

ARTICLE II. ENFORCEMENT OF ZONING REGULATIONS

Sec. 5-10. Site plan required for development or use.

(1) It shall be unlawful for any person to initiate on any land or waters within the county any development or use, as defined in this Code, of such land or waters unless and until a site plan for such development or use has been filed and approved as provided in this chapter.

(2) Restrictions on the development or use of any land intended for subdivision are contained in chapter 7 of this Code.

(Ord. No. 85-4, 7-23-85)

Sec. 5-11. Contents and review of site plan.

(1) *Purpose.* The purpose of this section is to establish procedures and standards for the preparation, review and approval of all plans to construct, reconstruct or alter structures, or to carry on any other type of land development activity that does not fall under the regulatory purview of the subdivision regulations in this Code. This site plan review procedure is the principal way of enforcing the provisions of this Code regulating new construction or development in the county.

(2) *Applicability.* The site plan review process applies as follows:

(a) *For building permit.* An approved site plan is required before the issuance of a building permit for the construction, reconstruction or alteration of any building or structure, or the issuance of any permit for the improvement, excavation or other development of any property.

(b) *Other permits.* A site plan shall be approved as part of an approved conditional use and where otherwise provided in this Code as a condition of approval of any development or administrative order.

(3) *Application; area and scale of site plan.* Prior to the initiation of any land clearing, construction or other development activity on land within the county in preparation of the subdivision of land or the erection of any new building or structure on the land, a site plan with supporting maps and documents shall be submitted to the building and zoning official covering the entire tract proposed for ultimate development at a scale of one (1) inch equals fifty (50) feet, or at such more detailed scale as is determined necessary by such official.

(4) *Contents of plans for single-family or duplex dwellings or mobile homes.* Site plans for single-family or duplex dwellings, or mobile homes, not a part of a larger development shall contain maps and documents indicating:

(a) Name of owner.

- (b) Zoning designation and statement of intended use.
 - (c) Linear dimensions and size of the site as found in the legal description; scale; north arrow.
 - (d) Building and structure location, height and area in square feet, along with linear dimensions of same.
 - (e) Location of all setback lines and required yards in relation to adjacent properties and roads or right-of-way.
 - (f) Location of proposed driveway(s) and/or parking areas, wells, septic tanks, existing buildings and utilities.
 - (g) The applicant's signature indicating under penalty of perjury that the information submitted is true and correct to the best of his knowledge and belief.
- (5) *Contents of plans for other developments.* Site plans for all other developments shall contain maps and drawings indicating:
- (a) Name of project.
 - (b) Statement of intended use of site.
 - (c) Date, north arrow and number of sheets.
 - (d) Vicinity map showing relationship of site to surrounding streets at a scale of not less than one (1) inch equals two thousand (2000) feet.
 - (e) Linear dimensions and size of the site as found in the legal description.
 - (f) Existing topography at two-foot contour intervals unless building and zoning official requests one-foot contour intervals.
 - (g) Proposed finished grading elevations.
 - (h) All existing and proposed building, parking and other development restriction lines (setbacks, easements, etc.).
 - (i) Building and structure locations, height, number of stories, gross floor areas, number of dwelling units and density (for site plans for multifamily uses), and number of seats or capacities for restaurants and similar commercial uses.
 - (j) Street, sidewalk and driveway engineering plans, specifications and cross sections.
 - (k) Designation of all parking spaces, number of spaces, number and location of handicapped spaces, number and designation of loading spaces, number of square feet of paved parking and driveway areas and surface materials of driveways.
 - (l) Location and size of all fire lanes.
 - (m) Location of proposed driveways, median cuts and proposed exits and entrances from roads or rights-of-way.
 - (n) Internal traffic circulation plan (directional arrows, signs and devices).
 - (o) Water management plans per the requirements of this Code.
 - (p) Dredge and fill permits, if required.
 - (q) Florida Department of Environmental Regulation storm water permit.
 - (r) Erosion control plan.
 - (s) Identification of flood hazard areas.

- (t) Water and sewer facility engineering plans and specifications.
- (u) Solid waste disposal plans.
- (v) Landscape and tree protection plans.
- (w) Additional information as requested by said official.

(6) *Engineering plans.* Any portion of a site plan which includes engineering or architectural specifications or plans shall be certified as true and correct by a professional engineer or architect registered in Florida.

(7) *Applications; approval of small sites.* The following procedure shall be followed for the approval of any site plan:

(a) *Submission to zoning official.* The documents prepared under provisions of this section shall be submitted to the building and zoning official, on a form to be supplied by that official, with a fee in an amount set by resolution of the board of commissioners to cover administrative costs.

(b) *Copies.* The applicant shall submit five (5) copies of all documents provided in connection with the review.

(c) *Contents mandatory.* No site plan shall be considered which does not contain all of the documents or information required above.

(d) *Approval of small sites.* The building and zoning official may approve, approve subject to conditions or disapprove all site plans which encompass less than ten thousand (10,000) square feet of building and parking surface; however, he must include the written reasons for his decision, whatever that decision might be.

(e) *Small site appeals.* The denial of any site plan which encompasses less than ten thousand (10,000) square feet of building may be appealed as herein provided.

(8) *Planning commission review of site plan.* The planning commission shall review all site plans encompassing more than ten thousand (10,000) square feet of building and parking surface, and hear the appeal of any smaller site plan disapproved by the building and zoning official, through the following procedure:

(a) Promptly after receipt of a site plan containing more than ten thousand (10,000) square feet in building area, or the denial of a smaller site plan if the applicant therefor wishes to appeal said denial, the building and zoning official shall forward the site plan and accompanying documents to the planning department.

(b) As soon thereafter as is practicable to allow for study of the site plan and the publishing of due public notice, the planning official shall place the site plan review on the agenda of the planning commission and publish notice as provided in this Code.

(c) At the conclusion of review of the site plan by the planning commission it shall issue its report and recommendation with respect to said site plan, which must comply with this Code.

(9) *Review by county commission.* The county commission shall, after review by the planning commission, decide all appeals of disapproved site plans encompassing less than ten thousand (10,000) square feet of building and approve or deny all other site plans, in accordance with the following procedure:

(a) Promptly after the planning commission issues its written report and recommendation, the site plan application and the report and recommendation shall be forwarded to the building and zoning department by the planning department.

(b) The building and zoning official shall promptly place the site plan application on the agenda for the next practicable county commission meeting and publish due public notice thereof in accordance with this Code.

(c) When such matter is brought before the county commission, it may approve or deny the site plan, or approve it with conditions.

(10) *Conditional approval of site plans.* In reviewing the proposed site plan, the building and zoning official, planning commission or county commission may condition approval on specified changes in the proposal. Where conditions are attached, approval will be withheld except upon written agreement by the applicant to conform to such conditions. In particular, where the site plan indicates potential adverse effects on neighboring property, rearrangement of the plan, increased yard width, fences, hedges or walls may be required.

(11) *Effect of approval.* Upon the approval of a site plan and the issuance of a building permit, the development shall be constructed in accordance with the approved site plan, including any changes, and the site plan regulations.

(12) *Walls or landscaping for nonresidential uses.* When a lot in any nonresidential district abuts a lot in a residential district, either to a side or to the rear, in addition to any required setback increase and other landscaping requirements, there shall be installed and maintained a landscaped strip not less than ten (10) feet in width complying with section 6-11 located on the nonresidential lot side of the property line shared with the residential lot.

(13) *Lot requirements.* The area, width and depth of the lot indicated in the site plan shall be sufficient to permit the construction of the principal and accessory buildings and paved parking areas in a design that does not interfere with the use of adjacent properties and which encourages safe and efficient vehicular ingress and egress to the adjacent street system while complying with the maximum lot coverage and parking requirements.

(14) *Public dedication of improvements.* In cases where roads, utility lines, sewer lines, parks, water lines or other improvements are to be dedicated to the public, the procedures, bond requirements and design standards for such dedication contained in the subdivision regulations in this Code shall apply to the proposed site plan.

(15) *Site plans for mobile homes.* No mobile home shall be placed on any parcel of land prior to issuance of the proper permit by the building and zoning official approving same. The applicant for said permit shall submit such materials as the building and zoning official deems necessary to ensure compliance with this Code and a fee in an amount set by the board of commissioners shall be charged by the building and zoning official for review of any site plan information submitted to ensure compliance with this Code.

(Ord. No. 85-4, 7-23-85; Ord. No. 86-3, §§ 7, 12--14, 4-2-86)

Sec. 5-12. Standards for approval of site plans.

No site plan shall be approved by the building and zoning official, the planning commission or the county commission unless it complies with all relevant provisions in this Code, including but not limited to all regulations in the district in which said site is to be located concerning use; setback lines; lot area, width, depth and coverage; building height; density; conditional use; accessory buildings; landscaping; water or sewer systems; off-street parking; road and utility design and construction standards; signs; and special requirements; and also such regulations as they apply to the particular use or uses included in the site plan.

Sec. 5-13. Enforcement of zoning regulations.

(1) *Authority of building and zoning official.* The building and zoning official, or his representative or employee, is hereby designated and authorized to enforce this chapter, except as otherwise provided herein.

(2) *Methods of enforcement.* The building and zoning official shall be empowered to use the following methods to enforce this chapter. The powers enumerated herein are in addition to all other powers contained in the Code and any other local, state or federal law.

(a) *Denial of building permit.* The building and zoning official shall refuse to issue any building permit where the proposed building, structure or use of land would violate the provisions of this Code. No permit shall be issued for land preparation, including clearing, grading, excavation or dredging and filling, or other development activity, for a proposed subdivision or development which requires site plan or plat approval until such time as the subdivision or development has been approved as provided by the Code or other law, and no such activity shall take place prior to such final approval.

(b) *Notification of violations; abatement.* Upon the verification of information by the building and zoning official that any provision of this Code is being violated, the building and zoning official shall notify in writing the person responsible for such violation,

indicating the sections of this Code being violated and ordering any necessary steps to abate such violation including the immediate cessation of the unauthorized activity on the premises in question. Such notification may be made by hand delivery or delivery by U.S. mail either to the owner of such property or the applicant for the permit in question, or by hand delivery to any contractor, subcontractor, employee or other person performing work on the property at the time delivery of notification is made. The zoning official shall order the discontinuance of the unlawful use of land, water or building; the removal of any unlawful building, addition or other structure; or the discontinuance of any work or any other thing being done in violation of this Code.

(c) *Legal remedies for violations.* In addition to other remedies, the zoning official, through the county attorney, may institute an appropriate action to compel compliance with this Code.

(3) *Penalties for violations.* It shall be unlawful for any person to violate any provision of this Code; to use or develop any land, structure or building in violation of this Code; or to disobey any valid notice of abatement issued in accordance with this Code. Any person found guilty of violating this section shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a period not to exceed sixty (60) days, or both. Each separate day that a violation exists or continues shall be deemed a separate offense for purposes of this section.

(Ord. No. 85-4, 7-23-85)

Cross references: Violation of subdivision regulations, § 7-28; penalty for violation of coastal construction regulations, § 9-20.

Secs. 5-14--5-19. Reserved

Sec. 6-14. Off-street parking and loading regulations.

(1) *General requirements.* There shall be provided, at the time of the erection of any main building or structure for the uses listed in this section, or at the time any main building or structure is converted to any of such uses, minimum off-street automobile parking spaces, with provision for ingress and egress, in accordance with the provisions of this section.

(2) *Interpretation.* In the interpretation of this section, the rules of interpretation which follow shall apply:

(a) The floor area of a building or structure shall be the sum of the gross horizontal area of every floor of a building, using exterior wall dimensions.

(b) The seating capacity is the number of seating spaces permitted under the fire code and approved by the zoning official.

(c) Fractional numbers shall be increased to the next whole number if the fraction is one-half or more and reduced to the next lowest whole number if the fraction is less than one-half.

(3) *Parking space requirements.* There shall be provided for each of the following uses parking spaces of the number and kind specified below.

(a) *Auditoriums, theaters and other places of assembly:* One (1) space for every four (4) seats or seating places.

(b) *Bowling alleys:* Four (4) spaces for each alley or lane.

(c) *Business or commercial buildings:* One (1) space for each three hundred (300) square feet of gross floor area.

(d) *Churches, temples or other places of worship:* One (1) space for each four (4) seats or seating places.

(e) *Clubs or lodges:* One (1) space for each four (4) seats or persons accommodated in the assembly hall or auditorium or one (1) space for each two hundred (200) square feet of gross floor area, whichever is greater.

(f) *Dwelling structures* (including mobile homes, townhomes, condominiums, apartments, single-family, two-family and other multifamily dwellings): An average on site of two (2) spaces for each dwelling unit.

(g) *Hospitals, sanitariums and convalescent homes:* One (1) space for each four (4) beds, plus one (1) space for each staff and visiting doctor, plus one (1) space for every four (4) employees, including nurses.

(h) *Hotels*: One (1) space for each sleeping unit, one (1) space for each owner or manager, and one (1) additional space for each staff person. In addition a guest parking area shall be added containing at least five (5) spaces.

(i) *Libraries and museums*: A parking area equal to fifty (50) percent of the floor area open to the public, or one (1) space for each forty (40) square feet of gross floor area, whichever is greater.

(j) *Manufacturing, warehousing and industrial uses*: One (1) space for each two (2) employees on the largest working shift, plus one (1) space for each company vehicle operating from the premises.

(k) *Medical or dental clinics and offices*: One (1) space for each two hundred (200) square feet of gross floor area used for offices and similar purposes.

(l) *Mini-warehouses*: One (1) space for each one hundred (100) square feet of office space, plus one (1) space per three hundred (300) square feet of the remaining gross floor area. Parking spaces shall not be designed and located where blockage of access points or doors or the driveway aisle would occur.

(m) *Mortuaries*: One (1) space for every four (4) seats of chapel capacity, plus one (1) additional space for each three (3) employees, plus one (1) space for each family resident on the premises.

(n) *Motels*: Same as for hotels.

(o) *Office and professional buildings*: One (1) space for each two hundred (200) square feet of gross floor area.

(p) *Restaurants, cocktail lounges and other similar eating or drinking establishments*: One (1) space for each two (2) seats.

(q) *Rooming and boarding houses*: One (1) space for each guest bedroom.

(r) *Schools*:

1. *Colleges, universities and technical/vocational schools*: One (1) space for each three (3) seats of seating capacity.

2. *High schools*: Six (6) spaces per classroom, plus one (1) space for each teaching, administrative and staff position.

3. *Day care centers*: One and one-half (1 1/2) spaces for each employee.

(4) *Handicap parking space requirements*. Handicap parking spaces shall be reserved and posted in all commercial and professional districts and in any other district which has a principal, accessory or conditional use of a building or structure open to the public. Handicap parking spaces shall be conveniently located with respect to main and secondary entrances, and ramps to sidewalks shall be provided and conveniently located in relationship to the handicap spaces. The required number of handicap spaces, with respect to the total number of spaces required, shall be:

- (a) Zero (0) to twenty (20) required spaces: One (1) handicap space.
 - (b) Twenty-one (21) to fifty (50) required spaces: Two (2) handicap spaces.
 - (c) More than fifty (50) spaces: Four (4) percent as handicap spaces.
- (5) *Off-street parking construction and design specifications.* All off-street parking spaces required in this section shall be designed and constructed to meet the following requirements:
- (a) All parking areas shall be either paved or rock-surfaced and adequately drained and maintained in a dustfree condition as long as the use is continued, and all spaces shall have tire stops or curbs.
 - (b) Parking space dimensions shall be a minimum of nine (9) feet by nineteen (19) feet, or nine (9) feet by seventeen (17) feet with an overhang.
 - (c) Handicap parking spaces shall have a minimum width of twelve (12) feet.
 - (d) The minimum width for a one-way driveway aisle within the parking area shall be twelve (12) feet, and twenty-two (22) feet for a two-way driveway isle.
 - (e) Off-street maneuvering space shall be provided for each lot so that no vehicles will be required to back into a street or alley.
 - (f) A parking area, including all landscaped areas required under this Code, shall be not less than four (4) feet from any street or alley right-of-way or four (4) feet from the perimeter property line.
 - (g) Each off-street parking area shall provide adequate traffic areas for vehicles entering from or waiting to exit to adjacent streets and adequate storage areas for any drive-in facilities located on the premises. The traffic and storage areas provided for herein shall be so designed that vehicles waiting or maneuvering in these areas will not interfere with or hinder traffic into or out of the area pulling into or out of spaces within the area.
 - (h) All access ways into a parking area shall be located at least twenty-five (25) feet from a street intersection; and no parking area containing more than ten (10) spaces shall have more than one access way to any adjacent street for every one hundred (100) total linear feet of the boundary line adjacent to said street.
 - (i) For all developments with more than twenty-five (25) parking spaces, twenty-five (25) percent of the spaces in excess of twenty-five (25) may be reduced to a minimum of seven (7) feet by seventeen (17) feet, or seven (7) feet by fifteen (15) [feet] with a two-foot overhang. Such spaces shall be grouped separately and clearly marked for "compact cars only." The reduction in an area for compact cars shall be used only for landscaping or stormwater management facilities.

(6) *Off-street parking location.* The off-street parking required in this section shall be located as follows:

(a) Parking spaces for all dwellings shall be located on the same property with the main building to be served, where feasible.

(b) Parking spaces for other uses shall be provided on the same lot or not more than five hundred (500) feet away.

(c) Parking requirements for two (2) or more uses of the same or different types may be satisfied by the allocation of the required number of spaces of each use in a common parking facility.

(7) *Off-street loading.* The following off-street loading spaces shall be provided for the uses indicated:

(a) Every hospital, institution, motel, single occupancy commercial or industrial building, or similar use having a floor area in excess of ten thousand (10,000) square feet, requiring the receipt or distribution by vehicle of materials and merchandise, shall have no less than one permanently maintained off-street loading space for the first ten thousand (10,000) square feet of gross area and one additional space for each twenty thousand (20,000) square feet of gross floor area, or fraction thereof, over and above the first ten thousand (10,000) square feet.

(b) Single-occupancy retail, wholesale and industrial operations with a gross floor area less than ten thousand (10,000) square feet shall have sufficient receiving space on the property so as not to hinder movement of vehicles and pedestrians over a sidewalk, street or alley.

(c) Each space shall have direct access to an alley or street and shall be no less than twenty-five (25) feet long, twelve (12) feet wide and have clearance at least fourteen (14) feet high.

(8) *Reduction of off-street parking or loading areas.* Any area reserved for off-street parking or loading under this section shall not be reduced in area or changed to any other use unless the permitted use it serves is discontinued or modified, except where equivalent parking or loading space is provided to the satisfaction of the board of adjustment.

(9) *Incorporation of landscape buffering.* All parking lots shall be designed with landscape buffering incorporated into the site. With large-scale parking lots in excess of twenty-five (25) spaces, no more than ten (10) parking spaces shall be placed in a row without a landscape break. Such landscape breaks shall incorporate existing or native plant and tree species. To the fullest extent practicable, existing vegetation will be incorporated into all site plans. If a proposed design incorporates existing or native plant

species, or interconnects parking lots through innovative design which incorporates existing vegetation or native plant species but requires a variance from the number of spaces required, the department shall favorably review and approve the design if all other requirements are met (see section 6-30 herein).

(Ord. No. 85-4, 7-23-85; Ord. No. 94-35, 9-19-94)