made to the County, at the time an application is submitted to the County for a building permit.

b. No building permit, if required, shall be issued unless and until the County has approved the application for a landscape plan.

c. A certificate of occupancy shall be issued, when the County has determined that required site improvements have been installed according to the approved application and plan. In cases of hardship a guaranty equaling 150 percent of the unfinished landscape

improvements identified in the approved plan shall be posted for a period not exceeding 60 days.

d. A copy of the approved permit and plan shall be available on site during installation of landscape improvements.

e. If landscaping is not installed in accordance with the approved permit, then, prior to the issuance of certificate of occupancy or occupancy of the building, an amended site plan must be filed and approved by the County reflecting the final landscaping plan actually installed.

D. Variances and exceptions.

1. Variances. The Planning and Development Board is hereby designated as the landscape and buffer yard board of adjustment and is authorized to consider variances in specific cases where such variances will not be contrary to the public interest and where, owing to special conditions a literal enforcement of the provisions of this section would result in unnecessary hardship. All requirements, procedures, findings and appeals of landscape and buffer yard variances shall follow those provisions for zoning variances as outlined in Chapter 4.

2. Exemptions. In application for the planned unit development classification as described in Chapter 6, or any amendments thereto, the following provisions shall apply:

a. The landscape buffer requirements between uncomplimentary land uses or zones existing within the planned unit development itself do not apply.

b. Where a planned unit development would require to construct and maintain a buffer adjacent to other properties as provided in this section, said requirement may be waived by the County provided a transitional character has been achieved through the design of the planned unit development.

E. Maintenance, preservation and use standards.

1. Maintenance.

a. All required plant material shall be maintained in Florida No. 1 grade or better condition as described in "Grades and Standards for Nursery Plants," Part I, 1963 and Part II, State of Florida, Department of Agriculture, Tallahassee.

b. Structural elements relating to nonliving landscape material shall be maintained in good condition at all times.

2. Replacement. Dead plant material shall be replaced in accordance with the provisions of this section and within a time period appropriate to the growing season of the species in questions, not exceeding 90 days.

3. Protection of landscape material. All required landscape areas shall be protected from unpermitted vehicular encroachment by the use of wheel stops, curbing or other suitable methods.

4. Use of landscape area. No required landscape area shall be used for parking, except encroachment as provided in this section, or for accessway structures, garbage or trash collection or any functional uses contrary to the intent and purposes of this section.

F. Enforcement.

1. Whenever the County determines that a violation of this section exists, the County shall give written notice of the violation to the applicant and owner. The code enforcement officer is empowered to enforce the provisions of this section.

2. Penalties. In addition to general penalties available to the County through s. 125.66, F.S., any violation of this section may be enforced through the enforcement provisions of Chapter 11 and violators may be ordered to pay a fine not exceeding $250.00 for each day the violation continues past the date set for compliance.

G. Flagler County shade trees.

Table 9-9 – Flagler County Shade Trees	
Native Shade Trees	*Other Acceptable Shade Trees*
Elm, Winged (U. Alata)	Ash, Green (Fraxinus Pennsylvanica)
Hickory, Pignut (C. Glabra)	Camphor (Cinnamomum Camphora)
Magnolia, Southern (M. Grandiflora)	Elm, Chinese (U. Parvifolia) flora)
Maple, Red (A. Rubrum)	Elm, Drake (U. Parifolia Var. Drake)
Oak, Laurel (Q. Laurifolia)	Oak, Shumard (Q. Shumardii)
Oak, Live (Q. Virginiana)	Pecan (C. Illinoensis)
Southern Red Cedar (Juniperus Silicicola)	Sycamore (Platannus Occidentalis)
Sweetgum (Liquidambar Styraciflua)	
Oak, Water (Q. Nigra)	Other trees as may be allowed by the County Planner and State Forester.

FAMILY:
C = Carya
M = Magnolia
A = Acer
Q = Quercus
U = Ulmus

Section 7 Open space.

A. Areas recognized and dedicated by plat as open space shall be maintained in perpetuity by the authority or named entity holding ownership or maintenance responsibility, as applicable, over the open space lands. In the event of any default, the County shall hold first right of refusal over the conveyance of any open space to any third party entity. This is intended to prevent the conveyance of open space by tax deed to a disinterested third party.

B. For a single lot or parcel, open space shall include the area within any required setback.

Section 8 Stormwater management.

A. Incorporation of rules and regulations.

1. Flagler County through this section adopts and incorporates by reference the rules and regulations of the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, Florida Department of Environmental Protection, Florida Department of Transportation, and the St. Johns River Water Management District pertaining to the regulation of stormwater.

2. For those activities which require authorization of one or more of the above-listed agencies, the granting of authorization by all of the agencies regulating the activity shall constitute authorization for the activity from Flagler County under this section. Failure to obtain authorization from one or more agencies which regulates the activity shall constitute failure to obtain authorization from Flagler County unless the activity is exempted under this section.

3. Exempted from the requirements of this section is any new development which is either:

a. The construction of one single-family dwelling unit, duplex, triplex or quadruplex, provided the dwelling unit or structure is not part of a larger common plan of development or sale;

b. Silvicultural activities that are constructed and operated in accordance with the rules of other permitting agencies and the current edition of the Silviculture Best Management Practices Manual published by the State of Florida; or

c. Any other construction activity that involves:

(1) Less than 500 square feet of impervious or semi-impervious surface area subject to vehicular traffic, including roads, parking lots, driveways and loading zones;

(2) Less than 1,000 square feet of building area or other impervious area not subject to vehicular traffic; or

(3) Less than one acre of recreational area, including but not limited to golf courses, tennis courts, putting greens, driving ranges, or ball fields.

d. Any new development not exempted by this section but for which no permit is obtainable from the permitting agency shall meet any specific requirements provided as part of the permitting process in subsection 9.8.B.

B. Permitting.

1. Subsequent to the effective date of this LDC, any owner or developer shall furnish to the County Administrator a copy of any stormwater permits issued by the COE, USEPA, DEP, DOT or the SJRWMD after the adoption of this section. In addition, the owner or developer shall furnish a copy of any permit applications, applicable engineering drawings, engineering calculations, test reports, as-built construction drawings and signed and sealed completion reports, as well as any amendments or revisions thereto, to the County Administrator.

2. Any owner or developer who has obtained a stormwater permit prior to the effective date of this LDC shall furnish a copy of said permit to the County Administrator. A permit in this context means, in addition to the permit and any amendments thereto, the following which shall be provided to the County Administrator or his designee: The permit application and any amendments thereto and any testing or monitoring reports prepared in conjunction with or subsequent to the issuance of the permit, engineering drawings and calculations and any amendments or revisions, any as-built construction drawings and the signed and sealed completion report.

3. Any applicant obtaining a permit issued by a permitting agency shall be issued a Flagler County permit subject to the following conditions:

a. the applicant shall utilize best management practices for erosion and sediment control during construction;

b. the applicant shall furnish to the County Administrator a copy of any inspection report by a permitting agency when issued by the permitting agency; or

c. the applicant will comply with all maintenance requirements imposed by the permitting agency.

4. In the event the applicant fails to comply with these conditions or the

permitting agency declines to enforce them or fails to conduct inspections or monitoring, Flagler County may enforce such conditions.

5. If an applicant intends to utilize excess drainage capacity to accommodate new development that is subject to this section, the applicant will be limited to using specific drainage basins established by the applicant. The applicant shall also furnish any public drainage easements if required by the County in connection with the use of such excess capacity.

6. This section regulating stormwater management shall not affect or govern the application of Policy D.4.4.1.

C. Enforcement.

1. In addition to the enforcement authority of the COE, USEPA, DEP, the DOT or the SJRWMD, Flagler County shall enforce the standards incorporated by reference in this section. Flagler County reserves the right to inspect all permitted projects in addition to any regulatory agency inspections that may be conducted. Further, the Development Engineer shall be notified, in writing, at least seven days prior to the commencement of construction on any permitted project. Such enforcement mechanisms shall include, but not be limited to, stop work orders, injunctions, and recovery of costs, expenses, expert fees, and reasonable attorneys fees. Flagler County may also seek penalties, fines and liens through its enforcement processes in Chapter 11.

2. In the event of any violation, Flagler County shall notify the COE, USEPA, DEP, DOT or SJRWMD, as appropriate, to inform them of the violation and such agency shall have at least 15 days within which to cure said violation. If after 15 days the violation is not cured, Flagler County at its option may pursue enforcement in its own name on behalf of its citizens. In the event of a serious violation as solely determined by the County, the fifteen day notice to other permitted agencies shall not be required, and the County may seek to correct the violation immediately.

3. Any activity not in conformity with the requirements of this section are declared to be nuisances. The County Administrator shall bring such activities to the attention of the Board of County Commissioners which may direct the County Attorney to bring appropriate civil action in the court of appropriate jurisdiction for their abatement.

D. Civil remedies. The County, or any aggrieved person, may resort to such relief at law or in equity as may be necessary to ensure compliance with the provisions hereof, including injunctive relief to enjoin and restrain any person violating the provisions of this section.

E. Civil penalties. Any violation of this section may be enforced through Chapter 11 and the violator may be ordered to pay a civil fine up to $250.00 per day per violation for each day the violation continues past the date set for compliance and

up to $500.00 per day per violation for repeat violators.

F. Criminal penalties. Violators also may be prosecuted criminally and be subject to a fine of up to $500.00 or imprisonment in the county jail for a term of up to 60 days, or both fine and imprisonment. With respect to violations that are continuous with respect to time, each day the violation continues shall constitute a separate offense.

G. Effect on County's rights concerning permit applications. This section does not alter any rights of the County to intervene in or otherwise challenge the grant of stormwater permits(s) by the COE, USEPA, DEP, DOT, SJRWMD, or any other governmental agency or entity.

Section 9 Water and wastewater service.

A. Each lot or parcel subsequently created after the effective date of this LDC shall be appropriately sized so as to accommodate either:

1. private, potable well installation with an on-site disposal system (OSDS) permitted by the County Health Department; or

2. connection to community potable water through a central system with an on-site disposal system (OSDS) permitted by the County Health Department; or

3. connection to community potable water through a central system with connection to a central sanitary sewer system for off-site treatment and disposal.

B. It is the intent of the Board of County Commissioners that lots and parcels upon which private, independent systems are permitted shall anticipate, where feasible, that future connection to central water and/or sanitary sewer systems will occur and to make plans accordingly to accommodate future connections.

1. New subdivisions shall, where feasible as determined by TSR, include the installation of dry utility lines in anticipation of the availability of future connections.

C. Where feasible, lowest quality sources of water are to be used first so that higher quality potable water is reserved for drinking water purposes and not utilized for irrigation.

1. The use of private wells for irrigation purposes is discouraged in favor of the reuse of collected stormwater or, where feasible as determined by TSR, the installation of dry utility lines in anticipation of future connection to central reuse water resulting from the sewage treatment process.

D. The Board of County Commissioners assumes no ownership or maintenance responsibility over water and wastewater services except to the extent that the

County has or will otherwise made such determinations. It is the policy of the Board to remain as the provider of last resort.

Section 10 Access management.

A. Access to streets. Access to streets shall be maintained in accordance with the following requirements:

1. Each principal use shall be placed on a lot or parcel which provides frontage on a public street or approved private street dedicated for the use of certain lots or parcels but not accepted for maintenance by the Board of County Commissioners having a right-of-way or private street frontage on a tract dedicated for such purposes of not less than 20 feet.

2. The Development Engineer has the authority to direct, based on accepted engineering practices and methodologies, culvert sizes and driveway widths for lots or parcels connecting to a County right-of-way or private street tract within the County's jurisdiction and permit authority.

3. No driveway edge as measured at the intersecting property line shall be closer than the minimum setback to any adjacent lot or parcel.

4. The width of any residential driveway, as measured at the intersecting property line parallel to the right-of-way or private street tract shall not exceed 24 feet.

5. Minimum separation for driveways on a single lot or parcel is as follows:

Table 9-10 – Minimum Driveway Separation on a Single Lot or Parcel

Posted Speed of Adjacent Roadway (in Miles per Hour)	Minimum Driveway Spacing from Centerline to Centerline (in Linear Feet)
15	40
25	60
35	80
45	100
50	120
55	150

B. Sight triangle vision clearance. In all use districts, no solid fences, wall, shrubbery, sign, marquee or other predominantly opaque obstruction to vision between the heights of three feet and eight feet from the street level as measured from the centerline shall be permitted or maintained within greater distance as provided by:

1. the distances prescribed by the Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways; or

2. a minimum of 20 feet from the intersection of the right-of-way lines of two streets or railroad lines, or of a street intersection with a railroad line, or street right-of-way with a driveway.

Section 11 Street network.

A. All public and private streets, including such alleyways and easements of record as are necessary to provide access to lots and parcels within the unincorporated area of the County, shall comprise the street network; however, the County shall only have maintenance authority over those streets dedicated to the public and accepted for maintenance through acceptance of a subdivision plat and recordation or through other action of the Board of County Commissioners.

B. New development will include secondary means of ingress/egress, unless provision would pose a safety hazard, so as to provide an interconnected network.

C. The Development Engineer shall coordinate activities within the right-of-way of the County through the issuance of right-of-way utilization permits for any utility work within the street network. Through right-of-way utilization permits, the County will ensure that necessary maintenance of traffic (MOT) features are in place prior to commencement of work.

D. The County shall coordinate through the TSR with the municipalities and the Florida Department of Transportation to maximize roadway capacity, reducing the need for additional right-of-way acquisition and lane widening by:

1. reducing the number of median openings and curb cuts to emphasize safety over convenience;

2. incorporating staggered, off-peak utilization into development approvals over which the Board of County Commissioners has the authority to place such conditions, such as within the planned development overlay or special exceptions approvals; and

3. requiring new development to incorporate pedestrian and bicycle facilities.

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CHAPTER 10 NONCONFORMITIES

Section 1 Purpose and intent.

A. The regulations of this Chapter govern lots, parcels, uses, structures, and other situations that came into existence legally but that do not conform to one or more requirements of this LDC. These are referred to in this LDC as "nonconformities."

B. In order to encourage development consistent with this LDC and provide owners with reasonable use of their land, it is the general policy of the County to allow lots, parcels, uses, structures, and other situations that came into existence legally, in conformance with then applicable requirements, to continue to exist and be put to productive use, but to bring as many aspects of such situations into compliance with existing regulations as is reasonably possible in a manner consistent with the Comprehensive Plan.

C. The regulations of this article are intended to:

1. recognize the interests of owners in continuing to use their property;

2. promote reuse, rehabilitation, and redevelopment of existing buildings and sites; and

3. prohibit the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

Section 2 Authority to continue.

Lots, parcels, uses, structures,, site improvements, and other situations which were lawful before [insert effective date], but which violate the provisions of this LDC, are considered to be legal nonconformities. Such legal nonconformities are declared by this LDC to be incompatible with the purpose of this LDC. The continuation of these nonconformities is permitted subject to the restrictions of this Chapter. Any nonconformity with the provisions of this LDC, which is created after [insert effective date], and any unlawful nonconformity created prior to the adoption of this LDC, shall not be protected by this Chapter. Such nonconformities shall be discontinued immediately.

Section 3 Determination of nonconformity status.

The burden of proving that a legal nonconformity exists rests with the owner or claimant, as applicable.

Section 4 Nonconforming uses.

A. Continuation of nonconforming uses. Nonconforming uses of land shall be brought into conformance as soon as reasonably possible, but nonconforming uses may continue, provided that there shall be no enlargement, increase in intensity, or

alterations to the use, its permanent structure, or both unless approved by the Planning and Development Board pursuant to the provisions listed below. Further, such uses may not be enlarged, extended, altered, or replaced, except for a change to a use permitted in the district in which located, except as provided below.

B. Upon approval by the Planning and Development Board:

1. A nonconforming use may be extended through portions of a building originally arranged or intended for such use, but not otherwise extended, and shall not extend to occupy land outside such building or any additional building not used for such nonconforming use at the time that the nonconforming use was established.

2. A dwelling which is the principal residence of the owner, which is made a nonconforming use by the adoption of this LDC, may be replaced or reconstructed at any time because of destruction or deterioration, notwithstanding the fact that the destruction or deterioration exceeds 50 percent of the assessed taxable value before it was destroyed. This exception to the general rule applies only to deterioration or destruction and is not intended to apply to the loss of continuing status due to cessation of use.

3. Site improvement alterations, including building expansions, which increase conformance with the parking, loading, landscaping, lighting, open space, access management, and other similar site improvement requirements, that would apply to the use if it were located in a district where it would be a conforming use, may be permitted. However, such a site improvement shall not expand the nonconformity.

4. Alterations which reduce a negative impact shall be recommended subject to a finding by the County Administrator that the alteration will result in a substantial reduction in the negative impact of the nonconformity on surrounding uses. The Planning and Development Board may further place such restrictions and conditions on the design and operation of the facilities as it deems necessary to further reduce the negative impact.

5. When a building or structure devoted to a nonconforming use is damaged or destroyed as determined by the County Administrator, to the extent of 50 percent or more of the building's or structure's assessed taxable value, such building or structure, if restored, shall conform to allowable uses in that district and not maintain its previous nonconforming state.

C. Nonconforming use restrictions.

1. If the nonconforming use ceases for more than a total of 180 consecutive days, subsequent use shall conform to the district regulations.

2. Construction not increasing nonconformity. When a structure exhibits one or more nonconformities, the subject structure may be enlarged or altered for a permitted use, provided that the enlargement or alteration does not create a new nonconformity or increase the existing nonconformity.

3. Replacement. Whenever a nonconforming building or structure is damaged or destroyed as determined by the County Administrator, to the extent of 50 percent or more of the building or structure's assessed taxable value, such building or structure shall not be rebuilt except in compliance with this LDC.

D. Nonconformity created by public action. In any zoning district, should a governmental agency obtain a portion of a conforming lot for public purposes either through eminent domain proceedings or voluntary conveyance, and thereby creates a nonconforming lot, the Director shall have the authority to grant administrative variances for said lots with respect to minimum lot width, minimum lot area, and minimum building setbacks. Thereafter, it may be possible to erect or construct on said nonconforming lot the principal and accessory structures otherwise authorized under the County's LDC, provided that all other land development regulations are met.

E. Nonconformity created by this LDC. A previously conforming lot, whether undeveloped or developed as of [insert effective date], but which is rendered nonconforming by the adoption of this LDC, shall be allowed to develop as previously authorized and entitled and, if already developed, shall continue as if conforming.

F. Code violations threatening public health, safety, and welfare. The provisions of this Chapter shall not be interpreted to allow for the continued existence of building or other safety code violations that are determined to be an immediate threat to the public health, safety, or welfare.

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CHAPTER 11 ENFORCEMENT

Section 1 Purpose and intent.

A. The Board of County Commissioners finds that enforcement of the provisions of this LDC should be through:

1. procedures that are efficient, effective, and consistent with the code enforcement procedures established by state law; and

2. processes that reflect the standard practices of code enforcement.

B. The provisions of this Chapter shall be generally construed by responsible County staff to support the Board's findings.

Section 2 Violations.

A. Types of violations. Unless otherwise expressly stated by this LDC or state law, any violation of this LDC, including but not limited to the following, will be subject to the remedies and penalties provided for in this Chapter:

1. to use land, buildings, or structures in any way which is inconsistent with the regulations and requirements of this LDC;

2. to engage in development activity in any way which is inconsistent with the regulations and requirements of this LDC;

3. to install or use a sign in any way which is inconsistent with the regulations and requirements of this LDC;

4. to engage in the use of land, buildings, structures, signs, natural, or historic resources, or any development activity under this LDC without obtaining all required permits or approvals;

5. to engage in the use of land, buildings, structures, signs, natural, or historic resources, or any development activity in any way inconsistent with a permit or approval granted under this LDC;

6. to operate any business subject to specific use or operating conditions under this LDC except in accordance with this LDC; or

7. any other failure to comply with the provisions of this LDC.

B. Liability. The owner, tenant, or occupant of any land, building, or structure, shall be presumed to know of activity occurring on such land or in such structure and thus may be charged with a violation of this LDC for any violation found on any premises subject to this LDC. Where an architect, contractor, builder, agent, or other person appears to have participated directly in a violation of this LDC, such person may also

be charged with a violation of this LDC. The presumption established by this section shall be rebuttable as part of any enforcement proceeding.

C. Enforcement of covenants and restrictions. These regulations shall not affect any private covenants or restrictions recorded with any deed, plat, or other legal document relating to any use or lot and setback requirements. No person or agency in the capacity of administering or enforcing these regulations shall be responsible for enforcing private covenants or restrictions. In the event of a conflict between the LDC and any private covenants or restrictions, the LDC shall prevail to the extent of the County's authority.

Section 3 Penalties and remedies.

A. Remedies and enforcement powers. The County may use any of the following remedies and enforcement powers:

1. Referral to code enforcement board or code enforcement special master/magistrate. Violations of this LDC may be referred to the Flagler County code enforcement board or code enforcement special master/magistrate for enforcement in accordance with Chapter 162, F.S., and Chapter 9 of the Code of Ordinances.

2. Referral to Florida Department of Environmental Protection, St. Johns River Water Management District, or U.S. Army Corps of Engineers. Violations of this LDC may also be referred to the Florida Department of Environmental Protection, the St. Johns River Water Management District, or the U.S. Army Corps of Engineers, as applicable.

3. Referral to state attorney's office. Violations of this LDC may also be referred to the state attorney's office.

4. Citations. A citation may be issued for violations of this LDC in accordance with Chapter 162, F.S., and Chapter 9 of the Code of Ordinances, and for such purposes, each day such violation continues shall be considered a separate offense.

5. Withhold permits and approvals. The County may deny or withhold all permits, certificates, or other forms of authorization on any land, building, or structure, or improvements thereon:

a. upon which there is an uncorrected violation of a provision of the Code of Ordinances or of a condition or qualification of a development order, permit, certificate, approval, or other authorization previously granted by the County; or

b. that is owned or being developed by a person who owns, developed or otherwise caused an uncorrected violation of a provision of the Code of Ordinances or of a condition or qualification of a permit,

certificate, approval, or other authorization previously granted by the County.

6. Approval of permits and approvals with conditions. Instead of withholding or denying a permit or other authorization, the official with authority to approve the permit or authorization may grant such authorization only if adequate assurances are in place to ensure correction of the violation and provided that granting the permit or authorization will not compromise the public health, safety, or general welfare.

7. Revoke permits and approvals.

a. Development approval, including but not limited to rezoning, special exception approvals, subdivision plats, site plans, development plans, certificates of concurrency, vested rights determinations, zoning determinations, and land development and building permits, may be revoked, modified, or suspended by the Board of County Commissioners at a quasi-judicial public hearing upon due public notice, when it has been demonstrated and found that the development approval was granted on the basis of a clear and material misrepresentation or intentional omission of fact by the applicant or on the basis of a clear and material error of law, or there has been clear and material noncompliance with the conditions for approval.

b. A proposed action to revoke, modify, or suspend a development approval may only be initiated by the County Administrator. Upon discovery of such an erroneous development approval or noncompliance or deficiency of development activity with respect to the development approval, the County Administrator shall notify the owner, developer and other responsible parties, such as the engineer of record, the contractor or any known holders of any mortgages, by certified mail within five working days of discovery of the error or deficiency. The responsible parties shall bear all risks and responsibility for any work undertaken after notification of the error or deficiency.

c. Upon determining that the error or deficiency poses an immediate threat to public health or safety, the Chief Building Official, under the direction of the County Administrator, shall have the power to authorize or issue stop work orders.

d. The responsible parties shall respond to the error or deficiency notice by certified mail within 15 working days with a proposal for corrective action to remedy the error or deficiency.

e. The County shall evaluate and respond to the responsible parties within 10 working days with either an acceptance of the responsible

parties' proposal or with an alternative recommendation for corrective action. If the responsible parties' recommendation is not accepted within ten working days, the responsible parties shall have an additional 15 working days to negotiate an acceptable resolution with the County.

f. If resolution cannot be reached, the County may proceed with revocation, modification, or suspension procedures as outlined in this Chapter.

g. At least 15 days prior to the public hearing before the Board of County Commissioners, notice shall be provided by certified mail to the applicant for the development approval, all owners of record of property within the portions of the development approval to be revoked, and to other property owners to the same extent as was required for the subject development approval setting forth specific allegations to support the proposed action.

8. Stop work.

a. Whenever a building or part thereof is being constructed, reconstructed, altered or repaired or any natural or historic resource is being altered in violation of this LDC, the Chief Building Official may order the work to be immediately stopped.

b. The stop work order shall be in writing and directed to the person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.

c. Violation of a stop work order constitutes a misdemeanor.

9. Forfeiture and confiscation of signs. Any sign installed or placed on public property, except in compliance with the regulations of Chapter 9 of this LDC, will be subject to forfeiture to the County and to confiscation. In addition to other remedies and penalties of this Chapter, the County has the right to recover from the sign owner or person who placed the sign, the full costs of sign removal and disposal.

10. Legal relief.

a. The County may commence a civil action or proceeding to stop any violation of this LDC or of a permit, certificate, plan or other form of authorization granted hereunder, to remove a violation, or to restore the premises in question to the condition in which they existed prior to violation. The relief sought may include:

(1) an injunction or other equitable relief;

(2) a mandatory injunction requiring specific performance of the requirements of a site plan, development plan, landscaping plan, mitigation or remediation plan, or any development order, approval, or permit requiring specific site improvements as a remedy under this LDC or as a condition of approval of such development order, approval, or permit;

(3) an order in the nature of mandamus or abatement;

(4) a civil action in a court of competent jurisdiction to establish liability and to recover damages to property including animal, plant, and aquatic life, caused by any violation;

(5) a judgment or order enforcing any requirement of, or under, this LDC to pay a fee or reimburse or compensate the county, including when the county is required or authorized to take specified action at the expense of the landowner; or

(6) any other judgment or order available under Florida law.

b. It shall not be a defense to, or ground for dismissal of, these judicial remedies for damages and civil penalties that the County has failed to exhaust its administrative remedies, or has failed to hold an administrative hearing prior to the institution of a civil action.

11. Consent orders. The County Administrator has the authority to enter into consent orders on behalf of Flagler County to settle code violations, either before or after initiating formal enforcement action. The settlement may include a penalty amount different from the penalties provided by Code of Ordinances, this LDC, or other schedule of fines or fees as established by resolution of the Board of County Commissioners, as applicable, including the payment of administrative costs and expenses. Proposed consent orders shall be reviewed by the County Attorney's office prior to signature by the parties.

12. General penalties.

a. Violation of the provisions of these regulations or failure to comply with any of the requirements, including violations of conditions and safeguards established in connection with grants of variances, special exceptions, or conditional use permits, may be punishable as provided by general law for violation of County ordinances.

b. All monies collected related to surface waters, wetlands, or other regulated natural resources shall be deposited in the

environmentally sensitive lands fund for the acquisition and management of environmentally sensitive lands.

c. The County may seek such other penalties and remedies, and employ such other enforcement powers, as are provided by Florida law for violations of zoning, subdivision, sign, or related provisions.

B. Continuation of previous enforcement actions.

Nothing in this LDC prohibits the County's continuation of previous enforcement actions, undertaken by the County pursuant to previous and valid ordinances and laws.

C. Remedies cumulative.

The remedies and enforcement powers established in this LDC are cumulative, and the County may exercise them in any order.

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CHAPTER 12 DEFINITIONS

Section 1 Purpose and intent.

This Chapter sets out the definitions as utilized within this LDC. All definitions used within this LDC are to be included within this Chapter so as to consolidate references.

Section 2 Definitions.

A. The following definitions shall apply for terms used in the LDC. Terms not defined in this Chapter shall:

1. have the same meaning subscribed to them through Florida Statutes, Florida Administrative Code, and the Code of Federal Regulations, as applicable; or, if not so defined,

2. be construed in accordance with their customary usage and meaning.

B. Terms defined.

10-year storm event: A rainfall event having a ten percent probability of occurrence during any given year.

25-year storm event: A rainfall event having a four percent probability of occurrence during any given year.

100-year storm event: A rainfall event having a one percent probability of occurrence during any given year.

100-year floodplain: Areas subject to inundation by a flood having a one percent probability of occurrence in any given year. The 100-year flood elevation is the highest elevation of flood waters during the 100-year storm event and is calculated or estimated from the best available information.

Abandoned sign:

a. Any sign face which advertises a business no longer conducted or product no longer sold. In making the determination that a sign advertises a business no longer being conducted, the code enforcement officer shall consider the existence or absence of a current occupational license, utility service deposit or account, use of the premises, and relocation of the business.

b. Any sign structure which has not been used for business purposes for 12 months.

Abandoned sign in the A1A Scenic Corridor:

a. Any sign face that advertises a business no longer conducted or product no longer sold for a period of 90 days or longer. In making the determination that a sign advertises a business no longer being conducted, the code enforcement officer shall consider the existence or absence of a current occupational license, utility service deposit or account, use of the premises, and relocation of the business.

b. Any nonconforming sign structure which has not been used for on-site commercial, or noncommercial advertising for six months.

Abutting property: Property that is immediately adjacent to property that is subject to review under these regulations or property that is located immediately across any road or public right-of-way from the property that is subject to review under these regulations.

Access: Ingress and egress to land bordering on public streets.

Accessory dwelling unit: An ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit. For purposes of this LDC, the placement of an accessory dwelling unit on a lot or parcel does not constitute a two-family dwelling or duplex, whether or not an accessory dwelling unit is attached to a principal single-family dwelling unit.

Accommodations, overnight: Any hotel, motel, bed and breakfast, roominghouse, or other transient public lodging establishment, or RV park or campground that is intended to be used for overnight lodging, rented for a period of no more than 30 days.

Adjacent landowner: The record owner or owners of a parcel sharing a common point of tangency or boundary with the subject property.

Administrative permit: Any permit that may be granted by county staff without a public hearing before a development review body, including but not limited to building permits, driveway permits, construction permits, sign permits, and tree removal permits.

Adult arcade amusement center: Entertainment enterprise or business at which electronic, mechanical, coin-operated game of amusement, chance or skill are played, whether for consideration or not when the games are similar to, or in the nature of, slot machines.

Adult day care: Any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, for a part of a day, basic services to three or more persons who are 18 years of age or older, who are not related to the owner or operator, and who require such services.

Adult family-care home: As defined in s. 429.65, F.S., a full-time, family-type living arrangement, in a private home, under which a person who owns or rents the home provides room, board, and personal care, on a 24-hour basis, for no more than five disabled adults or frail elders who are not relatives.

Advanced treatment: Effluent that has received high level disinfection and contains not more, on an annual average basis, than the following concentrations:

a. Biochemical oxygen demand (CBOD5): Five mg/l.

b. Suspended solids: Five mg/l.

c. Total nitrogen, expressed as N: Three mg/l.

d. Total phosphorus, expressed as P: One mg/l.

Adverse impact (upon a natural resource): Direct contamination, alteration, or destruction, or that which contributes to the contamination, alteration, or destruction of a natural resource, or portion thereof, to the degree that its environmental benefits are or will be eliminated, reduced or impaired.

Adverse stormwater impacts: Runoff from heavy precipitation that can result in flooding outside of normal floodplains, erosion and loss of property or life.

Advertising structures: Any structure erected or intended for advertising purposes with or without advertisement display thereon, situated upon or attached to real property, or upon which any poster, bill, printing, painting, or device is or may be fastened, affixed, or displayed; provided, however, said term shall not include "building."

Affordable housing: Affordable means that monthly rent or monthly mortgage payments including insurance and property taxes generally do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross income for households qualifying under the definitions for low-income, moderate-income and very low-income. This does not preclude participation in federal or state programs that allow for a higher percentage of income to be devoted to rent or mortgage payments.

Affordable housing development: A development where at least 50 percent of the units meet the definition for affordable housing for low-income households, or where at least 20 percent of the units meet the definition for affordable housing for very low-income households.

Affordable rental: Monthly rent and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for extremely-low-income, very-low-income, low-income, or moderate-income persons.

Aggrieved or adversely affected party: Any person or local government that will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services and environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large but must exceed in degree the general interest in community good shared by all persons. The term includes the owner, developer or applicant for a development order.

Agricultural animal: Livestock (horses, cows), barnyard animals (goats, sheep, pigs, chickens, ducks, rabbits), rattites (ostrich, emu), or camelidae (llama) kept on site for agricultural purposes.

Agricultural processing, off-premises: A facility that processes, packages and sells agricultural products that are not produced on the property or as part of the same farming operation.

Agricultural services: Service industries supporting agricultural production and processing, including, but not limited to, landscape materials and service, tree-trimming and horticultural services, irrigation services, veterinary and other animal services; soil preparation services, crop services, farm labor and management services; well-drilling services, and related retail sales for permitted agricultural services only.

Agricultural supply: Materials, goods, and equipment directly related to agricultural activities and services, such as animal feed and supplies, fertilizers, landscape materials, farm equipment and supplies, and horticultural or garden items.

Agricultural uses: Activities including silviculture, livestock and poultry raising, cattle and animal grazing; cultivation crops and other commercial production for sale to others, including apiculture, aquaculture, floriculture, groves and orchards, horticulture, pasturing of animals, sod farming, tree farming, viticulture, and similar activities.

Agricultural warehousing or distribution: Any activity that provides for the warehousing, storage, or distribution of agricultural supplies and equipment, included such items as animal feed and supplies, fertilizers, farm equipment and farm supplies, horticultural or garden items, and bulk food products.

Agriculture: The use of land predominantly for the cultivation of crops and livestock including: cropland, pastureland, orchards, vineyards, nurseries, ornamental horticulture areas, groves, confined feeding operations, specialty farms, and silviculture.

Agriculture, bona fide: Good faith commercial agricultural use of the land, provided the land is classified for assessment purposes by the Property Appraiser as "agricultural" pursuant to Ch. 193, F.S.

Agriculture, intensive: Includes off-premises agricultural processing, agricultural warehousing and distribution, and concentrated animal density generally associated with milking barns, feed lots, chicken houses, or holding pens.

Alley: A public or approved private way that affords only a secondary means of access to property abutting thereon.

Alteration: Human-caused activity that modifies, transforms, or otherwise changes the land and/or vegetation, including, but not limited to: removal, displacement, mowing, or disturbance (severe pruning, hatracking or internodal cutting, or poisoning) of vegetation excluding permitted prescribed burns; removal, displacement, demucking or disturbance of soil, rock, minerals or water within a plant's root zone; introduction of livestock; placement of vehicles, structures, debris, fill or other material objects thereon, including introduction or injection of water and other substances; use of mechanical equipment, including vehicle rutting, within a plant's root zone; dredging or excavation of land; construction of new structures or expansion of existing structures; installation of utilities, roads, stormwater management systems, septic tanks, bulkheading, fencing, agricultural activities, site preparation, land clearing, tree cutting, mechanized vegetation removal, contouring, placement of bridges or culverts, extraction of stumps or submerged logs, and the disposal of solid or liquid waste.

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

Animal day care: See "Commercial animal boarding facility."

Animal sanctuary: A place of refuge where one or more non-domestic animals, excluding agricultural animals, are kept for the purposes of protection, rehabilitation, and/or care.

Animated sign: Any sign of which all or any part thereof visibly moves in any electronic fashion whatsoever; and any sign which contains or uses for illumination any light, lights, or lighting device or devices which change color, flash or alternate, show movement or motion, or change the appearance of said sign or any part thereof automatically.

Antenna: Any exterior apparatus, designed to transmit and/or receive communications authorized by the Federal Communications Commission (FCC).

Antenna array: An antenna array is one or more whips, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antennas (whips), directional antennas (panels), and parabolic antennas (discs).

Appeal: A request for a review of an interpretation of any provision of this LDC or a request for a review of any decision by the Planning and Development Board. Decisions of the Board of County Commissioners may also be appealed, but these appeals are reviewed by the Circuit Court.

Applicable improvement(s): Any reconstruction, modification, alteration, rehabilitation, addition, or other improvement that increases the impervious area on the lot by 10% or greater whether independent or cumulative of any permits issued after the adoption of this [Marineland Acres Special Stormwater Overlay] ordinance.

Applicant: The person or entity seeking approval on an application. For purposes of this LDC, applicant may include, but not be limited to, a developer, any owner engaged in development, or their assigns.

Aquifer: A geologic formation, group of formations, or part of a formation that contains sufficient saturated, permeable material to yield significant quantities of water to wells and springs.

Aquifer, Floridan system: The thick carbonate sequence which includes all or part of the Paleocene to early Miocene Series and functions regionally as a water-yielding hydraulic unit. Where overlaid by either the intermediate aquifer system or the intermediate confining unit, the Floridan contains water under confined conditions. Where overlaid directly by the surficial aquifer system, the Floridan may or may not contain water under confined conditions, depending on the extent of low permeability materials in the surficial aquifer system. Where the carbonate rocks crop out, the Floridan generally contains water under unconfined conditions near the top of the aquifer system; but, because of vertical variations in permeability, deeper zones may contain water under confined conditions. The Floridan Aquifer system is present throughout the county and is the deepest part of the active ground water flow system. The top of the aquifer system generally coincides with the absence of significant thicknesses of clastics from the section and with the top of the vertically persistent permeable carbonate section. For the most part, the top of the aquifer system coincides with the top of the Suwannee Limestone, where present, or the top of the Ocala Group. Where these are missing, the Avon Park Limestone or permeable carbonate beds of the Hawthorn Formation form the top of the aquifer system. The base of the aquifer system coincides with the appearance of the regionally persistent sequence of anhydrite beds that lie near the top of the Cedar Keys Limestone.

Aquifer, intermediate system: All rocks that lie between the overlying surficial aquifer system and the underlying Floridan Aquifer system. These rocks in general consist of fine-grained clastic deposits interlayered with carbonate strata belonging to all or parts of the Miocene and younger series. In places, poorly water-yielding to non-water-yielding strata mainly occur; there the term "intermediate confining unit" applies. In other places, one or more low- to moderate-yielding aquifers may be interlayered with relatively impermeable confining beds; there the term "intermediate aquifer system" applies. The aquifers within this system contain water under confined conditions. The top of the intermediate aquifer system or the intermediate confining unit coincides with the base of the surficial aquifer system. The base of the intermediate aquifer is the top of the vertically persistent permeable carbonate section that comprises the Floridan Aquifer system, or, in other words, that place in the section where clastic layers of significant thickness are absent and permeable carbonate rocks are dominant. Where the upper layers of the persistent carbonate section are of low permeability, they are part of either the intermediate aquifer system or intermediate confining unit, as applicable to the area.

Aquifer, surficial system: The permeable hydrogeologic unit contiguous with land surface that is comprised principally of unconsolidated to poorly indurated clastic deposits. It also includes well-indurated carbonate rocks, other than those of the Floridan Aquifer system where the Floridan is at or near land surface. Rocks making up the surficial aquifer system belong to all or part of the upper Miocene to Holocene series. It contains the water table and water within it is under mainly unconfined conditions; but beds of low permeability may cause semi-confined or locally confined conditions to prevail in its deeper parts. The lower limit of the surficial aquifer system coincides with the top of laterally extensive and vertically persistent beds of much lower permeability. Within the surficial aquifer system, one or more aquifers may be designated based on lateral or vertical variations in water-bearing properties.

Aquifer, unconfined: An aquifer that has no impermeable layer between the zone of saturation and water table.

Architectural feature: The unique details and component parts that together, form an architecturally integrated theme with the overall building design.

Architectural planter: A container within which plantings may be placed to meet the requirements of this LDC.

Architecture: The art and science of designing a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures.

Art gallery: An establishment engaged in the display and sale or loan of paintings, sculpture or other works of art.

Artifact: Any object manufactured or altered by human workmanship with intrinsic historical or archaeological value. Generally, this term shall apply to objects equal to, or greater than, 50 years in age.

Artificial lighting: Any source of temporary, fixed or movable light emanating from a manmade device, including, but not limited to incandescent mercury vapor, metal halide, or sodium lamps, spotlights, streetlights, construction security lights or lights which illuminate signs. This definition shall not include handheld or vehicular lighting.

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

Assisted living facility: Any building or buildings, section of a building, or distinct part of a building, 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 24 consecutive hours, housing, food service, and one or more personal care for four or more adults, not related to the owner or operator, who require such services. Personal care, for the purposes of this definition, may include ambulation, bathing, dressing, eating, grooming, toileting and other similar tasks.

Attention-attracting device: Any device or object visible from any public street which is primarily designed to attract the attention of the public to a business(s), community facility, sign, or activity through such means, including but not limited to illumination, color, size or location. Attention-attracting devices or objects may incorporate illumination, which may be stationary, moving, turning, blinking (including animation) or flashing. Attention-attracting devices may or may not convey a message. Such devices may include, but are not limited to, search lights, beacons, strobe lights, strings of lights, barber poles, internally illuminated translucent canopies or panels, electronically controlled message boards (time/temperature signs, gas price signs, public service announcements, etc.), banners, streamers, pennants, propellers and inflatable objects (including strings of balloons) or other device/objects designed to attract attention. Approved traffic-control devices are not considered to be attention-attracting devices.

Automatic changeable facing sign in the A1A Scenic Corridor: A sign facing that is capable of delivering two or more advertising messages through a mechanical, automated or remotely controlled process.

Automotive sales and services: The sale or storage of new and used automobiles, service stations, paint and body repair shops, automotive repair garages, and including the sales and servicing of any automotive component.

Annual average daily traffic (AADT): The total volume of vehicle traffic over a segment of a road for a year divided by 365 days.

Average daily traffic (ADT): The number of vehicles traveling in all directions over a segment of a road during a 24-hour period.

Banner: Any sign with characters, letters, illustrations, or ornamentation applied to cloth, paper, or plastic fabric of any kind that is not permanently attached to a solid backing of wood, plastic, metal, masonry, or similar rigid material.

Base flood: A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100 year flood" or the "1-percent-annual chance flood."

Base flood elevation: The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

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

Beach: Lands and waters lying seaward of the seawall or line of permanent vegetation.

Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same development site as the light source; also, any light with one or more beams that rotate or move.

Bed and breakfast: An owner-occupied dwelling unit where lodging, with or without meals, is provided for compensation, and including customary accessory uses in connection with the principal use.

Beneficiation: The process whereby matrix is washed to separate the mineral from the earthen materials with which it is naturally combined, and specifically, in phosphate mining, means the processing of matrix to separate phosphate rock from the sand and clay soils in which it exists in a natural state.

Berm: A mound of earth between two and six feet high used to buffer or screen a land use.

Best management practices (BMPs): Management practices held as industry standards. Where a specific standard is adopted through this LDC the standard shall be listed by reference and shall include any revisions thereto.

[OR]

Best management practices (BMPs): A series of guidelines or minimum standards adopted for areawide application, typically associated with agricultural, silvicultural, golf course, and similar operations, designed primarily to prevent soil erosion and water pollution, and to protect wildlife habitat in riparian and wetland areas.

Bicycle lane: A bicycle lane is a lane dedicated for the use of bicycles. A bicycle lane shall be a minimum of four feet wide and shall be measured from the edge of a vehicular traffic lane to the beginning of the shoulder or gutter line. The shoulder or gutter shall not be used in calculating the four foot dimension. Bicycle lanes shall be striped and marked according to AASHTO Standards.

Biodiversity (biological diversity): The variety, distribution and abundance of living organisms in an ecosystem. Maintaining biodiversity is believed to promote stability, sustainability and resilience of ecosystems.

Biosolids: The solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility or domestic septic tank. Not included is the treated effluent or reclaimed water from a domestic wastewater treatment plant. Also not included are solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, Class AA residuals as defined in Rule Ch. 62-640, F.A.C., other solids as defined in Rule 62-640.200(24), F.A.C., and ash generated during the incineration of residuals.

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.

Block face: Any segment of a block fronting a public street.

Board: Unless stated otherwise, the Board of County Commissioners of Flagler County, Florida.

Borrow pit: Subsurface excavation of earth materials such as sand, clay or limerock for use as fill material in any type of construction activity.

Break point: The location on a PWSF or communication tower of a designed feature which, in the event of a tower failure, would result in the tower falling entirely within the boundaries of the property on which it is located.

Buffer: An area of planted or natural vegetation or open space maintained for various purposes, including reduction of erosion and siltation along surface waters and wetlands, reduction of poaching and wind erosion along roads and field edges, provision of wildlife travel corridors and habitat, and for separation of adjacent land uses or properties from one another.

Buildable area: The space remaining on a lot after the minimum setback, drainage provisions, compensatory storage, soils, open space and other site constraint requirements of this LDC have been met.

Building: Any structure constructed or used for residence, business, industry, or other public or private purposes or accessory thereto and including tents, lunch wagons, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, storerooms, gasoline pumps, solar panels, and similar structures, whether stationary or movable.

Building, accessory: A subordinate building, the use of which is incidental to that of the principal building on the same lot. Accessory screened enclosure structures, whether or not attached to the principal building, shall be considered an accessory building if the roof and all sides of the enclosure not attached to the principal building are made of the screening material. In such cases the accessory building setback for the respective zoning district shall apply.

Building, principal: A building in which is conducted the principal use of the lot on which it is situated. In a residential district any dwelling, other than an accessory living unit, shall be deemed to be the principal building on the lot which the same is situated. Any attached carport, shed, garage, or any other structure with one or more walls or a part of one wall being a part of the principal building and structurally dependent, totally or in part, on the principal building, shall comprise a part of the principal building and be subject to all regulations applicable to the principal building. A detached and structurally independent garage, carport, or other structure shall conform to the requirements of an accessory building. A detached and structurally independent garage, carport, or other structure conforming as an accessory building may be attached to the principal building by an open breezeway not to exceed six feet in width.

Building area: That area within and bounded by the building lines established by required yards and setbacks, or that area illustrated on an approved plat.

Building coverage: The gross area of a lot or parcel of land occupied by the ground floor of a building (principal and accessory) which is under roof. As a percentage, the relationship between ground floor area of the building under roof and the total area of the site.

Building height:

a. Gabled or hip roof – the vertical distance measured from the average elevation of the finished building site to the eave line of the principal portion of the uppermost story.

b. Flat or nearly flat roof (slope of less than seven degrees with the horizontal) – the vertical distance measured from the average

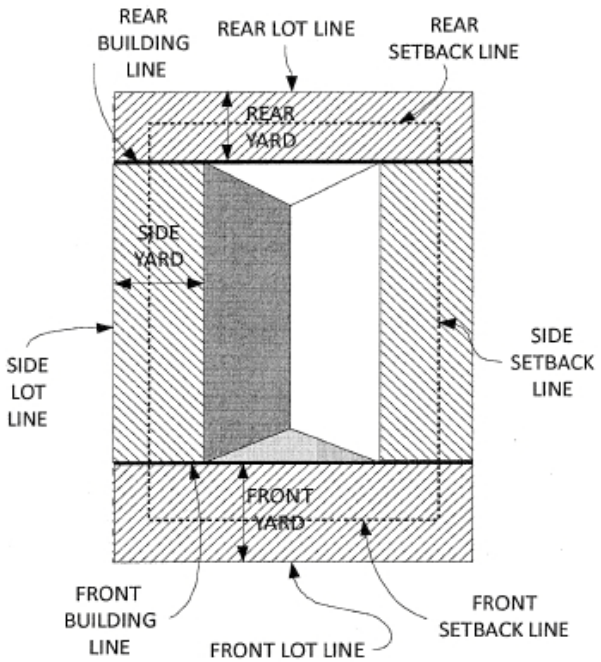
elevation of the finished building site to the highest point of the roof.

c. No vertical projection in excess of 10 feet above the roof line shall be permitted for any building.

[OR]

Building height: The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof and to the mean height level between eaves and ridge for gable, hip and gambrel roofs. [current LDC definition]

Building line: A line formed by the face of a building that is used to establish a yard for a building or structure. Building lines may be defined as front, rear, interior side, or street side.



Building Line

Building marker: Any sign indicating the name of a building and date and Instructional information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Building permit: A final approval to build or install a structure.

Building wall: An exterior load-bearing or non-load-bearing vertical building component that is used as an enclosing wall for a building, other than a party wall or fire wall, including a parapet wall (as defined by the Florida

Building Code), extending to a height necessary for screening of rooftop mechanical equipment but not more than 25 feet above the roof.

Bulb-out: Curb extensions that reduce roadway width curb to curb and provide for a shorter crossing distance for pedestrians.

Bulkhead: A retaining wall or structure designed to prevent erosion of land by water action.

Bulkhead line: A fixed line established in a waterway in order to fix and establish the maximum distance from the shoreline within which filling may be permitted and bulkheads constructed, as established by appropriate regulations.

Bus shelter: A structure used as a shelter for the convenience of passengers of a transportation system.

Business services: Any commercial activity primarily conducted in an office, not involving the sale of goods or commodities available in the office, and not dispensing personal services, but including such businesses as insurance agencies, stockbrokers, counselors, consultants, accountants, collection agencies, title and abstract companies, income tax services, travel agencies, advertising agencies, and any similar office-type use.

Caliper, multi-stemmed tree or shrub: The caliper (diameter) of multi-stemmed trees or shrubs will be the sum of the multiple stems measured at four and one half feet above ground for trees and six inches above ground for shrubs.

Camouflaged tower: A PWSF or a telecommunication tower designed to unobtrusively blend into the existing surroundings and be disguised so as to not have the appearance of a telecommunication tower. Such structures shall be considered telecommunication towers and not spires, belfries, cupolas, or other appurtenances usually required to be placed above the roof level for purposes of applying height limitation. It is recognized that due to the height, such structures must be designed with sensitivity to elements such as building bulk, massing, and architectural treatment of both the telecommunication tower and surrounding development. Camouflaged towers on developed property must be disguised to appear as either a part of the structure housing, a principal use, or an accessory structure that is normally associated with the principal use occupying the property. Camouflaged towers developed on unimproved property must be disguised to blend in with existing vegetation.

Campground: A lot, parcel or plot of ground upon which two or more permanent (year-round) campsites are located, established and maintained for occupancy by camping units of the general public.

Canopy: The overall area of a tree's foliage, the outer edge of which is the dripline.

Capital improvements element: The Capital Improvements Element (CIE) in the County Comprehensive Plan or its most recent amendment.

Capital improvements program: The Capital Improvements Program (CIP) is the list of capital projects updated annually and adopted in the Capital Improvements Element by the Board of County Commissioners that is used to identify capital improvements that will contribute to the maintenance of level of service standards adopted in the Capital Improvements Element for each public facility. The CIP is composed of the Five-Year Schedule of Capital Improvements, the School Board's Facility Work Plan, and such other documents as necessary to accomplish the scope of work in the program.

Carrier: A company licensed by the Federal Communications Commission (FCC) that provides wireless services. A tower builder or owner is not a carrier unless licensed to provide personal wireless services.

Cartway: A roadway generally designed for two-way traffic that has no center stripe.

Cellular: A mobile telephone service operating in the 800 MHZ spectrum.

Certificate of completion: As defined in the *Florida Building Code*.

Certificate of occupancy: As defined in the *Florida Building Code*.

Changeable copy: The portion of a sign designed so that letters or numbers attached to the sign can be periodically changed to indicate a different message. Changeable copy includes letters or numbers that are changed manually as well as electronically.

Chemical processing: All processes and associated processes required in the manufacture, storage and transportation of chemicals derived from the mineral extraction.

Chickee: An open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

Chief building official: The individual appointed to enforce the requirements of the *Florida Building Code* in unincorporated Flagler County and other areas so designated.

Church: see "Place of worship."

Civic organization: A private, non-profit entity existing to serve one or more community functions, including educational, cultural, social, service, and religious activities.

Civic use: A facility serving a community function, including educational, cultural, social, service, and religious activities; police stations, libraries, day cares,

fire stations, meeting halls, recreational facilities, governmental buildings, museums, schools, performing arts centers, religious buildings, etc.

Clean debris: Any solid waste which is virtually inert and which is not a pollution threat to groundwater or surface waters and is not a fire hazard and which is likely to retain its physical and chemical structure under expected conditions of disposal or use. The term includes uncontaminated concrete, including embedded pipe or steel, brick, glass, ceramics, and other wastes designated by the Florida Department of Environmental Protection.

Clear trunk: As it relates to palms and other cycads, is a measurement from the base of the live fronds to ground level.

Clear wood: As it relates to palms and other cycads, is a measurement from the base of the nut or bell (the natural appearing section at the top of the trunk just below the fronds) to ground level.

Close-mount: Antenna arrays mounted within three feet of the mounting structure.

Closed system: An enclosed stormwater conveyance system associated with roadways constructed with curb and gutter.

Clustering: The grouping together of structures and infrastructure on a portion of a development site.

Coastal A zone: Flood hazard areas that are seaward of State Route A1A, north of Malacompra Road and south of Washington Oaks State Park.

Coastal construction control line (CCCL): The line established by the State of Florida pursuant to s. 161.053, F.S., and recorded in the official records of the County, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as “high hazard areas subject to high velocity wave action” or “V Zones” and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1 V30, VE, or V. [Note: The FBC, B defines and uses the term “flood hazard areas subject to high velocity wave action” and the FBC, R uses the term “coastal high hazard areas.”]

Cocktail lounge, bar, tavern, or nightclub: A commercial establishment dispensing alcoholic beverages for consumption on the premises.

Co-location: The use of a common mount by two or more wireless carriers.

Colonnade: A roof or building structure, extending over the sidewalk, open to the street and sidewalk except for supporting columns or piers.

Commencement of construction: Issuance of a land development or building permit by Flagler County and commencement of infrastructure or building construction activities.

Commencement of development: The date of the initial issuance of the land development or building permit excluding extensions.

Commercial animal boarding facility: A facility that provides the service of temporary care of domestic animals.

Commercial animal raising: A commercial activity whose principal use is the breeding of non-domestic animals, both native and exotic, and which are not considered livestock by the Florida Department of Agriculture, for wholesale and/or retail sales.

Commercial mobile radio services (CMRS): Per Section 704 of the Telecommunications Act of 1996, any of several technologies using radio signals at various frequencies to send and receive voice, data and video. According to the FCC, these services are "functionally equivalent services." Section 704 of the Telecommunications Act prohibits unreasonable discrimination among functionally equivalent services.

Common household pet: A domesticated animal, such as a dog, cat, bird, rodent (including a rabbit), fish, or turtle, that is traditionally kept in the home for pleasure rather than for commercial purposes. Common household pet does not include reptiles (except turtles). This definition shall not include animals that are used to assist persons with disabilities.

Common household pet animal sanctuary/shelter facility: A facility that is owned, operated or maintained by private individuals, or a private or nonprofit organization where more than eight common household pets are kept in the AC (Agriculture) zoning district or in the MH-1 (Rural mobile home) zoning district, and more than four common household pets in all residential zoning districts for the purposes of protection, rehabilitation, long-term care and/or adoption.

Common open space: See "Open space, common".

Common ownership or control: The same or overlapping ownership or control, in that one or more person in a position of ownership or control is overlapping (i.e. owners, shareholders, directors, partners, principals, and other individuals that make up the corporations, partnerships, limited liability companies, professional associations, joint ventures, and other legal entities that own, that hold options to purchase, or that develop property).

Community green space: Pervious open spaces designed as active or passive recreation areas intended primarily for recreational or pedestrian use, such as community fields, greens, and pervious areas of plazas or squares.

Community residential home: A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or licensed by the Agency for Health Care Administration which provides a living environment for either six or fewer or seven to 14 unrelated residents, as applicable, 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. This term shall also include adult family-care homes as defined by Florida Statutes.

Community services: Governmental or private uses that provide a function for the community, including nonprofit or voluntary organizations and clubs engaged in civic, charitable, and related activities.

Comprehensive plan: The Flagler County Comprehensive Plan, adopted July 6, 2011, as amended.

Concealed PWSF: A PWSF that is not readily identifiable as such and that is not aesthetically incompatible with nearby uses. There are two types of concealed PWSFs:

a. Concealed PWSF tower: A style of PWSF tower designed to obscure from view the antennas and the ancillary appurtenances that directly relate to the antennas. Concealed PWSF towers include, but are not limited to, structures that are or look like the following: a church steeple, a bell tower, spire, clock tower, cupola, light standard, flagpole with or without a flag, tree, etc.

b. Concealed PWSF antenna: Antenna either located wholly within the structure so as not to be visible, located behind screening, or otherwise locating them in such a manner that the antenna and ancillary appurtenances are not readily identifiable as such.

Concentrated animal feeding operation: A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Pastures shall not be considered concentrated animal feeding operations.

Concurrent: That the public facilities necessary to maintain the level of service standards adopted in the Comprehensive Plan will be available when the impacts of development occur on the public facilities affected by the development.

Concurrency management system: The procedures and/or process that Flagler County will utilize to assure that development orders and permits are not issued unless facilities will be available concurrent with the impacts of development.

Connections: Driveways, streets, turnouts, accessways or other means of providing for the movement of vehicles, pedestrians or bicycles to or from the public street system.

Connectivity: An interlinked system of transportation paths providing multiple routes, based on principles of efficient land use and transportation infrastructure.

Conservation areas: Natural resources that, because of their ecological value, uniqueness and particular sensitivity to development activities, require stringent protective measures to sustain their ecological integrity, including wetlands, surface waters, 100-year floodplains, listed species habitat, significant geologic features, and strategic ecosystems.

Conservation easement: Conservation easement shall mean a perpetual, undivided interest in real property as described in section 704.06, Florida Statutes.

Conservation management area: An area that contains the entire regulated natural or historic resources, as well as additional areas such as buffers, setbacks and linkages that preserve natural system functions.

Construction and demolition debris: Discarded materials generally considered to be not water-soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction or demolition of a structure as part of a construction or demolition project or from the renovation of a structure and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. The term also includes: clean cardboard, paper, plastic, wood and metal scraps from a construction project; except as provided in Ch. 403, F.S, relating to recycling, waste reduction, and resource recovery, non-treated wood scraps from facilities manufacturing materials used for construction of structures or their components and unpainted, non-treated wood pallets provided the wood scraps and pallets are separated from other solid waste where generated and the generator of such wood scraps or pallets implements reasonable practices of the generating industry to minimize the commingling of wood scraps or pallets with other solid waste; and de minimums amounts of other non-hazardous wastes that are generated at construction or destruction or demolition projects, provided such amounts are consistent with best management practices of the industry.

Construction sign: A sign announcing and identifying the construction project scheduled or underway on the site where the sign is located.

Continuing in good faith: The final development order for a project has not expired, and no period of one year passes without the occurrence, on the land, of development activity which significantly moves the proposed development toward completion of construction. However, a one-year lapse in development activity due to factors beyond the developer's control shall not constitute a failure to continue in good faith.

Convenience store: An establishment engaged in the retail sale of a variety of merchandise and food, such as canned and dry goods, beverages, dairy products, and bakery products not produced on the premises.

Corner clearance: At an intersecting street or highway, the dimension measured along the edge of the travelled way between the return radius point and the nearest point of the driveway.

County: Flagler County, a political subdivision of the State of Florida.

County administrator: The Flagler County Administrator or his designee.

County commission: The Board of County Commissioners of Flagler County, Florida.

County development engineer: The Flagler County Development Engineer or his designee.

County engineer: The Flagler County Engineer or his designee.

County facility: Any public street, sidewalk, place or building owned or controlled by or under the jurisdiction of the county, located throughout Flagler County, and includes, but is not limited to, county parks and recreation facilities.

Courtyard: A common open space surrounded wholly or partly by walls or buildings where people may congregate.

Critical-duration: The duration of a specific storm event (i.e., 100-year storm) which creates the largest volume or highest rate of net stormwater runoff (post-development runoff less pre-development runoff) for typical durations up through and including the 10-day duration event (1-hour, 2-hour, 4-hour, 8-hour, 24-hour, 3-day, 7-day and 10-day events). The critical duration is determined by comparing various durations of the specified storm and calculating the peak rate and volume of runoff for each. The duration resulting in the highest peak rate or largest total volume is the "critical-duration" storm.

Critical root zone: The minimum root area of a tree that must be protected in order for a tree to survive construction activities.

Crosswalk: A clearly marked pedestrian right-of-way crossing a street or roadway.

Crown: The main point of branching or foliage of a tree or plant, or the upper portion of a tree or plant.

Crown spread: The distance measured across the greatest diameter of a plant.

Dairy, commercial: An area of land on which cows kept for the purpose of producing dairy products in commercial quantities.

Dam: A barrier to the flow of surface waters, constructed of earthen or other suitable materials.

Day: A regular business day, unless a calendar day is indicated.

De minimis impact: Residential projects which would result in the creation of one new additional single-family dwelling unit, or a commercial, institutional or industrial expansion which is estimated to generate less than 100 vehicle trips per day as cited in the ITE manual and create one equivalent residential unit of utility demand or less, shall be considered de minimis and exempt from the transportation and other applicable components of concurrency review. De minimis thresholds shall be cumulative and apply to an existing parcel of record, contiguous commonly held parcels or per development proposal. Further, no impact shall be de minimis if it exceeds the adopted level of service of a designated hurricane evacuation route.

Deciduous: A plant with foliage that drops or dies at the end of a growing season.

Decision height: The height at which a decision must be made during an instrument landing system approach to either continue the approach or to execute a missed approach.

Department: The Growth Management Department, unless otherwise designated by the County Administrator.

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

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

b. Area designated as a flood hazard area on the County's flood hazard map, or otherwise legally designated.

Design flood elevation: The elevation of the "design flood," including wave height, relative to the datum specified on the County's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard

map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

Detention: The collection and temporary storage of stormwater in such a manner as to provide for treatment through physical, chemical or biological processes with subsequent gradual release of stormwater.

Developed area: That portion of a plot or parcel upon which a building, structure, pavement, gravel, landscaping or other improvements have been placed.

[OR]

Developed area: The portion of a plot or parcel of land, excluding public right-of-ways, upon which a building, structure, pavement, landscape material, or other improvements have been placed. [From landscaping definitions in current LDC.]

Developed recreation: Facilities designed to provide for active recreation as their primary use, including swimming pools, playing fields, paved courts and skating areas, etc.

Developer: The owner of land to be subdivided or the owner's representative who is responsible for any undertaking that requires development review and/or approval.

Developer agreement: An enforceable agreement entered into between Flagler County and a developer to provide for exactions or implementation of mitigation strategies or other provisions necessary to address impacts caused by development.

Developer's engineer: A professional engineer, registered in Florida, who is in good standing with the Department of Business and Professional Regulation, Division of Professions, Board of Professional Engineers, engaged by the Developer to prepare engineering plans for the development and to review the construction of capital improvements.

Development: The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdivision of land, including but not limited to: a reconstruction, alteration of the size, or material change in the external appearance of a structure on land; 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; alteration of a shore or bank, river, stream, lake, pond, or canal; commencement of mining or excavation activity; demolition of a structure; clearing of land; or placement of fill on land. The term shall further include any development as otherwise designated in any ordinance, rule, or development permit and includes all other activity customarily

associated with development, any acts of developing, or the result of development.

Development agreement: An enforceable agreement entered into between Flagler County and a developer to provide for exactions or implementation of mitigation strategies or other provisions necessary to address impacts caused by development.

Development order: Any order granting, denying or granting with conditions, an application for a permit which shall include a building permit, zoning permit, subdivision approval, rezoning, special exception, variance, or any other official action having the effect of permitting development.

Development, zero lot line: A residential or mixed use development where the buildings, either attached or detached, are positioned on a lot in such a manner that one or more of the building's sides rest directly on a lot line and that all buildings utilize the same side of the lot.

Developments of regional impact: Any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county and which is required to undergo development of regional impact review in accordance with the standards and guidelines adopted by the state land planning agency pursuant to Ch. 380, F.S.

Diameter breast height (dbh): The diameter of a tree measured at four and one-half feet above ground level.

Digital sign: Any sign without moving parts whose content may be changed by electronic process through the use of intermittent light or lights, including light emitting diodes ("LED"), liquid crystal display ("LCD"), and plasma screen image display.

Directional sign: Any sign used to indicate the direction to entrances, exits, parking areas, restrooms, or other nonbusiness related facilities on the site.

Directly illuminating: Illuminated as a result of the glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is visible to a person who is in a standing position on the beach.

Director: The Growth Management Director, unless otherwise designated by the County Administrator.

Directory sign: A sign which gives the names of the businesses or individuals located in the building or complex where it is located.

Distance between driveways: The distance measured along the right-of-way line between the tangent projection of the inside edges of adjacent driveways to the same frontage.

Documented: The existence of a scientifically credible occurrence record, including surveys, scientific publications, or other information from a developer or landowner, local, regional, state or federal agencies, or other credible source.

Domestic animals: Animals that are customarily kept for personal enjoyment, including domestic dogs, cats, ferrets, and other animals recognized as domestic by the Flagler County Health Department.

Dormitory: A structure used for sleeping accommodations related to an educational facility.

Double-faced sign: A sign with two faces which are no more than three feet apart at their closest point, and which describe an internal angle between face planes extended of no more than 30 degrees.

Drainage structure: Culverts, storm drains, and stormwater retention or detention ponds with side slopes that must be stabilized by artificial means.

Dredging: Excavation by any means in waters or wetlands. It also means the excavation or creation of a water body which is, or is to be connected to, waters directly or via an excavated water body or a series of excavated water bodies.

Dripline: The critical root zone which is the outermost edge of the foliage of a tree projected vertically to the ground.

[OR]

Drip-line: The outer perimeter of the crown of a plant. [From landscaping definitions in current LDC.]

Dwelling, single-family attached: A building and accessories that is principally used, designed, or adapted for use by a single household, containing all the essential elements of a single housekeeping unit, and that is constructed in a series, row, or group but on separately platted lots, with one or more other dwelling units, which share not less than 50 percent of one or more exterior walls.

Dwelling, single-family detached: A building and accessories that are principally used, designed, or adapted for use by a single household, containing all the essential elements of a single housekeeping unit, and that are constructed on separately platted lots.

Dwelling, multi-family: A building that is principally used, designed, or adapted for use by a multiple households that are not located on separately platted lots.

Dwelling unit: A room or rooms connected together constituting a separate, independent housekeeping establishment for a family, for owner occupancy or rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure and containing sleeping and sanitary facilities and one kitchen.

Dwelling, zero lot line: A dwelling unit, either attached or detached, positioned on a lot in such a manner that one or more of the building's sides rest directly on a lot line or within a required setback and that all buildings utilize the same side of the lot.

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

Eaves: The extension or overhang of a roof measured from the outer face of the supporting wall or column to the farthest point of the overhanging structure.

Ecological integrity: The condition of an ecosystem having the biotic communities and physical environment with structure, composition, and natural processes that are resilient, self-sustaining, and able to accommodate stress and change. Its key ecosystem processes, such as nutrient cycles, succession, water levels and flow patterns, and the dynamics of sediment erosion and deposition, are functioning properly within the natural range of variability.

Ecological value: The value of functions performed by uplands, wetlands, and other surface water to the abundance, diversity, and habitats of fish, wildlife, and listed species. These functions include, but are not limited to, providing cover and refuge; breeding, nesting, denning, and nursery areas; corridors for wildlife movement; food chain support; and natural water storage, natural flow attenuation, and water quality improvement, which enhances fish, wildlife, and listed species utilization.

Ecosystem: A community of all plants and animals and their physical environment, functioning together as an interdependent unit.

Ecosystem management: The conservation, restoration or enhancement of, and planning for the maintenance of, parts or whole natural systems inter-related or associated with particular resources. Ecosystem management is an approach to natural resources that integrates ecological, economic, and social principles to manage biological and physical systems in a manner that safeguards the ecological sustainability, natural diversity, and productivity of the landscape. Examples of ecosystem management practices include: using fire to restore longleaf pine forests, leaving buffer zones to protect water quality, and using harvesting techniques that enhance forest productivity and provide critical wildlife habitat.

Edge clearance: The distance measured along the edge of the travelled way between the frontage boundary line of adjacent properties and the nearest point of the connection, flare or radius.

Educational facility, private: A private elementary or secondary school serving students in grades kindergarten through twelfth with an academic course of study approved by the Florida Department of Education.

Educational facility, public: A public elementary or secondary school serving students in grades Kindergarten through twelfth with an academic course of study approved by the Florida Department of Education.

Educational facility, vocational: A specialized instructional establishment that provides on-site training or professional, commercial, and/or trade skills. Incidental instructional services in conjunction with another primary use shall not be considered a business and trade school. Indoor training and instruction for professional sports shall be considered an "indoor sports training facility."

Element: Any exemplary or rare component of the natural environment, such as a species, natural community, bird rookery, spring, sinkhole, cave, or other ecological feature.

Element occurrence: A single extant habitat that sustains or otherwise contributes to the survival of a population or a distinct, self-sustaining example of a particular element.

Encroachment: The part of a structure that intrudes into a setback.

Encroachment: The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas. [Note: This definition from the Floodplain Ordinance.]

Encroachment: As it related to landscaping, the protrusion of a vehicle outside of a parking space, display area, storage area, access way, or access aisle into a landscaped area. [From the landscape definitions in the current LDC.]

Enhanced specialized mobile radio (ESMR): Private land mobile radio with telephone and data services.

Entertainment and recreation: Recreation and entertainment uses, which include amusement arcades, pool halls, bowling lanes, skating rinks, miniature golf, carnival-type concessions and rides, and boating and fishing facilities. Coin-operated amusement machines (excluding motion picture viewers or video arcades) of ten or fewer machines shall be allowed as an accessory use to a restaurant in those zoning districts where restaurants are permitted and shall not be considered commercial recreation and entertainment, provided that the machines are authorized by the Florida Department of Revenue

and an amusement machine certificate is posted in a conspicuous place at the machine location.

Environmental quality: The character or degree of excellence or degradation in the total essential natural resources of the area as measured by the findings and standards of the physical, natural, and social sciences, the arts and technology, and the quantitative guidelines of federal, state, and county governments.

Equipment cabinet/shelter: An unoccupied, enclosed structure at the base of the mount within which is housed the equipment for the PWSF such as batteries and electrical equipment.

Essential utility services: Installations which distribute water, sewer, gas, telephone, electricity, stormwater runoff, cable TV and similar utility services, but which exclude major installations such as electrical or gas generating plants, water and sewage treatment plants, and other similar major installations. Any such installations shall be reviewed and approved by the County Development Engineer and shall be subject to any applicable present or future ordinances governing use of the County right-of-way.

Evergreen: A plant with foliage that remains green year-round.

Excavation: The removal and transport of earth materials (sometimes referred to as "borrow" activities). This definition excludes commercial mining operations (such as limerock and sand mining operations), excavation associated with construction of storm water management facilities, excavation activities governed by the Flagler County Subdivision Regulations, and excavation associated with sod farming and removal activities, and tree farming activities.

Exactions: A requirement of a developer to dedicate land or construct or pay for all or a portion of the costs of capital improvements needed for public facilities as a condition of development approval. For purposes of this LDC, this does not include improvements on the site of the development or to provide safe access to and from the development to meet the needs of the occupants or users of the development, except for those improvements provided for a public purpose. These improvements may include transit enhancements, public sidewalks or public parks. The CMO shall have the authority to make the final determination of the public purpose associated with any exaction.

Excavation and fill operation: An operation that involves the removal of surface and subsurface materials, including but not limited to earth, gravel, materials, minerals, peat, sand and soil, and replacing such material with clean debris or construction and demolition debris.

Existing building and existing structure: Any buildings and structures for which the “start of construction” commenced before February 5, 1986. [Also defined

in FBC, B, Section 1612.2.][Note: This definition from the Floodplain Ordinance.]

Existing deficiency: A deficiency in a public facility caused when the existing and reserved demand (from approved development through the issuance of a CLSC) exceeds the capacity of said facility at the adopted LOS standards.

Existing development: A building or structure for which a building permit has been issued prior to the adoption of this LDC. [this definition from sea turtle lighting portion of LDC]

Existing manufactured home park or subdivision: 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) is completed before February 5, 1986. [Note: This definition from the Floodplain Ordinance.]

Expansion to an existing manufactured home park or subdivision: 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).

Extraction: The removal of soil, sand, minerals, etc., from the earth through mining or excavation (borrow) activities.

Extremely-low-income persons: As defined in s. 420.0004, F.S., one or more natural persons or a family whose total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the state. The Florida Housing Finance Corporation may adjust this amount annually by rule to provide that in lower income counties, extremely low income may exceed 30 percent of area median income and that in higher income counties, extremely low income may be less than 30 percent of area median income.

Evergreen: A plant with foliage that remains green year-round.

Facade: The exterior wall of a building, parallel at the frontage line.

Fall zone: The area on the ground within a prescribed radius from the base of a PWSF, broadcasting or communications towers. The fall zone is the area within which there might be a potential hazard from falling debris or collapsing material.

Family: One or more persons occupying a living unit as a single, nonprofit housekeeping unit.

[OR]

Family: Includes spouse, children, stepchildren, foster children, parents, stepparents, fosterparents, brothers and sisters. [From Rule 64E-14.002, F.A.C.]

Family homestead density exception: A family homestead exception is an exception to the density or intensity of a parcel in certain zoning districts as specified in the LDC.

Farmworker housing: Residential dwellings constructed or installed to provide housing for farmworkers and their families when employed on a fulltime basis by the owner or operator of an intensive agricultural activity occurring on the property on which the housing is located.

Fascia sign (or wall sign): A sign located on the fascia of a roof or canopy, or affixed to the front plane of a mansard roof that is a maximum of 30 degrees from vertical, including signs that extend the plane of the structural fascia, and no lateral supports are used.

Federal Communications Commission (FCC): An independent federal agency charged with licensing and regulating wireless communications at the national level.

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

Fill: Raising the surface level of the land with suitable soil or other material as specifically permitted for the site.

Filling: Deposition of materials by any means in waters or wetlands.

Fitness center: A place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. Fitness center may also include incidental accessory uses such as child care for patrons, professional physical therapy services, and incidental food and beverage sales.

Five-year schedule of capital improvements: Part of the County's Capital Improvements Program as updated annually and included in the County's Capital Improvements Element of the adopted Comprehensive Plan.

Fixture: the device that holds, protects, and provides the optical system and power connections for a lamp.

Fixture, cutoff: Intensity at 80 degrees from nadir does not exceed 100 candela per 1,000 lamp lumens, nor at 90 degrees from nadir does intensity exceed 25 candela per 1,000 lamp lumens.

Fixture, full cutoff: A luminaire light distribution where no candlepower occurs at or above an angle of 90 degrees from nadir. Additionally, the candela per

1,000 lamp lumens does not numerically exceed 100 at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.

Fixture, fully shielded: Constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal.

Fixture, partially shielded: Shielded in such a manner that more than zero but less than ten percent of the light emitted directly from the lamp or indirectly from any part of the fixture is projected above the horizontal.

Fixture, semicutoff: Intensity at 80 degrees from nadir does not exceed 200 candela per 1,000 lamp lumens, nor at 90 degrees from nadir does intensity exceed 50 candela per 1,000 lamp lumens.

Flag: Any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision or other entity.

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

a. The overflow of inland or tidal waters.

b. The unusual and rapid accumulation or runoff of surface waters from any source.

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

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

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

b. The area designated as a flood hazard area on the County's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM): Insurance and floodplain management map issued by the Federal Emergency Management Agency (FEMA) that identifies, based on detailed or approximate analysis, areas of 100-year flood hazard.

[OR]

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

Flood insurance study (FIS): The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Flood insurance zone designations: The zone designations that appear on the flood insurance rate map. Each designation indicates the magnitude of the flood hazard within a specific area.

Floodplain: Lowland adjoining the channels of rivers, streams or other watercourses, or lakes or other bodies of standing water. Includes the floodway and floodway fringe.

Floodplain administrator: The County Development Engineer or designee.

[OR]

Floodplain administrator: The office or position designated and charged with the administration and enforcement of County floodplain regulations (may be referred to as the Floodplain Manager). [Note: This definition from the Floodplain Ordinance.]

Floodplain development: The filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, and structures, including facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development that is wholly within or partially within any flood hazard area.

Floodplain development permit or approval: An official document or certificate issued by the County, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this LDC.

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

Floodway or regulatory floodway: The channel of a river, stream, or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the 100-year flood elevation more than a designated height.

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

Floor area ratio: The square foot amount of total floor area (all stories) for each square foot of land area of the site of the proposed development. For purposes of this definition, total floor area shall be all of that area encompassed within the outside edges of all exterior walls of all buildings and each level thereof on the site. Open porches, balconies and carports are specifically excluded from the calculation of total floor area.

[OR]

Floor area ratio: The gross floor area of all floors permitted on a site divided by the area of the site, usually expressed in decimals of one (1) to two (2) places.[Note: This definition from the existing LDC text for wetlands.]

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

Footprint: The horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes buildings, residences, garages, covered carports, and accessory structures but not trellises, patios, and areas of porch, deck, and balcony less than 30 inches from finished grade.

Freestanding sign: Any sign supported by uprights or braces placed upon or in or supported by the ground, a fence or nonstructural wall. This shall include "ground" and "pole" signs.

Front building elevation area: The area found by multiplying the length of the front wall of the principal building on a lot or parcel of record by the distance between the entry level and the eave line of this building.

Front foot building: Each foot, or major portion thereof, measured along the main entry side of a building.

Front foot, property: Each foot, or major portion thereof, measured along the public right-of-way where the subject property abuts said right-of-way.

Front porch: A front porch is an open, roofed structure attached to the front of the unit.

Frontage: The distance or width of a parcel of land abutting a public right-of-way and as measured upon such right-of-way. Corner property at a highway intersection has a separate frontage along each highway.

Frontage road: A street or road auxiliary to and normally located alongside and parallel to a highway for purposes of maintaining local road continuity and for control of access.

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

Functionally equivalent services: Cellular, PCS, enhanced specialized mobile radio, specialized mobile radio and paging. Section 704 of the Telecommunications Act prohibits unreasonable discrimination among functionally equivalent services.

Garage, community: A structure or series of structures under one roof and under one ownership, for the storage of vehicles by three or more owners or occupants of property in the vicinity where said structure has no public shop or mechanical services in connection therewith.

Garage, private: A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Geodetic marker: Any marker that is established and accepted by the National Geodetic Survey and/or Florida Department of Environmental Protection. Information on geodetic markers may be obtained from the property appraiser's office and/or the county engineer's office.

Good cause: Impediments to submission of final development plan such as delays in securing permits from other agencies in a timely manner. Good cause does not include adverse market conditions, delays in securing financing, or self-imposed hardships resulting from the actions, or inaction, of the developer.

Grade: The slope of a road, street, utility or other public way, specified in percent (%).

Grade elevation: The final elevation of the ground surface after development excluding berms or landscape treatment specifically designed to raise the height of the sign.

Greenway: A corridor of protected open space that is managed for conservation, recreation purposes. Greenways follow natural land or water features or abandoned railroad corridors or canals, and link natural reserves, parks, cultural, and historic sites.

Ground cover: Grasses or other plants grown to keep soil from being blown or washed away.

[OR]

Ground cover: Low growing plants planted in such a manner as to form a continuous cover over the ground, such as liriope, low growing varieties of honeysuckle, confederate jasmine, English ivy, or like materials.

[OR]

Ground cover: Natural mulch or low growing plants other than deciduous varieties installed to form a continuous cover over the ground. [From the landscape definitions in the current LDC.]

Groundwater: Water occurring beneath the surface of the ground or in the zone of saturation, whether or not flowing through known or definite channels.

Ground truthing: Verification on the ground of conditions on a site.

Guyed tower: A type of mount that is anchored to the ground or to another surface by diagonal cables.

Gym: See "fitness center."

Habitat: The natural abode of a plant or animal that contains the arrangement of food, water, cover and space required to meet the biological needs of a given species. Different species have different requirements, and these requirements vary over the course of a year.

Habitat corridors: A naturally-vegetated transportation route for plants and animals that connects larger natural areas. Wild plants and animals typically require avenues for dispersal to different feeding and breeding sites in order to survive.

Habitat diversity: The variety of habitat features and types in a specific area. Habitat diversity takes many forms: the variety of plants and animals on a site; structural diversity or the vertical arrangement of vegetation from canopy to forest floor; horizontal diversity or the distribution of habitat types across the landscape; and temporal diversity or habitat changes over time. Generally, areas with substantial habitat diversity will support more wildlife species than areas with less habitat diversity.

Hardscape features: Hardscape or hardscaping consists of the inanimate elements of landscaping, especially any masonry work or woodwork. For example, stone walls, concrete or brick patios, tile paths, walkways, wooden decks and wooden arbors shall be considered part of the hardscape.

Hazardous material: Substances for which a material safety data sheet is required by the United States Department of Labor, Occupational Safety and Health Administration, pursuant to title 29 of the Code of Federal Regulations, part 1910.1200; however, only insofar as they pose a hazard to human health or the environment.

Hazardous waste: Any solid waste as defined in 40 CFR, section 261.1, which is considered a hazardous waste pursuant to 40 CFR, section 261.3, and exhibits the characteristics identified in 40 CFR, part 261, subpart C, or is listed in 40 CFR, part 261, subpart D, or designated as provided in section 353.03.

Heavy industry: Establishments engaged in manufacturing, processing, storage and warehousing, wholesaling, and distribution.

Heavy machinery and equipment: Machinery and equipment used for commercial, industrial and agricultural operations, including vehicles used for construction and demolition.

Height AGL (above ground level): For personal wireless services facilities (PWSF), this is the distance measured from ground level to the highest point of a PWSF, broadcast including the antenna array. For purposes of measuring height, all antennas, lightning rods, or other attachments mounted on a structure shall be included in the measurements to determine overall (i.e. combined) height.

Height of sign: The distance between the top of a sign and the grade elevation below it.

High aquifer recharge areas: Those areas where stream-to-sink surface water basins occur, and those areas where the Floridan Aquifer system is unconfined or semiconfined.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic preservation: The identification, evaluation, recordation, documentation, analysis, recovery, interpretation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, or reconstruction of historic resources or properties.

Historic resource or historic property: Any historic district, site, building, object, or other real or personal property of historical, architectural or archaeological value. These properties or resources may include, but are not limited to:

monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned watercraft, engineering works, treasure troves, artifacts, or other objects or features with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the state and Flagler County.

Historic structure: Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings.

Home-based business: Business or commercial activity conducted on a residential property which is accessory to the residential use of that property for gainful employment involving a vocation, trade, or profession carried on by the occupant.

Homeless shelter: A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for the mentally ill, or a public or private building not ordinarily used for residential purposes, including accessory uses of places of worship or civic organizations.

Homeowners' association: A private, nonprofit corporation, association, or other legal entity established by the developer for the benefit and enjoyment of the residents of a cluster development for the use, maintenance, operation and protection of common open space areas within such developments. This term also shall include condominium associations.

Hospital: An institution providing services of a medical nature to human patients, allowing for extended overnight care of such patients, and including related facilities such as laboratories, out-patient departments, training facilities, staff offices, and food services.

Hotel or motel: A building designed to provide accommodations for persons for temporary residence for compensation, with or without meals, with provisions for cooking in such rooms only in accordance with county fire regulations, and including customary accessory uses in connection with the principal use.

House of worship: see “Place of worship.”

Household: A family whose relationship is of a permanent and distinctly domestic character, rather than resort or seasonal (occupancy of a dwelling for purposes of attending a college or university shall not be considered seasonal).

Hunting camp: A recreational facility established for the purposes of hunting and/or fishing which may provide overnight accommodations, food, transportation, guides, and other customary accessory uses and facilities.

Hydroperiod: Period of time in which soils, waterbodies and sites are wet.

Identification sign: A sign that indicates the name and type of business or service, or the name of the development located on the site where the sign is located including street address, phone number, and graphic of business logo.

Illuminated sign: A sign that uses artificial light, either internal or external to the sign faces, to draw attention to the sign or otherwise increase its visibility.

Imminent deficiency: An approaching deficiency in a public facility caused when the existing demand and capacity reserved for approved development reaches 95 percent of the capacity of said facility at the adopted LOS standards.

Impervious surface: Land surfaces which do not allow, or minimally allow, the penetration of water; included as examples are building roofs and normal concrete and asphalt pavements.

Improvements: Improvements may include, but are not necessarily limited to: sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, bridge, sidewalk, pedestrian way, planting strip, or other similar facility.

Incidental food and beverage sales: Sales, storage, preparation, and service of food and/or beverages that occurs as an accessory use to an established commercial or industrial use, which may or may not be directly associated with that use.

Index tree: A tree of a species listed in the Interim Index Tree List for the A1A Scenic Corridor having a minimum caliper of 6 inches measured 4 1/2 feet above ground. An index tree is free of significant defects in structure such as large cracks or included (embedded) bark in narrow crotch angles.

Indirectly illuminating: Illuminated as a result of the glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is not visible to a person who is in a standing position on the beach.

Indoor sports training facility: An indoor facility that provides training of amateur or professional athletes in a particular sport. These facilities typically operate on a by-appointment basis and provide very small student-instructor ratios. Programs at these facilities are designed to enhance the skills necessary to succeed in a particular sport rather than for general exercise as at a "gym" or "fitness center".

Industry: Industrial developments are characterized by the fabrication, manufacturing, transporting, warehousing or distribution of goods. Any activity involving the manufacturing or treatment of any commodity including the assembly, packaging, canning, bottling, or processing of any item. To change any commodity in composition, form, size, shape, texture, or appearance is deemed to be an industrial process.

Initial design plan: An optional step in the development review process related to site plan approval. The initial design plan provides an applicant with an administrative review opportunity during initial stages of engineering design to ensure consistency with the site design standards of the Technical Manual. The initial design plan is non-binding and serves to inform the County about initial plans, while providing an applicant with TSR comments in an early design stage.

Inside radius: The inside or smaller curve radius connecting the edge of the driveway to the travelled way when the driveway angle is less than 90 degrees.

Instructional sign: A sign conveying nonadvertising information relating to the use of the premises, including such signs as no parking, no trespassing and warning signs.

Interested person: Any person who submits written comments during an application review period or oral testimony as part of any public hearing process.

Interior area: The entire parcel to be developed exclusive of the front, rear and side perimeter landscape areas.

Internally illuminated sign: A sign that uses artificial light from behind the sign face to increase its visibility.

Invasive, nonnative vegetation: Any plant not indigenous to Florida, which exhibits, or has the potential to exhibit, noncontrolled growth and invasion or alteration of the natural qualities and functions of any native habitat.

Island: A physical barrier or separation to direct the flow of traffic and/or to separate highway traffic from the activity on the adjacent property.

Isolated wetlands: Wetlands that have no hydrological or vegetative connections with "Waters of the State" as defined in ss. 403.031(3), F.S.

Junk: Any litter, debris, waste materials of any kind, dead or decaying vegetation or vegetative refuse, dead animals, used or unserviceable automobile and machinery parts, used and nonfunctional furniture and appliances, and used and nonfunctional tools, equipment, and implements, but shall not include compost piles for normal, personal, noncommercial use.

Lamp: The source of light within a luminaire.

Land application: The act of disposing of sewage effluent and/or sludge on the earth's surface. There are three primary types of land application: (1) overland flow, which includes depository sludge in landfills, (2) rapid rate infiltration, such as in percolation ponds, and (3) slow rate infiltration such as spray irrigation.

Land clearing: As it applies to the Marineland Acres Special Stormwater Overlay Area, the removal of trees, vegetation, soil or mineral deposits, or root raking or the placement of fill by any means. This definition does not include normal mowing or the removal of trees or vegetation in accordance with Firewise Communities standards with tools in an area only as specifically permitted by the county development engineer.

Landfill, Class I: A landfill facility that receives an average of 20 tons or more of solid waste per day.

Landfill, Class III: A landfill facility that receives only yard trash, construction and demolition debris, waste tires, asbestos, carpet, cardboard, paper, glass, plastic, furniture other than appliances, and other materials approved by the Florida Department of Environmental Protection (FDEP) which are not expected to produce leachate which poses a threat to public health or the environment. Class III landfills do not accept putrescible household waste.

Landscape: The placement of landscape material in the planting area in accordance with the requirements of this LDC.

Landscape development: Trees, shrubs, ground cover, vines or grass installed in planting areas for the purpose of fulfilling the requirements of this LDC.

Landscape material: Horticultural items such as plants, shrubs and trees, and accessory materials such as fertilizer, sod, pots and liners, mulch, wood chips, and irrigation systems.

[OR]

Landscape material: Living material including, but not limited to, trees, shrubs, vines, lawn grass, ground cover; landscape water features; retention areas; and nonliving durable material commonly used in landscaping, including but not limited to rocks, pebbles, sand, prairie film, brick pavers, earthen mounds, but excluding impervious surfaces for vehicular use. Minimum fifty (50) percent of such material shall be living. [From the landscape definitions in the current LDC.]

Land use plan: The future land use element of the *Flagler County Comprehensive Plan* enacted by the board of county commissioners pursuant to Ch. 163, Part II, F.S.

Large-scale comprehensive plan amendment: An amendment to the 2010-2035 Flagler County Comprehensive Plan that does not meet the criteria of a small-scale comprehensive plan amendment pursuant to s. 163.3187, F.S. For these purposes, any text amendment to the goals, objectives, and policies of the adopted comprehensive plan shall also constitute a large-scale comprehensive plan amendment, unless such text amendment is specifically exempted from these processes by Florida Statutes.

Lattice tower: A type of PWSF mount that consists of multiple legs and cross-bracing of structural steel.

Legal advertisement: The notice shall state the title and substance of the requested action, name of the applicant, and the location where the public may inspect the application. The notice shall advise that interested parties may submit comments regarding the application in writing to the Planning and Zoning Department. The required advertisement may be placed in that portion of the newspaper where legal notices and advertisements appear.[Note: This definition from the current LDC wetland section.]

Letter of Map Change (LOMC): An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

a. Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

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

c. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with this LDC.

d. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Level of service (LOS) standard: The LOS standard adopted in the Flagler County Comprehensive Plan that will be used to determine whether adequate capacity will be available for a particular public facility to accommodate the impacts of a proposed development on the facility.

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

a. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

b. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

c. Available with special features enabling off-street or off-highway operation and use.

Light industry: Establishments engaged in light manufacturing, processing, storage, and office uses and limited warehousing, transportation and distribution.

Lighting, outline: A style of lighting that outlines the roofline of a building used to call attention to the building.

Limited use permit: A limited use is a use that is generally in keeping with the intent of the particular zoning district, but because of the nature of the use, needs a site-specific review. The uses that may potentially be allowed through issuance of a limited use permit are listed in the regulations for each zoning district

Listed species: Those species of plants and animals listed as endangered, threatened, rare, or species of special concern by an official federal or state plant or wildlife agency, or the Florida Natural Areas Inventory (FNAI), includes species ranked as S1, S2, or S3). These species are targeted for protection for a number of reasons, e.g. they are in imminent danger of extinction, are rapidly declining in number or habitat, or have an inherent vulnerability to habitat modification, environmental alteration, or human disturbance which puts them at risk of extinction.

Littoral zone: In reference to stormwater management systems, that portion which is designed to contain rooted aquatic plants.

Livestock: Includes all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals as recognized by the Florida Department of Agriculture.

Living area: That area of a dwelling unit which is enclosed, protected from the elements, and is heated, including interior halls, closets, utility and storage areas, but excluding garages, carports, screened porches, unenclosed and unheated areas.

Lot: A piece, parcel, tract, or plot of land occupied or to be occupied by one principal building and its accessory buildings and including the required yards and

shall include all lots of record included in such piece, parcel, tract, or plot of land, and all lots otherwise designated.

[OR]

Lot: Includes tract or parcel and means the least fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified. [From ss. 177.031(11), F.S.]

Lot, corner: Any lot situated at the intersection of two or more streets and abutting such streets on two or more adjacent sides.

Lot coverage: That percentage of the plot area covered or occupied by buildings or roofed portions of structures.

Lot, double frontage: A lot of the same depth as the width of a block which is accessible from any of the streets upon which it fronts.

Lot, flag: A lot not fronting on or abutting a street where access is by a narrow easement, or an L-shaped lot or other irregularly shaped lot which abuts, and has access to a street, but does not comply with the minimum frontage requirements of this LDC.

Lot, interior: Any lot bounded on both sides by other lots.

Lot line: The property line, abutting the right-of-way line, or any line defining the exact location and boundary of the lot or property.

Lot of record:

a. a lot which had been assigned a parcel number by the Flagler County Property Appraiser's Office prior to [insert effective date], and which met the applicable regulations of Flagler County at the time the lot was created;

b. a lot that was created by a deed or by a contract for deed executed prior to [insert effective date], and which met the applicable regulations of Flagler County at the time the lot was created;

c. a lot created by a separate legal description where a building permit has been previously issued for residential purposes; or

d. lots created by action of the Board of County Commissioners.

Low impact development (LID): A site design strategy for maintaining or replicating the pre-development hydrologic regime through the use of design techniques that create a functionally equivalent hydrologic landscape. Hydrologic functions of storage, infiltration, and ground water recharge, plus discharge volume and frequency are maintained by integrated and

distributed microscale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of flow paths and runoff time. Other LID strategies include, but are not limited to, the preservation of environmentally sensitive site features such as natural upland habitat, wetlands, wetland buffers, and floodplains.

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

Low-income persons: As defined in s. 420.0004, F.S., one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the County in which the person or family resides, whichever is greater.

Luminaire: A complete unit that artificially produces and distributes light. An artificial light source including fixture, ballast, mounting and lamp(s).

Luminaire, low-profile: A light fixture set on a base which raises the source of the light no higher than 48 inches off the ground, and designed in such a way that light is directed downward from a hooded light source.

Mailed notice: The first class mailing of a notice of application receipt to each real property owner within 300 feet of the perimeter of the subject property. Calculation of the distance requirement shall not include water bodies which are contiguous to the subject property. [Note: This definition is from the current LDC wetland section.]

Major electric transmission corridor: An electric transmission line exceeding 115 k.v.

Major utility installations: Include telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television stations and towers, water and sewer treatment plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations.

Manual: By use of hand or body.

Manufactured building, DBPR-approved: Any factory built structure, building assembly, or system of subassemblies that is manufactured or constructed under the authority of the Florida Manufactured Building Act of 1979. All

such manufactured buildings must meet the requirements of, and bear the insignia of approval of, the State of Florida Department of Business and Professional Regulation or successor agency as designated by Florida Statutes.

Manufactured home: A mobile home fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.

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

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.[Note: This definition from the Floodplain Ordinance.]

Manufactured or mobile home park: A lot or parcel of land under single ownership or management upon which is operated a business engaged in providing for the parking of manufactured and mobile homes to be used for both living and storage purposes, and including the customary accessory uses such as owners' and managers' living quarters, restrooms, laundry facilities, utility areas, and facilities for parks and recreation.

Marina: A recreational facility established for the purposes of fishing or boating, which may provide in-water or dry storage of boats, food services, transportation, guides, boat rentals, and other customary accessory uses and facilities. Overnight accommodations may be provided at these facilities only by special exception.

Market value: The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this LDC, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

Marquees and canopies: Any shelter, cover, or protection extending beyond the outer face of the building wall, of either rigid or nonrigid construction, designed and intended to be used for the purpose of shelter or protection for entrances and walkways.

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

Massage therapy: The profession in which the practitioner applies massage techniques with the intent of positively affecting the health and well-being of the client, and may adjunctively:

a. apply allied modalities, heat, cold, water and topical preparations not classified as prescription drugs;

b. use hand held tools or devices designed as t-bars or knobbies; and

c. instruct self care and stress management.

Materials recovery facility: A solid waste management facility where recyclable materials are extracted from mixed, municipal solid waste. Nonrecyclable materials are transferred from the materials recovery facility and disposed of as solid waste.

Matrix (geological): The combination of natural earth materials in which any mineral resource is embedded.

Maximum service volume: The maximum capacity of a public facility based on the adopted LOS standard. For the purposes of roadway capacity, maximum service volume shall be determined by the latest Florida Department of Transportation (FDOT) generalized tables, a more detailed analysis such as FDOT's Arterial Planning software, or the Highway Capacity Manual. Any such detailed analysis shall be subject to acceptance/approval by the Flagler County Public Works Department.

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

Median: The portion of a road separating the travel lanes for traffic.

Medical clinic: An institution providing services of a medical nature to human patients, and including related facilities such as out-patient departments and staff offices, but not including facilities for extended overnight care.

Membership sign: A sign identifying affiliations such as travel club, business association, credit card company, or civic club or any other membership association.

Memorial sign: A permanent sign, plaque, inscription or similar group of symbols recording historical data relating to the construction of the building to which it is affixed.

Mineral resource: The subsurface deposits of economic value, including but not limited to clay, limestone, peat, phosphate and sand.

Minimal impact activities: Activities that will have no significant adverse impact on the resource. Such activities may include installation of navigational aids marked consistent with the requirements of Ch. 327, F.S; construction and maintenance of public or private nature trails not more that ten feet in width; installation of docks not in excess of one 1,000 square feet in size, subject to performance standards, and other similar activities.

Minimum descent altitude: The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure for which no electronic glide slope is provided.

Minimum obstruction clearance altitude: The lowest published altitude in effect between radio fixes on very high frequency omni directional range station (VOR) airways, off-airway routes, or route segments which meet obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.

Mining: The extraction of natural deposits from the earth which are regulated by the State of Florida under Part II of Ch. 211, F.S., and Ch. 378, F.S.

Mining operation: A collective term referring to all aspects of the proposed mining scheme, including the plant, processing areas and total land area for which the applicant is applying for a permit.

Mining permit: A valid operating permit for the conduct of mining operations.

Mining unit: Specified areas of land from which minerals are extracted in a specified period of time.

Minor subdivision: The division of land, whether improved or unimproved, into three or more, but less than 10, contiguous lots or parcels of land meeting the minimum lot requirements of the LDC for the purpose of transfer of ownership or development, which does not involve the creation of a street or right-of-way. Each parcel so created shall have frontage on a County-maintained paved road.

Mitigation: An action or series of actions that offsets adverse environmental impacts. Mitigation may consist of any one or a combination of monetary compensation, or acquisition, restoration, enhancement, or preservation of wetlands, other surface waters or uplands.

Mitigation: Actions including, but not limited to, preservation, restoration, enhancement, or creation of wetlands, required to be taken by a person to offset environmental impacts of permitted activities. [Note: This definition from the current LDC wetland section.]

Mixed use: A building or an area that contains a mix of uses. This may include uses such as retail, office, and residential.

Mobile home: A transportable, factory-built structure designed to be used as a year-round single-family residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards of 1974, which became effective for all mobile home construction on June 15, 1976 (previously known as the federal Mobile Home Construction and Safety Act).

Moderate-income persons: As defined in s. 420.0004, F.S., one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

Monitoring wells: Strategically located wells from which groundwater samples are drawn for water quality analysis.

Monopole: One type of self-supporting mount consisting of a single shaft of wood, steel or concrete and antennas at the top and/or along the shaft.

Mount: The structure or surface to which antennas are attached.

Mulch: A layer of wood chips, pine straw, hay or other material placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold soil in place, and aid in plant growth.

Multifamily dwelling: See "Dwelling, multifamily".

Multiple frontage property: A lot or parcel that is contiguous to more than one public right-of-way being either a corner lot or a through lot.

Multi-use complex: Any development of two or more business or industrial uses that are under common land ownership or that share common property frontage.

Multivision sign: Any sign composed of mechanically operated louvers or slats containing multiple separate messages, each of which becomes visible when the louvers are synchronically rotated to one of a multiple of positions.

Museum: An establishment serving as a repository for a collection of natural, scientific, technological, artistic, or literary objects of interest, designed to be viewed by the public with or without an admission charge.

Native vegetation: Vegetation occurring naturally in the north central Florida region without the influence of humans. Native vegetation is a comprehensive term that encompasses all plant life, including groundcover, grasses, herbs, vines, shrubs and trees that, based on current knowledge, are known to have been present regionally before the time of documented European contact (about 1500 A.D.).

Natural ground: The surface of the earth as it exists prior to initiation of mining operations and includes the surface of any land previously mined in earlier operations, whether reclaimed or not.

Natural resources: Flagler County's biological, physical, geological and hydrological components of the environment.

Neighborhood convenience centers: A planned commercial center consisting of a store or group of stores or shops under single ownership or management, not exceeding 20,000 square feet of gross leasable floor area, with common parking facilities, ingress and egress, loading and unloading facilities.

Neon sign in the A1A Scenic Corridor: A sign containing glass tube lighting in which a gas and phosphors are used in combination to create a colored light.

Nest: An area where sea turtle eggs have been naturally deposited or subsequently relocated.

Nesting season: The period of May 1 through October 31 of each year when sea turtle nesting is underway.

New construction: Any development for which an application for a building permit must be made prior to the initiation of any improvements. Also, in the case of vehicular use paving, any preparation or pavement (asphalt or concrete) of a site intended for any type of vehicular use begun after the effective date of this LDC. [From the landscape definitions in the current LDC.]

[OR]

New construction: For the purposes of administration of this LDC and the flood resistant construction requirements of the Florida Building Code, structures for which the “start of construction” commenced on or after February 5, 1986 and includes any subsequent improvements to such structures.[Note: This definition from the Floodplain Ordinance.]

New manufactured home park or subdivision: 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) is completed on or after February 5, 1986. [Note: This definition from the Floodplain Ordinance.]

Newspaper publication: Publication of public notice in a newspaper shall consist of publication of a legal advertisement in a newspaper of general paid circulation in Flagler County pursuant to Ch. 40, F.S., being of general interest and readership in the community, not one of limited subject matter. The advertisement shall be placed within 30 days of receipt of a complete application, including application fee. Applicants are responsible for the out-of-pocket costs of such publication(s). [Note: This definition from the current LDC wetland section.]

NGVD (National Geodetic Vertical Datum): Contours and elevations based on mean sea level.

Non-common household pet: All animals other than those considered a common household pet or wild animal as defined herein.

Non-common household pet and wild animal sanctuary/shelter facility: A facility that is owned, operated or maintained by private individuals, or a private or nonprofit organization where more than eight non-common household pets or wild animals are kept in the AC (Agriculture) zoning district, for the purposes of protection, rehabilitation, long-term care and/or adoption. This shall not include bona fide farming activities recognized by the Property Appraiser to be bona fide agriculture, where livestock are produced for human consumption and/or animal products.

Nonconforming building: Any building or structure which existed lawfully at the time it was permitted, but that does not comply with the current regulations of the zoning district or the comprehensive plan land use designation in which it is located.

Nonconforming lot: Any lot of record which does not meet the minimum area required by this LDC or the density requirements of the comprehensive plan land use designation in which the lot is located.

Nonconforming sign: A sign erected in the County before the adoption of this LDC that does not conform to the requirements of this LDC.

Nonconforming structure: Any building or structure, other than a sign, that was legally established but no longer complies with the standards of this LDC or the comprehensive plan.

Nonconforming use: Any use of land or use of building that is not a permitted use in the zoning district or comprehensive plan land use designation in which the lot or parcel of land or building, as applicable, is located, but was legally established by permit or required no permit at the time it was established.

Nonconforming use of building: The lawful use of any building or structure for other than a use specifically permitted in the zoning district or the comprehensive plan land use designation in which the building is located.

Nonconforming use of land: The lawful use of any land other than a use specifically permitted in the zoning district in which the lot or parcel of land is located or specifically authorized by the comprehensive plan.

No net loss of wetland function: When used in the LDC, this term shall mean the quantified value of function consistent with Rule Ch. 62-345, F.A.C., as amended.

Non-native vegetation: Vegetation not natural to the north central Florida region, including prohibited non-native vegetation listed in Rule 62C-52.011, F.A.C., Florida Prohibited Aquatic Plants List, and Rule Ch. 5B-57, F.A.C., Florida Noxious Weed List.

Non-profit conservation organization: Any private organization, existing under the provisions of Section 501 (c)(3) of the Internal Revenue Code, which has among its principal goals the conservation of natural resources or protection of the environment.

Notice of activity: Written or oral communication to the growth management department regarding the commencement of certain silviculture activities.

Nursing home: An institutional operation designed to provide full- or part-time supervision and assistance to those persons not able to care for themselves, and shall include convalescent homes, homes for the elderly, and similar facilities.

Obstruction: Any fill, structure, work, appurtenant work, or surface water management system placed in a floodway which may impede the flow of water or otherwise result in increased water surface elevations.

Off-site: Any premises not located within the area of the property to be subdivided or otherwise developed, whether or not in the common ownership of the applicant for subdivision approval.

Off-site advertising sign: Any sign which directs attention to a business, commodity, service, product or activity not conducted, sold, offered or available on the premises where such sign is located or to which it is affixed. Larger off-site signs are commonly referred to as billboards and are regulated by the Florida Department of Transportation as "outdoor advertising". For purposes of this LDC, the terms "billboard" and "outdoor advertising" shall mean the same and are included within this definition.

Off-street parking space: A space at least nine feet wide and 20 feet in length with a minimum net area of 180 square feet, excluding area for egress and ingress and maneuverability of vehicles.

Office use: Business, professional, service, and governmental occupations, institutions and commercial activities not involved with the sale of merchandise.

Old Florida heritage highway: Roads designated as a scenic highway pursuant to s. 335.093, F.S., which provides that the purpose for such designation is to preserve, maintain, and protect a part of Florida's cultural, historical, and scenic routes for vehicular, bicycle and pedestrian travel.

One-stop permitting: The ability to obtain a single permit from the county and other appropriate agencies as a result of an inter-local agreement for the permitting and construction of stormwater management facilities associated with new development or modification to existing facilities.

Onsite sign: A sign that identifies or advertises only goods, services, facilities, events or attractions available on the premises where the sign is located.

Open space: Any natural, recreational, or common open areas, either publicly or privately owned, set aside, dedicated, designated, or reserved for the private use or enjoyment of owners or occupants of land adjoining such open space, or for the public at large.

Open space, common: All open space, natural areas, and recreational areas which are within the part of a development designed and intended to be used in common by the owners, residents, or tenants of the development.

Open space, usable: Walkable outdoor area designed or used for public access, outdoor living, recreation or pedestrian access.

Open system: An open stormwater conveyance system associated with roadways constructed with roadside swales.

Ornamental grass: A grass planted primarily for its ornamental value or for screening purposes.

Outdoor parking: Any location on the same lot or parcel, paved or unpaved, from which 75 percent of the vehicle is visible from adjacent lots, street or waterway, other than a permitted carport.

Outdoor recreation: Outdoor recreation uses include public or private golf courses, tennis courts, ball courts, ball fields and similar outdoor sports and uses that are not in completely enclosed buildings. This shall also include any accessory uses, such as snack bars, pro shops, clubhouses, country clubs, maintenance buildings or similar uses that are designed and intended primarily for the use of patrons of the principal recreational uses or for the maintenance and servicing of the facilities. This definition shall not include entertainment and recreation uses such as amusement parks, miniature golf, race car tracks or motocross facilities or similar motorized sports.

Outside radius: The outside or larger curve radius connecting the edge of the driveway to the edge of the travelled way.

Outstanding Florida Waters (OFWS): Surface waters that have been determined to be worthy of special protection as identified in Rule 62-302.700, Florida Administrative Code.

Overburden: A collective term for all earth materials overlying a subsurface mineral resource deposit, including topsoil, sand, clay, limestone, etc.

Owner: The record owners, including any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in land or real property which is subject to this LDC.

Package treatment plant: Any wastewater treatment facility having a permitted capacity of less than 100,000 gallons per day. Essentially, this is a small treatment system consisting of a treatment plant and disposal system.

Parasite sign: Any sign not exempted by this LDC, for which no permit has been issued, and which is attached to another sign.

Parcel: An extended area of land.

Parent parcel: The tract of land from which subsequent lots are divided. Parent parcels are further defined as those parcels in existence on or before July 6, 2011, the date of the Comprehensive Plan adoption. The portion of a parent parcel remaining once divided or subdivided is referred to as a residue parcel or residual.

Park, public: A piece of land that is owned by the State of Florida, Flagler County, or an incorporated municipality within Flagler County, that is developed and operated for active and/or passive recreational purposes, and that is open to the public on a regular schedule.

Park trailer: A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [As defined in Rule 15C-1.0101, F.A.C.]

Parking, shared: Public or private parking that serves more than one use.

Parking space: An area specifically and permanently designated for the off-street parking or storage of vehicles that complies with the minimum parking design standards.

Paved ground surface area: Any paved ground surface area (excepting public rights-of-way) used for the purpose of driving, parking, storing or displaying of

vehicles, boats, trailers and mobile homes, including new and used car lots and other open-lot uses. Parking structures, covered drive-in parking areas to the drip line of the covering or garages shall not be considered as paved ground surface areas.

Pedestrian friendly: A quality of access that includes a logical, unobstructed, comfortable path to a useful destination along frontages that are spatially defined and interesting, and safe from traffic.

Pedestrian pathways: Interconnected, paved walkways that provide pedestrian passage through blocks running from street to street or within open space lots.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

[OR]

Pennant or streamer: Any flag-like piece of cloth, plastic or paper attached to any staff, cord, building or other structure that hangs loosely for the purpose of attracting attention to its site.

Permanent emergency-only generator: A back up electrical system equipped with an automatic transfer switch and powered by a permanent fixed fuel source, including but not limited to natural gas, liquid propane or diesel.

Permanent foundation: Any structural system for transposing loads from a structure to the earth by means of a poured-in-place foundation without exceeding the safe bearing capacity of the supporting soil and which is installed in accordance with and meets the requirements of the manufacturer's specifications or, in their absence, American National Standards Institute (ANSI) standards, or, in their absence, provisions of the Standard Building Code.

Permitted sign: All signs needing a permit under this LDC.

Person: Any individual, group of persons, firm, corporation, association, organization and any legal public entity.

Personal communication services (PCS): Mobile telephone service operating in the 1900 MHZ spectrum.

Personal hardship secondary living unit: A mobile home or manufactured home which may be placed on a homesteaded lot or parcel developed with a single-family dwelling for purposes of caring for an aged or infirm family member.

Personal services: Beauty parlor, shop or salon, barber shop, tanning salon, health and fitness facility, spa, weight control establishment, funeral homes, banquet halls or any similar use.

Personal storage facility: A facility designed and utilized for the storage of personal household items of individuals and limited commercial dead storage, but specifically prohibiting commercial business operation on the facility premises. Dead storage includes such business related items as files, file cabinets, office equipment, records, etc. and excludes inventories of retail or wholesale merchandise.

Personal wireless service facility (PWSF): Facility for the provision of personal wireless services, as defined by Section 704 of the Telecommunications Act of 1996. A PWSF is any facility for the transmission and/or reception of personal wireless services, which may consist of an antenna array, transmission cables, equipment shelter or building, access road, mount, and a guy system.

Personal wireless services: Any personal wireless service defined in the Federal Telecommunications Act which includes Federal Communications Commission (FCC) licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging as well as unlicensed wireless services, and common carrier wireless exchange access services.

Pet rescue organization: A structure that is owned, operated or maintained by a private or nonprofit organization that provides for the welfare and sale or adoption of domestic animals to private households, excluding overnight boarding.

Place of worship: Any building used for nonprofit purposes by an established religious organization holding either tax exempt status under Section 501(c)(3) of the Internal Revenue Code or under Florida's property tax law, where such building is primarily intended to be used as a place of worship and including customary accessory uses.

Planned development overlay: A special exception use allowed in specified zoning districts to permit the use of alternative development standards consisting of varied housing types (e.g. single-family attached, duplex, multi-family, cluster); setbacks; buffers; and building heights.

Planned unit development (PUD): The development of land under unified control which is planned and developed as a whole in a single or programmed series of operations with uses and structures substantially related to the character of the entire development. A PUD must also include a program for the provisions, maintenance and operation of all improvements, facilities, and necessary services for the common use of all occupants thereof.

OR

Planned unit development (PUD): An area of land developed as a single entity for a number of dwelling units and/or commercial and industrial uses, in accordance with a plan which does not necessarily comply with zoning district regulations for lot size, lot coverage, setbacks, off-street parking, height, bulk or type of dwelling, etc.

Planning parcel: The parcels included within the entire contiguous land area under common ownership or control as of July 6, 2011, even if the project proposal or application includes only a portion of such lands.

Planting area: Any area designed for landscape planting having a minimum of ten square feet of actual plantable area and a least inside dimension on any side of 18 inches.

[OR]

Planting area: Any area designed for landscape material installation having a minimum of 50 square feet, a minimum depth, as measured perpendicular to the adjacent property line, of five feet, and consisting of suitable growing medium with proper drainage. [From landscape definitions in the current LDC.]

Planting strips: The strips of grass between the curb and sidewalk parallel to the street.

Plat (or replat): A map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirement of all applicable sections of this part and of any local ordinances. [From ss. 177.031(14), F.S.]

[OR]

Plat: A map, prepared in accordance with Ch. 177, F.S., on which the plan for a subdivision is prepared and submitted for approval with the intention of recording it in final form. "Plat" or "platting" shall also include: the subdivision of land; the re-platting of land; and the vacation or abandonment of all or a portion of an approved plat.

a. Preliminary plan: A drawing to scale and other supporting data of a proposed subdivision developed for the purpose of establishing the layout. Includes specifications for streets, utilities, easements and other improvements.

b. Final plat or replat: The detailed drawing to scale and supporting data representing a land survey of lots, blocks, streets and easements and the location and specifications for streets, utilities and other improvements.

c. To plat: To divide or subdivide land into lots, blocks, parcels, tracts, sites or other divisions, and the recording of a plat in the Office of the Clerk of the Court of Flagler County. The term "to plat" shall include "replat".

d. Plat of record: Plat of record means:

(1) A plat that conforms to the requirements of Ch. 177, F.S., and amendments thereto and that has been accepted, recorded and numbered, as to Plat Book and Page, by the Flagler County Board of County Commissioners as being in conformance with its requirements.

(2) Any Plat filed in the Flagler County Public Records prior to January 1, 1986.

(3) A platted area of land described by metes and bounds or positively identified by legal means, which has been deeded and recorded prior to January 1, 1986. The recording of any amendments to a Plat subsequent to January 1, 1986 for the sole purpose of correcting an error in the legal description or curing a defect in the chain of title shall not be cause to divest it of its status as a plat of record.

Pole lighting: A light fixture set on a base or pole which raises the source of the light higher than 48 inches off the ground.

Pole sign in the A1A Scenic Corridor: A freestanding sign with the base of the actual sign area at least five feet above the ground supported by a vertical pole(s).

Portable sign: A sign that has no permanent attachment to a building or to the ground by means of a footing, including but not limited to, an A-frame sign, sign with wheels designed to be pulled or towed on a trailer or similar device, pull attachments, or hot air or gas-filled balloons.

Posted notice: Posting shall consist of a sign to be posted on the parcel of land that is the subject of the application within five business days of a determination of application completeness. The sign shall be posted for a period of 10 days. The sign will be visible from the street adjacent to the subject property. Such sign shall measure at least three square feet in area, shall be of a color distinguishable from the surrounding landscape, shall contain notice of receipt of application and shall invite interested parties to contact County staff for further information. [Note: This definition from the current LDC wetland section.]

Preliminary development review: The review of a proposed development plan through the TSR as a prerequisite to filing an application for a final development approval.

Premises: The extent of any lot, plot, parcel, or tract of land, with or without any buildings or structures thereon.

[OR]

Premises: The lot or lots, plots, portions or parcels of land considered as a unit for a single development or activity. [Definition from existing LDC's sign regulations.]

Primary building line: Measured from the frontage line, the line from which the primary building begins.

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

Processing: The transporting, washing, sizing, flotation, storage, drying, grinding and shipping of mined materials, and all activities reasonably related thereto except chemical processing.

Professional engineer: An engineer currently registered and licensed by the State of Florida.

Professional services: The conduct of business in any of the following or related categories: law, architecture, engineering, medicine, dentistry, osteopaths, chiropractors, opticians, or consultants in these related fields.

Professional surveyor and mapper: A surveyor currently registered to practice in the State of Florida.

Projecting sign: A sign supported by a wall of a building, projecting away from that wall 12 inches or more, and designed with a face or faces reading at an angle to that wall.

Property owners association: An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision—be it a lot, parcel site, or any other interest—is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rata share of expense of the association which may become a lien against the lot, parcel, units, or other interest of the member.

Public body: Any government or governmental agency of Flagler County, the State of Florida, the United States government, or any municipality within Flagler County, Florida.

Public facility: One of the facilities for which a level of service standard is adopted in the Comprehensive Plan.

Public use: The use of any land, water, or building by a municipality, public body or board, commission or authority, County, state, or the federal government, or any agency thereof, for a public service or purpose.

Public water supply: A natural or artificial system for the provision of water to the public for human consumption which includes public water supply systems and multi-family water systems.

Public Works Manual: Shall mean the *Flagler County, Florida Public Works Manual*.

Radio frequency emissions: The electromagnetic energy radiated from an antenna or antenna array. These emissions are the means by which information is transported without wires by PWSFs.

Radio frequency engineer: Someone with a background in electrical engineering or microwave engineering who specializes in the study of radio frequencies.

Real estate sign: A sign erected by the owner, or his agent, advertising the real property where the sign is located for sale, lease, or rent.

Real property: Land or land and buildings.

Reclaimed water: Wastewater that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility.

Reclamation: The filling, backfilling, restructuring, reshaping, and/or revegetation of lands within a mining or excavation and filling site to a safe and aesthetic condition in which lands may be beneficially used.

Reclamation plan: A plan which sets forth a procedure for reclamation of lands affected by a mining or excavation and fill operation.

Reconstruction: Rehabilitation or replacement of a structure or structures on property which either have been damaged, altered or removed or shall be altered to an extent exceeding 90 percent of the assessed valuation of such structure or structures or 90 percent of the combined assessed valuation of such structure and land as shown on the most recent tax roll of Flagler County, Florida.

Recovered materials processing facility: A facility designed and used for receiving, separating, storing, converting, baling, or processing of nonhazardous, nonputrescible recyclable materials that are not intended for disposal.

Recreation, developed: Facilities designed to provide for active recreation as their primary use, including swimming pools, playing fields, paved courts and skating areas.

Recreation, resource-based: Recreational activities that are essentially dependent upon the natural, scenic, or historic resources of the area provided the associated activities do not have significant adverse impacts on the ecological integrity or ecological or historical values of the resources in these areas.

Recreational vehicle: Any vehicle, not exceeding 40 feet in overall length or eight and one-half feet in width, designed and intended for recreational purposes, including trailers, travel trailers, boats, campers, pickup campers, buses, tent trailers, motor homes, and other similar vehicles with or without motive power, designed and constructed to travel on public thoroughfares. Such vehicles may not be used for living, sleeping, or housekeeping purposes for a period in excess of seven days per vehicle.

Recreational vehicle: A vehicle, including a park trailer, which is: [Defined in ss. 320.01(b), F.S.]

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. [Note: This definition from the Floodplain Ordinance.]

Recycling: Any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Redevelopment: The demolition and rebuilding or expansion of 50 percent or more of a site's physical development (i.e., square footage of buildings).

[OR]

Redevelopment: The demolition or removal of the principal structure or more than 50 percent of the impervious surface of a site. [from the landscape definitions of the current LDC.]

Regional natural resource park: A federal, state or county owned natural resource park of 500 acres or more and involving the preservation of natural features and/or local and state historical resources.

Regulated boundaries: As it relates to sea turtle lighting in Chapter 8, the area between the Atlantic Ocean and the westerly boundary of the lot or parcel

that abuts the westerly right-of-way of State Road A1A within unincorporated Flagler County.

Render:

a. The completion of an action in writing reflecting the decision or final agency action on a request or application reviewed by the Department. Typically, the term "render" shall refer to a written order reflecting the decision of the Planning and Development Board on an application for which the Planning and Development Board has decision authority and provides final agency action on a submitted request.

b. As it relates to certified mail, the date of signature on the return receipt card accompanying the decision shall be the date of rendering; however, in the event the certified mail is not accepted or is returned, the date of rendering shall be ten calendar days after the date of any decision or order.

Repair: Restoration of portions of a building to its condition as before decay, wear, or damage, but not including alteration of the shape or size of any portion.

Repair of vehicles and farm machinery, limited: A limited commercial activity conducted in a rural/agricultural zoning district that involves the repair of automobiles, light trucks, farm machinery and other small vehicles or machines and equipment.

Replacement shrub: A shrub species listed in the Interim Shrub List for the A1A Scenic Corridor having a minimum height of 48 inches and shall have a 7-gallon minimum container or equivalent rootball size.

Replacement tree: A tree of a species listed in the Interim Replacement Tree List for the A1A Scenic Corridor, and having a minimum caliper of six inches measured at four and one half feet aboveground and having a minimum height of 12 feet when planted.

Research, development or experimental lab: A building or complex of buildings containing the facilities for scientific research, investigation, testing, or experimentation, but not for the manufacture or sale of products. This does not include medical, dental or ophthalmic labs where physicians, dentists or optometrists refer patients or write prescriptions for routine medical, dental or ophthalmic work.

Residual parcel: That portion of a parent parcel after division or subdivision. Residue parcels are generally five or more acres and have a minimum of 400 feet of existing state road frontage. For the purpose of determining if the splitting of land is either a division or subdivision, a residue parcel shall not be counted as a lot if in residential districts when the residue parcel is at least five (5) acres, has at least 400' of existing state road frontage, and has a

VDOT approved access. Residue parcels in commercial and industrial districts shall not be counted as a lot for the purpose of determining if the splitting of land is either a division or subdivision, regardless of the lot size, existing state road frontage, or existing access.

Restaurant: An establishment where food is ordered from a menu, prepared and served for pay primarily for consumption on the premises in a completely enclosed room, under roof of the main structure or in a courtyard adjoining the main structure.

Restaurant, with drive-through: Any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments or beverages in automobiles from a walk-up or drive-through window on the premises, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises.

Re-subdivision: Any change in a map of a recorded subdivision plat or map legally recorded prior to adoption of any regulations controlling subdivision that affects:

a. any street layout on the map; or

b. any area reserved thereon for public use.

For existing platted properties, a replat must be filed or the existing plat must be vacated in accordance with Florida Statutes and this LDC.

Retail roadside or produce stand: Any activity that involves the permanent or temporary sale of agricultural products, excluding landscape materials such as trees and shrubs.

Retail sales and services: Retail sales and services shall include those business activities customarily providing retail convenience goods. Such uses shall include department stores, variety stores, drug and sundry stores, home and automobile supply, furniture and appliances, hardware, package stores, newsstands, book and stationery stores, shoe repair shops, luggage shops, bakeries and candy shops (provided that all products made on the premises are sold on the premises), camera and photograph supply shops, radio and television sales and service, floor coverings, sporting goods, florists, jewelers, music and piano sales and services, art shops, pawn shops, dry cleaners, electrical and lighting and similar uses.

Retention: The prevention of the discharge of a given volume of stormwater runoff by complete on-site storage.

Right-of-way: A strip of land occupied or intended to be occupied by a road, street, crosswalk, railroad, electric transmission line, utility service, or any other special use. The usage of the term "right-of-way" for land platting purposes

shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Areas not included in lots intended for streets, crosswalks, water mains, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established. The right-of-way line shall be considered as the property line and all setback requirements provided in the LDC shall be measured from said right-of-way line, or except as may otherwise be provided.

Right-of-way line: A property line which bounds the right-of-way set aside for a road, utility service, or other special use. All setback requirements provided in these regulations shall be measured from said right-of-way line, except as may otherwise be provided.

Road: The surface upon which vehicles and pedestrians travel which is usually located within a right-of-way.

Road centerline: The line midway between the road right-of-way lines, or the surveyed and platted centerline of a road, which may or may not be the line midway between the existing right-of-way lines.

Roof, hip: A four-sided roof having sloping ends and sides.

Roof, mansard: A style of hip roof characterized by two slopes on each of its four sides with the lower slope being much steeper, almost a vertical wall, while the upper slope, usually not visible from the ground, is pitched at the minimum needed to shed water.

Roof sign: A sign painted on or affixed to the roof of a building and primarily supported by that roof structure, except fascia signs as defined in this Chapter.

Rooming house: A building designed to provide accommodations for persons for temporary residence for compensation, with or without meals, providing for no more than ten sleeping rooms, and which does not maintain a restaurant or cafeteria on the premises, including customary accessory uses in connection with the principal use.

Roundabout: A raised circular area constructed at the center of a three-way or four-way street intersection around which automobile traffic circulates.

Rural conference center: Rural facilities, generally consisting of accommodations for meetings, sleeping, eating, and recreation, to be used by civic organizations or businesses for activities such as business meetings, professional seminars, or spiritual retreats.

Sand dunes: Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Sanitary hazard: A physical condition which involves or affects any part of a drinking water system or raw water source, and that creates an imminent or potentially serious risk to the health of any person who consumes water from that system. Examples of sanitary hazards include drainage wells; commercial applications of pesticides or fertilizers, such as golf courses, nurseries and crop production sites; animal feeding operations; improperly abandoned wells; active or abandoned phosphate mines; pipelines carrying industrial chemicals; railroad yards; domestic wastewater; cemeteries; stormwater retention/detention basins; tanks or lagoons used to store, treat, or dispose of liquid wastes; cattle dipping vats; tomato or egg wash wastewater land application areas; or waste transfer stations.

Scenic corridor: A visual opening along a traveled route, such as a road, waterway, bike path, or pedestrian trail, that allows either glimpses or extended views of built or natural resources having historical or cultural significance or scenic beauty.

Scenic road: Any presently existing or future public roadway in the County system having historical or cultural significance or natural beauty as designated by the Florida Department of Transportation for such purpose.

School, private: See “Educational facility, private.”

School, public: See “Educational facility, public.”

Screening: The method by which a view of one site from another site is shielded, concealed or hidden. Screening techniques may include one or a combination of the following: fences, walls, hedges, berms, existing natural vegetation or other features.

Sea turtles: Any specimen belong to the species Caretta caretta (loggerhead turtle), Chelonia mydas (green turtle), Dermochelys coracea (leatherback turtle), or any other marine turtle using Flagler County beaches as a nesting habitat.

Security: A letter of credit, cash escrow or surety agreement provided by the applicant to secure its promises to complete the required public paving and drainage improvements associated with the subdivision within a specified time period following the final subdivision plat recording.

Security quarters: A manufactured home or single-family dwelling on the site of a non-residential use, occupied by a guard or caretaker.

Seepage slope: Seepage slopes are wetlands characterized as shrub thickets or boggy meadows on or at the base of slopes. They often occur where water percolating through sands encounter an impermeable layer of clay or rock. These communities are usually dominated by hydrophytic shrubs or herbs

such as fetterbush, titi, male berry, waxmyrtle, ferns, grasses, and grass-likes. Seepage slopes most closely resemble bog communities but occur on slopes rather than flat land.

Self-service storage facilities: A building or buildings consisting of individual, self-contained spaces within structures that are leased or owned for the storage of business and household goods.

Semi-public body: Includes churches and organizations operating as a nonprofit activity serving a public purpose or service and includes such organizations as noncommercial clubs and lodges, theater groups, recreational and neighborhood associations, and cultural activities.

Septage: All solid waste containing human feces or residuals of such which is generated by any industrial or domestic wastewater treatment plant, water supply treatment plant, air pollution control facility, septic tank, grease trap, portable toilet or related operation, or any other such waste having similar characteristics.

Septic system: An onsite sewage treatment and disposal system that contains a standard subsurface, filled, or mound drainfield system; an aerobic or anaerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a grease interceptor; a dosing tank; a solids or effluent pump; a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land to which the owner has the legal right to install a system. This term does not include package sewage treatment facilities and other treatment works regulated by the Florida Department of Environmental Protection.

Septic system, alternative: An onsite sewage treatment and disposal system that provides advanced treatment of effluent.

Service station: Any business engaged primarily in the servicing of automotive vehicles, including the sale and delivery of fuel, lubricants, and other products necessary to the operation of automotive vehicles, including the sale and installation of accessories, tires, batteries, seat covers, tire repair, cleaning facilities, minor engine tune-up, wheel balancing and aligning, and brake service, but not including mechanical or body repair facilities, or the sale or major repair of vehicles or trailers.

Settling pond: An area surrounded by dams, dikes or masses of earth into which fluids are introduced for the intended purpose of separating suspended solid material from water.

Setback: The minimum horizontal distance between the lot lines and front, rear or side lines of the building, excluding eaves, steps, terraces, or any projection thereof. When two or more lots under one ownership are used, the exterior property lines so grouped shall be used in determining setbacks. Notwithstanding other provisions, all street sides of a corner lot shall be

construed as having a "front setback." Unless otherwise specified, all setbacks apply to the principal building or structure.

Setback, signs: The setbacks for signs specified in this LDC shall be measured horizontally from the vertical place of the property line or right-of-way line to the closest point of the sign.

Shade tree: Any self-supporting woody plant of a species that is well-shaped, well-branched and well-foliated which normally grows to an overall height of at least 35 feet and normally develops an average mature spread of crown greater than 30 feet.

Shared parking: See "Parking, shared."

Shopping center: Any commercial building or development housing three or more tenants on one ownership parcel in the C-2 shopping center and C-3 general commercial district. This term shall also include commercial developments approved under any planned unit development zoning district.

Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

[OR]

Shrub: A woody perennial plant differing from a perennial herb by its persistent and woody stems and from a tree by its low stature and habit of branching from the base.

Sight triangle: The area formed by the rights-of-way lines of intersecting roads and a straight line connecting points on such rights-of-way lines wherein there shall be a clear space with no obstruction to vision between the height of three feet and a height of eight feet above the average grade of each road as measured at the centerline, consistent with the Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways or a minimum of 20 feet from the intersection of the right-of-way lines of two streets or railroad lines, or of a street intersection with a railroad line, or street right-of-way with a driveway, whichever is greater.

Sign: (and related terms) TBD

Significant adverse impact (upon a natural resource): Direct contamination, alteration, or destruction, or that which contributes to the contamination, alteration, or destruction of a natural resource, or portion thereof, to the degree that its environmental benefits are or will be eliminated, reduced or impaired, such that the activity will cause long term negative impacts on the natural resource.

Significant habitat: Contiguous stands of natural upland plant communities which have been documented to support, and which have the potential to maintain, healthy and diverse populations of plants or wildlife.

Silviculture: The science of producing and tending a forest by manipulating its establishment, composition and growth to best fulfill the objectives of the owner. This may, or may not, include timber production.

Single-family attached dwelling: See dwelling, single-family attached.

Single-family detached dwelling: See dwelling, single-family detached.

Slime: A waste product consisting of a mixture of water and fine solid particles and usually characterized by a high percentage of clay and clay-size particles.

Small-scale comprehensive plan amendment: An amendment to the 2010-2035 Flagler County Comprehensive Plan Future Land Use Map, which meets the following criteria:

a. the proposed amendment is a residential land use of 10 acres or less and a density of 10 units per acre or less or involves other land use categories, singularly or in combination with residential use of ten acres or less;

b. the proposed amendment does not involve the same property more than once a year; and

c. the proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

Solid waste: Garbage, refuse, yard trash, clean debris, white goods, special wastes, ashes, sludge or other discarded material, including solid, semisolid, liquid, or contained gaseous material from domestic, commercial, industrial, mining, agricultural or governmental operations.

Solid waste transfer station: An intermediate waste facility in which solid waste collected from any source is temporarily deposited to await transportation to the final disposal site or facility.

Special exception: A use that would not be appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location, intensity, or relation to the neighborhood, would not be detrimental to the public health, safety, or general welfare. Such uses may be permissible in a zoning classification or district as a special exception if specific provision for such a special exception is made in these regulations.

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

Specialized mobile radio (SMR): A form of dispatch or two-way communication used by companies that rent space or time from an SMR carrier. Used primarily for data, delivery vans, truckers or taxis within a small, definable geographic area.

Special uses: Special uses are uses typically of a public or semi-public nature, which are subject to specific criteria based on the nature of the use and characteristics of the site and neighborhood within which the special use is proposed. The uses that may potentially be allowed as a special use are listed in the regulations for each zoning district.

Spoil: Any displaced overburden, whether resulting from material dumped by dragline excavation or water-deposited material from hydraulic dredging.

Square: An open space surrounded by a minimum of 75 percent of its perimeter by streets, totaling at least one half acre in area.

Standard Forms and Certifications Manual: Shall mean the current edition of the *Flagler County, Florida Manual of Standard Forms and Certifications for Plats*.

Standards: Guidelines or measures provided in these regulations by which acceptability of a use is determined.

Start of construction: The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Steep slope: Any topography having a slope of greater than or equal to five percent.

Stop work order: Upon notice from the Chief Building Official, work on any system that is being done contrary to the provisions of these regulations or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work.

Stormwater: The flow of water which results from, and which occurs immediately following a rainfall event.

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 be no floor above it, then the space between such floor and ceiling next above it.

Street: An access way designed and used primarily for vehicular transportation purposes, which may feature within its right-of-way limits pavement, curbs, medians, sidewalks, bikeways, swales, slopes, and parking lanes. Access ways and driveways designed as part of or access to parking lots to accommodate on-site parking requirements are excluded from this definition.

Collector: A street which carries traffic from local streets to the system of arterial streets and highways including the principal streets within a subdivision.

Cul-de-sac: A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Local: A street used primarily for access to abutting properties and the needs of a neighborhood.

Marginal access: A minor street which parallels and is adjacent to an arterial street or highway and which provides access to abutting properties and protection from through traffic.

Principal arterial: A major, high-capacity street designed primarily to carry large volumes of cross-state traffic, and designated in the Comprehensive Plan.

Private street: A street which is approved by the Board of County Commissioners for vehicular use and that has not been dedicated and accepted by the Board of County Commissioners for maintenance. The term "private street" shall include the term "approved private street."

Public street: A street that has been dedicated to and accepted or constructed by the Board of County Commissioners.

Secondary arterial: A major, high-capacity street designed primarily to carry large volumes of intercity traffic, and as designated in the Comprehensive Plan.

Street, major: Those streets listed in the *Average Annual Daily Traffic Highway Level of Service Report* produced by the Florida Department of Transportation (FDOT), or any street with a functional classification of collector or higher.

Stub street or stub-out street: A street that terminates at the edge of a proposed site for development and that is intended for future extension and connection to adjacent development or redevelopment.

Street line: That line limiting the right-of-way of the street and being identical with the property line of persons owning property fronting on the street.

Structure: Anything constructed or erected that requires a location on the ground or attached to something having a location on the ground.

Subdivider: Any person, firm, partnership, association, corporation, joint venture, estate or trust, or any other group or combination of persons acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined, including any applicant.

Subdivision: The division of real property into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division. Subdivision includes the establishment of new streets and alleys, additions, and re-subdivisions; and, when appropriate to the context, subdivision applies to the process of subdividing or to the lands or area to be subdivided.

[OR]

Subdivision: The division of land into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided. [From ss. 177.031(18), F.S.]

Substantial construction: All required permits necessary to continue the development have been obtained; permitted clearing and grading has been completed on a significant portion of the development subject to a single final development order; and the actual construction of buildings or water and sewer lines, streets, or the stormwater management system has been completed on a significant portion of the development or is progressing in a manner that significantly moves the entire development toward completion of construction.

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

Substantial improvement: Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a five year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the five year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this LDC. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

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

b. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Surface mining: The extraction of mineral resources from the earth by any process involving the removal of overburden materials to provide access from the surface to the mineral deposit.

Surface parking: A ground-level parking area for motor vehicles where there is no building or structure above the parking.

Surface waters: Rivers, streams, creeks, springs, lakes, ponds, intermittent water courses and associated wetlands that hold or transport water on the ground surface.

Surveyor: A surveyor registered in Florida under Ch. 472, F.S., who is in good standing with the Department of Business and Professional Regulation, Division of Professions, Board of Professional Surveyors and Mappers.

Swale: An open shallow channel that is covered with vegetation on side slopes and bottom and is designed to collect and slowly convey runoff flow to downstream discharge points.

Swimming pool: Any constructed pool used for swimming or bathing over 24 inches in depth or with a surface area exceeding 250 square feet.

Technical staff review (TSR): A staff committee, established for the review and approval process for development in the unincorporated area of Flagler County.

Telecommunication tower: AM/FM radio, television, microwave and cellular telephone transmission tower, antennas and accessory equipment and buildings. The term "telecommunication tower" shall not include towers utilized by amateur radio operators licensed by FCC or TV antennas for single-family dwellings.

Temporary sign: A sign erected for two weeks or less to advertise or identify transitory events unless specifically permitted for a longer period by this LDC.

Thickening pond: An area surrounded by dams, dikes or masses of earth into which fluids are introduced for the purpose of reducing the water content of mineral deposits during processing of mining operations.

Tinted glass: Any glass treated to achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less. Such transmittance is limited to the visible spectrum (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through the glass.

Tower: A mount constructed for the primary purpose of supporting antennas and other PWSF components.

Tract: See “Lot.”

Traditional neighborhood development (TND): A distinct type of mixed use development that meets specific standards and criteria, including mixture and scale of uses, compact design, and walkability.

Trailer: Any portable or movable structure or non-self-propelled vehicle not used for living purposes, but used for moving or hauling freight, equipment, or merchandise.

Transit: Passenger services provided by public, private or non-profit entities such as the following surface transit modes: commuter rail, rail rapid transit, light rail transit, light guideway transit, express bus, and local fixed route bus or passenger vans operating on a demand responsive basis and associated park and ride facilities.

Traveled way: The portion of the roadway for the movement of vehicles exclusive of shoulders and auxiliary lanes (travel lanes).

Tree: A usually tall, woody plant, distinguished from a shrub by having comparatively greater height and, characteristically, defined as:

a. Canopy (large maturing) — Single trunk whose height is greater than 35 feet at maturity; or

b. Understory (small maturing) — Single trunk or multi-stem whose height is less than 35 feet at maturity.

[OR]

Tree: Any self-supporting, woody plant of a species which normally grows to an overall height of at least 20 feet and normally develops an average mature spread of crown greater than 20 feet in the Flagler County area of Florida.

Tree canopy: The area of the property that contains coverage by trees and consists of the total crown spreads or drip-lines of all trees existing on-site.

Tree, champion: Those trees that have been identified by the Florida Division of Forestry as being the largest of their species within the State of Florida or by the American Forestry Association as the largest of their species in the United States. The current list of champion trees in Flagler County is on file in the Department.

Tree, heritage: All native tree species, except water and laurel oaks, 20 inches or greater in diameter at a point four and one-half feet above ground level, and all nonnative trees and water and laurel oaks 30 inches or greater in diameter.

Tree, regulated: Any woody native tree species eight inches or more in diameter at breast height (dbh).

Tree, specimen: A tree which has been identified by the county to be of notable interest or high value because of its age, size, species, condition, historic association, or uniqueness.

Unauthorized materials: Materials not normally associated with an approved mining or excavation and fill operation that pose a threat to water or natural resources located on or adjacent to the area where such operations are being conducted.

Under-canopy sign: A sign painted on or attached to the underside of a canopy or marquee.

Undisturbed vegetation: Natural vegetation in a generally untouched, maintenance free, self-perpetuating stand comprised of indigenous trees, shrubs, herbs, flowers, or grasses.

Unified control: A single lot, parcel, or tract with one identified person, corporation, or other legal partnership with the authority to make application for development, as well as develop real property in the County. "Unified control" shall also mean a group of individually-owned parcels united by

contractual agreement to allow for a single person, corporation, or other legal partnership to make application for development, as well as develop real property in the County.

Unincorporated area: Any land in Flagler County not lying within the boundaries of a duly incorporated village, town, or municipality.

Upland buffer: Areas adjacent to wetlands which are necessary to protect the wetlands and wetland-dependent species from the detrimental impacts of development or alteration. The buffer shall include canopy, understory and groundcover which consists of preserved existing vegetation or planted native species where there is no existing vegetation. Native indigenous species listed in the most current edition of "Guide to the Vascular Plants of Central Florida" by Richard P. Wunderline, University Presses of Florida, Gainesville, Florida shall be used. Exotics and naturalized species shall not be planted in upland buffers.

Use: Any activity, function, or purpose to which a parcel of land or building is put.

Use, accessory: Activities established as secondary, in support of, and dependent upon the principle use.

Use, principal: The main use establishing the reason and basis for a building or structure and comprising the general activity for which such building and/or property is used.

Utilities, major: Facilities such as electric generation plants, high power transmission lines and substations, solar power generation facilities, major gas distribution lines, water purification plants, and sewage treatment and disposal plants.

Utilities, minor: Facilities such as pumping and switching stations.

Utility easement: The right-of-way acquired by a utility or governmental agency or private agency to locate utilities, including all types of pipelines, telephone, and electric cables.

Utility runway: A runway that is constructed for and intended to be used only by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

Utility structure: A relay station, wastewater lift station with a flow capacity of 2,000,000 gallons per day (MGD) or greater, substation, and similar structures, transmitter tower, or transmission line designed to carry in excess of 100 kv of electricity. This term does not include the transmission or reception of television or radio signals in conjunction with the use of a residential dwelling.

Variance: A variance from the requirements of this LDC may be granted when it is found to be in harmony with the general purpose of these regulations, and

where special conditions applicable to the property in question would make the strict enforcement of the regulations impractical and result in a hardship in making reasonable use of the property. [Note: Depending on which definition is eventually used, will need to correct subsection 4.6.E. to match.]

[OR]

Variance: A modification of the zoning regulations when such will not be contrary to the public interest and when, due to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformities in zoning districts or classifications.

[OR]

Variance: A grant of relief from the requirements of this LDC, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by the County's floodplain regulations or the Florida Building Code. [Note: This definition from the Floodplain Ordinance.]

Vehicle: Every device capable of being moved upon a public highway or public waterway and in, upon, or by which any person or property may be transported or drawn upon a public highway or public waterway, including any watercraft, boat, ship, vessel, barge, or other floating craft, or which is used exclusively upon stationary rails or tracks, or which is used exclusively for agricultural purposes.

Vehicle sales and service: The sale or storage of new and used automobiles, service stations, paint and body repair shops, automotive repair garages, and including the sales and servicing of any automotive component.

Vehicle signs in the A1A Scenic Corridor: Any sign attached to or towed or hauled by a vehicle, boat, or vessel, with or without its own mode of power, with the following exceptions:

a. Vehicles parked on private property when parked within the confines of a building or in some manner, which provides for effective screening that does not allow the sign or signs on the vehicles to be viewed from any street.

b. Any vehicles upon which a sign is placed identifying the firm or its principal products, if such vehicle is one which is regularly used during operating hours of the business; provided that no such vehicle shall be repeatedly parked in a location where it serves as or constitutes additional signage.

c. Buses, taxicabs and similar common carrier vehicles that are licensed or certified by the city, County and/or the Florida Public Service Commission.

d. Bumper stickers, license plates, parking identification signs, press signs, vehicle manufacturing signs and dealer identification signs and logos and other similar signs.

e. Vehicles that are traveling through Flagler County and not remaining in the County more than 24 hours at a time.

Vehicular use area: Any ground surface area, excepting public right-of-ways, used by any type of vehicle whether moving or at rest for the purposes of, including but not limited to, driving, parking, loading, unloading, storage or display, such as, but not limited to, new and used car lots; activities of a drive-in nature in connection with banks, restaurants, filling stations, grocery and dairy stores; and other vehicular uses under, on or within buildings.

Very-low-income persons: As defined in s. 420.0004, F.S., one or more natural persons or a family, not including students, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

Viable: Having the capacity to live and develop, unaided by human intervention, into the indefinite future.

Vines: Any of a group of woody or herbaceous plants which may climb by twining, or which normally require support to reach mature form.

Visual runway: A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indication on an FAA approved airport layout plan, a military service's approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

Visual screen: A barrier of living or nonliving landscape material put in place for the purpose of separating and obscuring from view those areas so screened.

Wall sign: A sign painted on or affixed to the structural wall of a building, with a sign face approximately parallel to the wall perpendicular to the ground and projecting no more than 12 inches from the wall. The general term "wall sign" shall also include fascia signs.

Wastewater: Water directly or indirectly used in the operation of a dairy for any or all of the following: spillage or overflow from animal watering systems and cooling ponds; washing, cleaning or flushing pens, barns, manure pits or

other dairy activities; washing or spray cooling of animals; dust control; any water, including precipitation, that comes into contact with any manure, litter or bedding, or any raw material or intermediate product used in or resulting from the dairy operation.

Wastewater treatment facilities: Any or all of the following: the collection/transmission system, the treatment plant, and the reuse or disposal system.

Water consumption: The total quantity of water utilized during a specified period of time by a mining or excavation operation, including that water required for mineral extraction, processing and chemical processing.

Water management district: Any flood control, resource management, or water management district operating under the authority of Ch. 373, F.S. Unless otherwise stated, water management district shall refer to the St. Johns River Water Management District.

Water table: That surface in an unconfined water body at which the pressure is atmospheric. It is defined by the levels at which water stands in wells that penetrate the water body just far enough to hold standing water.

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

Waterfront: Any site shall be considered as waterfront property provided that any portion of such property physically abuts any body of water, including creeks, canals, rivers, lakes, or any other body of water, natural or artificial, but excluding swimming pools and drainage facilities which do not permit any type of sport or recreational pursuit.

Watershed: Land area included in a natural drainage basin for a river, stream, or body of water.

Watershed resources: Natural functions or systems that affect stormwater discharge characteristics within a specific watershed.

Waterway: A channel, creek, ditch, drainage way, dry run, spring, stream, river, canal, but not a lake, pond, or pool without a water outlet.

Well: Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is to conduct groundwater from an aquifer or aquifer system to the surface by pumping or natural flow, to conduct waters or other liquids from the surface into any area beneath the surface of land or water by pumping or natural flow, or to monitor the characteristics of groundwater within an aquifer system(s). For the purposes of this LDC, geotechnical borings greater than 20 feet in depth shall be included in the definition of "well."

Well, private potable: A well that provides piped water for one to four residences, one of which may be a rental residence. This does not include wells used only for irrigation.

Well, public water supply: Any community public water systems and non-transient non-community public water systems that provide water to the public.

a. Community water system: A public water system which services 15 service connections used by year-round residents or regularly serve at least 25 year-round residents.

b. Non-transient non-community public water system: A public water system that is not a community water system and that regularly serves at least 25 of the same people for over six months per year.

Well, non-community public: A public water system that serves a transient population of at least 25 people per day at least 60 days per year or has a minimum of 15 non-residential service connections.

Well, limited use: A limited use commercial public water system which provides piped potable water to one or more non-residential establishments, and a limited use community public water system which provides piped potable water to five or more private residences or two or more rental residences.

Wellfield protection areas: Identified areas surrounding public water supply wells which are potential critical aquifer recharge areas or surface and groundwater areas with significant risk of contamination of public water supply from overlying land uses within the area.

Wetland vegetation: As defined in Rule 62-340.450, F.A.C., as amended.

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

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

Wholesaling, warehousing, storage and distribution: A use engaged in storage, wholesale and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of flammable materials or hazardous wastes.

Wild Animal: Those animals that are of a wild nature or disposition and so must be reclaimed and made tame by art, industry, or education, or else must be kept in confinement to be brought within the immediate power of the owner. A wild animal is an animal which is not by custom devoted to the service of humanity at the time and in the place in which it is kept. This shall include native and non-native animal species.

Wildfire: An uncontrolled fire, burning vegetation, structures or other improvements.

Wildlife refuge: An undeveloped, officially designated area that preserves and provides natural habitat for native animal species.

Window sign: A permanent sign affixed to, suspended behind, or painted on either face of a window or glass door that reads to the exterior of the building.

Wireless communications: Any form of conveying information between locations without physical connections.

Xeriscape landscaping: Landscape methods that conserve water and protect the environment through the use of native, drought-tolerant plants and planting techniques.

Yard: The open space existing on the same lot with a principal building, unoccupied and unobstructed by buildings from the ground to the sky, between the lot line and building line.

Yard, front: The yard extending across the entire width of the lot between the front lot line and the front building line. The lot line of a lot abutting a public street shall be deemed the front lot line. The front yard of a corner lot shall be that yard abutting the street with the least frontage, unless otherwise determined on a recorded plat or in a recorded deed. The front yard of a lot existing between two streets not intersecting on a corner of the lot shall be that yard abutting the street on which adjoining properties face, unless otherwise determined on a recorded plat or in a recorded deed.

Yard, rear: The yard extending across the entire width of the lot between the rear lot line and the rear building line. The rear lot line shall be the lot line farthest removed from the front lot line.

Yard, side: The yard extending from the front building line to the rear building line between the side lot line and the side building line.

Year: Calendar year, unless otherwise indicated.

Zoning administrator: The term "zoning administrator" shall mean the County Administrator or his designee.

Zoning district: Any unincorporated area of Flagler County, Florida, as an area subject to zoning, and identified on the Zoning Map of Flagler County, Florida, assigned a zoning classification as indicated on said map, consisting of any one of the several zoning districts as set forth and established in these regulations. Reference to the word "district" shall mean zoning district.

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