COMMISSIONERS:
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District 2
GENE MORGAN
District 3
BRENDA A. HOLT
District 4
SHERRIE TAYLOR
District 5

Gadsden COUNTY
PLANNING AND COMMUNITY DEVELOPMENT

Arthur Lawson
Interim County Administrator

David J. Weiss
County Attorney

Suzanne Lex
Growth Management Director

GADSDEN COUNTY
BOARD OF COUNTY COMMISSIONERS

EDWARD J. BUTLER
GADSDEN COUNTY GOVERNMENTAL COMPLEX

GADSDEN COUNTY PLANNING COMMISSION
Thursday, August 22, 2019
6:00 p.m.

Board of County Commissioners Chambers
1B East Jefferson Street
Quincy, Florida 32351

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1. PLEDGE OF ALLEGIANCE

2. INTRODUCTION OF MEMBERS – Roll call

3. APPROVAL OF THE AGENDA

4. APPROVAL OF MINUTES – January 17, February 14 and March 14, 2019 and July 11, 2019 if available.

5. DISCLOSURES AND DECLARATIONS OF CONFLICT

PUBLIC HEARINGS

6. MIDWAY BUSINESS PARK FINAL PLAT (Quasi-Judicial) (FP 2019-01) – Consideration of the Final Plan for the Midway Business Park Subdivision.

7. CAPITAL IMPROVEMENTS ELEMENT AND SCHEDULE (Legislative) (LSPA 2019-02) – Consideration of transmittal of amendments to the Capital Improvements Element and adoption of the Capital Improvements Schedule of the Comprehensive Plan.

8. SIGNS (Legislative) (LDR 2019-05) – Consideration of amendments to Section 5700, Signs of the Land Development Code.

9. CITIZEN'S GROWTH MANAGEMENT AND PLANNING BILL OF RIGHTS (LDR 2019-04) – Consideration of an amendment to Section 7001.1, The Citizens Growth

Management and Planning Bill of Rights and moving it to Chapter 1, Administration and Enforcement of the Land Development Code.

WORKSHOPS

10. CHAPTER 4, LAND USE CATEGORIES (Legislative) (LDR 2018-05) – Consideration of amendments to Chapter 4, Land Use Categories of the Land Development Code focusing on residential future land use/zoning categories and referring development review levels to Chapter 7, Development Orders, Development Permits and Development Agreements.

11. CHAPTER 2, DEFINITIONS AND INTERPRETATIONS (Legislative) (LDR 2018-06) – Discussion of amendments to Chapter 2, Definitions and Interpretations of the Land Development Code. This discussion includes new definitions as well as definitions previously recommended for approval but not adopted (September, 2018).

GENERAL BUSINESS

11. PLANNING COMMISSIONER QUESTIONS AND COMMENTS

12. DIRECTOR'S /PLANNER COMMENTS

13. ADJOURNMENT OF MEETING

The next regularly scheduled meeting is September 19th, 2019 at 6:00 pm.

Pursuant to Section 286.0105, Florida Statutes, the County hereby advises the public that: If a person decides to appeal any decision made by this Board, agency, or meeting or hearing, he/she will need a record of the proceedings, and that for such purpose, affected persons may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the County for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should call the Planning & Community Development Department at 875-8663, no later than 5:00 p.m. at least 48 hours prior to the meeting.

AT A REGULAR MEETING AND WORKSHOP OF THE PLANNING COMMISSION HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON JANUARY 17, 2019, THE FOLLOWING PROCEEDING WAS HAD, VIZ:

Commissioners Present :

Libby Henderson, Vice-Chair
Gail Bridges-Bright
John Youman
Marion Lasley, District 5
Doug Nunamaker
Lorie Bouie
Steve Scott, School Board Representative

Commissioners Absent:

Edward J. Dixon, Chair
Regina Davis, At-Large
William Chucks
Antwon McNeil
Gerald McSwain

Staff Present:

David Weiss, County Attorney
Suzanne Lex, Community and Planning Director
Allara Gutcher, Planning Consultant
Beryl H. Wood, Deputy Clerk

Staff Absent:

Jill Jeglie, Senior Planner (absence excused – family death)

1. **Call to Order and Pledge of Allegiance to the U.S. Flag**

In the absence of the Chairman, Vice-Chair Henderson called the meeting to order. She then led in pledging allegiance to the U.S. flag.

2. **Roll Call**

The deputy clerk called the roll and recorded the attendance as listed above.

3. **Approval of the Agenda**

UPON MOTION BY COMMISSIONER YOUMAN AND SECOND BY COMMISSIONER BRIDGES-BRIGHT, THE BOARD VOTED 7 – 0 TO APPROVE THE AGENDA AS WRITTEN.

4. **Approval of Minutes – September 20, 2018**

The following corrections were made to the minutes:

- Page 3 – scrivener's error – "solor" should be "solar"

- Page 5 – scrivener's error – the word "in" should be added in front of the word "compliance"

UPON MOTION BY COMMISSIONER BRIDGES-BRIGHT AND SECOND BY COMMISSIONER BOUIE, THE BOARD VOTED 7 – 0 TO APPROVE THE MINUTES OF SEPTEMBER 20, 2018 AS CORRECTED.

5. **Disclosures and Declarations of Conflict**

Vice-Chair Henderson asked members to disclose any communications they may have had with their constituents or parties regarding issues before the board at this meeting.

No communication disclosures or conflicts of interest were reported.

6. **Bradwell Future Land Use Map Amendment (FLUM) Small Scale Comprehensive Plan Amendment SSPA 2019-01**

Applicant: Joe Bradwell, owner

Applicant's Representative: Elva Peppers, Florida Environmental and Land Services, Inc.

Location of the property: West Side of McCall Bridge Road

Parcel ID: 4-25-1N-4W-0000-00241-0500

Size of Parcel: 5 Acres

Present Use: Vacant

Proposed Use: Residential – Single family dwelling unit

Current Land Use Designation: Agriculture 3 (1 dwelling per 20 acres)

Proposed Change Land Use Designation: Agriculture 1 (1 dwelling per 5 acres)

Staff Recommendation: Approve the application upon the condition that the property owner apply for a lot split as required by the Land Development Code.

Ms. Alexander Lex introduced SSPA 2019-01 citing facts listed in the agenda packet then called for questions from the Commissioners.

Lasley: So, the original lot that this came from – how many acres was that? The Ag 3 portion?

Lex: Elva, do you know the size of it?

I am sorry, I do not have that information. I can research that, of course, but I am not able to get that information for you right now.

Lasley: I guess my question is – how does this leave the rest of the whole parcel and can an

individual just decide that they want to carve out a five (5) acre lot and sell it to somebody even though it doesn't conform to the land use on the main parcrel?

Lex: Under property rights, a person can do what they would like to do. They can carve out a 5 acre parcel or 10 acre, whatever they would like. That is apparently what happened some ten (10) years ago with this parcel.

No, it is not the process we would want them to follow. Of course, you could go through the land use change first, then the parcel split. For the purposes of this parcel, it has been a five acre lot for 10 years. Therefore, the individual is trying to make it a conforming lot.

I can't say that we want to reward somebody that may have done something wrong. I don't know the history of this property. I don't know if he bought it as such and not knowing. All I can say is that it will be compatible with the surrounding land uses - the residential and agricultural uses.

For the purposes of being compliant with the Code, the applicant has requested this small scale amendment.

Lasley: You were also requesting that they do a lot split and it appears that something is not on the "up and up" there.

Lex: That is correct. This was done without benefit of prior approval.

Lasley: And you don't know what the parent parcel was?

Lex: I do not have that information, Ma'am. I am sorry.

Lasley: O.K. Because there is another lot on the other side of it that is not even five (5) acres. On the north side of that one.

Lex: The parent parcel would appear to meet the minimum requirements. Again, I have not done an analysis. If you would like an analysis of the parent parcel, what the uses are, what the density is and what is conforming with the parent parcel in relation to this parcel, that is something that we would have to go back and do for you and then bring it back to you so you would have that information at the next meeting.

Lasley: And, if you look at the current and the future land use maps in this agenda packet (attachment 4) I can't really tell what is Ag 3 and what is Ag2 and I don't know what the yellow is. Can you tell me what land use categories are all around this parcel?

Lex: If you go to the analysis, it indicates that to the north, it is Agricultural 3. It is a vacant piece of property. It is 5 acres in size. It is another abutting, nonconforming lot.

To the east, we have Agricultural 3. We have eight (8) dwelling units in one homestead. It is six (6) one-acre lots and two (2) on half acre parcels on a 23 acre portion of a 75 acre tract .

To the south, it is Agricultural 3. It is vacant. It is 18.5 acres of a 75 acre tract.

To the west is Agricultural 1. Timber and it is vacant. It is 6.4 acres. That would be an abutting conforming use if they want to develop a single family home on that parcel.

Nunamaker: If I may. It abuts up to an Ag 1 to the west. Everything west of that is all rural residential.

Non-conforming lots are to the north and south as far as Ag3 goes, but it does currently abut up to one Ag1.

Lex: There is one adjacent parcel that is conforming regarding density, not of use.

Nunamaker: Another quick question.

Did I understand that he wants to further divide this? Cut this in half?

Lex: No. He needed to do the lot split for this parcel so it would be a lot of record. Again, to do the lot split, he wants to make sure that he is creating a conforming lot, therefore, he has asked for the land use change to take place through the small scale amendment prior to formally coming in to make an application to do the lot split.

Lasley: Even though he has been paying property taxes on some parcel that has already been designated as that.

Nunamaker: And, it has been going on for eleven years.

Lasley: Yes, so, I don't understand why his legal numbers don't go with his taxes?

Lex: I can't comment on what the tax assessor has done on this parcel.

Lasley: It looks to me like we are allowing somebody to create a lot split in a subdivision without going through the proper process.

The original owner could have done that when he wanted to sell this to the man. Is that correct?

Lex: I can't speak to what I have in front of me. Yes, the previous owner could have approached the county under the regulations that were in place at that time and requested to divide and subdivide this property pursuant to those regulations and

under those guidelines.

Again, I don't want to speak to something that I am not informed about. This is the information that I have in front of me. Therefore, I can only recognize the request to try to make this lot conforming. I understand that you are saying this is an "after the fact" approval in essence. O.K. Therefore, it was done without the benefit of approval from the county on the front end. Without the lot split being done in accordance with the county regulations that were in effect at that time. I cannot address those things. I can only address what we have here in front of us.

Lasley: Having been at these meetings since 1990 or maybe 1991, what is to stop everybody in the county from doing that and coming in here?

Lex: I can only address what I have in front of me. What people do with their private property, I can't talk to that – What is to stop them. All I can do is move forward to try to get people to work within the boundaries of the Code and do things right on the front end. I take a very proactive approach in trying to educate the public.

Again, what is to stop them? There is nothing to stop a private property owner from doing what he would want to do with his property. To that question, that is all I can say.

Lasley: There is water on McCall Bridge Road, right? Talquin water?

Lex: Yes, there is water and electric. Those would be provided by Talquin.

Lasley: So, they will hook up to that. I am assuming that he will need three acres that are upland to have a mounded septic tank in case the property does need a mounded septic tank?

Lex: I cannot speak to the requirements of the health department and what they will want for the septic tank. They will be doing that permitting.

Henderson: Forgive me if I am incorrect, but, I understood the paperwork to indicate that since the split was already there, there is a septic tank already in place.

Nunamaker: Was that after he bought it or before?

Henderson: I don't know, I thought that is what it listed.

Bouie: Yes, a private on-site system.

Lex: Forgive me, I missed that.

Henderson: I saw it somewhere in here. The way it was phrased made me believe it was already on site. I don't know if I can find it.

Lasley: On page 5 it states that the septic system must be set back 100 feet from the well.

Lex: We would look for compliance with the current regulations in place or any permitting that takes place. If there was a variance to be granted by the health department, again, I cannot speak to that.

Respectfully, I understand your concern with an "after the fact" approval to creating a nonconformity and then coming in to try to get approval for it afterwards. That is not the way that we would want to operate in the county, but, I can only speak to this property owner wanting to bring this into compliance through this process so that he may further develop the property in accordance with Gadsden County land development regulations.

Do we have any further questions of the staff? Is there anyone from the public who wants to speak to this issue?

Elva Peppers, Florida Environmental and Land Services, Inc., 221-4 Delta Court, Tallahassee, FL.

I am here to answer any of those questions. I did provide a map that shows the buffer for the construction for the home site and also for the septic. There is space for that. I just wanted to point that out.

Mr. Bradwell wants to build one home on this property and there is not currently a septic tank there. So, if that was in the report, I don't think that is correct.

There is currently not one – is that what you are saying?

No, there is not a septic tank.

I apologize about that.

I do have a map that shows the adjacent land uses which should answer your questions about that.

Your wetland map is the one we are talking about that has things marked off on. I can't really read it. So, but, I am assuming that this parcel out by the road in the very, very front outside of the orange line is the area that he can work in except for the buffers. Is that right?

Right. It is closer to the road. The wetlands are in the rear of the property.

So, he won't be able to build in them or put a septic tank in there. So, it will have to be built in whatever buildable area is on the southeast corner.

Right. There are about 2.5 acres that is not wet.

2.5 acres instead of 5?

Yeah.

I don't know about that.

Does anyone else have any questions?

No?

Do I hear a motion to approve or to take action on this public hearing. Do I have a motion to take any of the options presented on the last page of the memo, which is on page 5. There are three options listed there. Do I have a motion to take action on any of those options?

I just want to make sure that there is nobody else from the public that wants to speak – just to confirm.

Is there any other comments from the public? (no response)

That being the case, may I have an motion made on one of the three options presented to us by the staff?

I OFFER A MOTION TO ACCEPT OPTION ONE: APPROVE THE JOE BRADWELL SMALL SCALE COMPREHENSIVE PAN FUTURE LAND USE MAP AMENDMENT FROM AGRICULTURE 3 TO AGRICULTURE 1 (SSPA-2019-01 WITH THE CONDITION THAT THE PROPERTY OWNER WILL APPLY FOR A LOT SPLIT TO CREATE THE FIVE ACRE PARCEL AS REQUIRED PURSUANT TO THE GADSDEN COUNTY LAND DEVELOPMENT CODE, SUBDIVISION REGULATIONS.

SECOND.

ALL IN FAVOR?

Henderson Bridges-Bright Nunamaker Bouie Scott	**AYE**
Youman Lasley	**NO**
Henderson	**THAT IS A VOTE OF 5 – 2. THE MOTION PASSED.**

7. **Allen's Excavation Future Land Use Map Amendment LSPA-2019-1**

Applicant: Allen's Excavation, Inc. Heath Weldon, owner

Applicant's Representative: Elva Peppers, Florida Environmental and Land Services, Inc. 221-4 Delta Court, Tallahassee, FL 32303

Location of the property: Robert's Sand Company

Parcel ID: 5-0L-0R-0S-0000-59330-0000

Size of Parcel: 42.95 Acres

Present Use: No Ag Acreage

Proposed Use: Mining of sand

Current Land Use Designation: Agriculture 3

Proposed Change Land Use Designation: Mining

Staff Recommendation: Approval of the Allen's Excavation Large Scale Comprehensive Plan Future Land Use Map Amendment from AG-3 to Mining LSPA-2019-01**.**

Ms. Lex addressed the commission noting the following facts:

- There is an active mining permit issued by FDEP associated with the property.
- FDEP issued a letter in May 2018 Change of mining notice which extended the permit mining on the property until 2044.
- It is nonconforming in use, but, has been permitted by FDEP.
- Applicant desires to make the use conforming under the current land uses.
- Less than 1 acre is wetland and wetland habitat
- Less than 3 acres of the parcel is in the Flood Zone.
- There is an on-site septic system and well.
- The surrounding land uses are all Agriculture 3 (designated Future Land Use)
- The existing uses are mining petroleum on the north side; timber on the east and south side; to the west there is another mining parcel.
- Access to the property would be from Roberts Sand Road (Crowder Road) used primarily for mine access. It leads to Sadberry Road.
- The property is vested for mining since 1994 when permitted by FDEP
- The property was found to be in compliance in 1989, 1994 and again in 2018.
- The compatibility analysis was done and no impacts are anticipated.
- The ingress and egress has been established.
- The nearest mining property is located less than one mile from the parcel to the west.
- The application indicates that it complies with the 50 ft. setback from the wetlands
- The mining is permitted and monitored by the FDEP.
- When the mining permit is closed out, there will be a full reclamation plan which will also be monitored by FDEP.

- The applicant did hold a Citizen's Bill of Rights meeting. There were no attendees, therefore no objections were raised in the meeting. No notices of objection were received from the property owners who were sent notices of the meeting.
- Staff recommended approval to transmit the proposed FLUM amendment to the Department of Economic Opportunity for review and comment with the special condition to maintain a 50 ft. setback from the natural area adjacent to the wetlands.

Nunamaker: They have been mining this for years. What is the benefit of changing this to mining now? They mine everyday.

Lex: They can mine without doing this, that is correct.

Nunamaker: So, what is the benefit then?

Lex: I think the benefit is for them. It will create a conforming use and should they want to sell the parcel for anybody else to use, they would be selling it with an approval of the mining use on the site. Instead of selling a nonconforming use – there again, they have vested rights and they can continue to operate with their DEP permits.

Youman: I have a question. You said that there was no one to object knowing that it is going to be mined. Was this property advertised in the paper so that people could actually know what was going on? Now, a lot of times, they will have a hearing right at the property and no one is notified and no one shows up and they are still in compliance. But, was it put in the newspaper so people would know?

Lex: As part of our ad, there was also a sign posted on the property indicating that this would be public hearing tonight on this. It was also noticed on our website.

Henderson: In terms of him talking about the actual meeting where nobody showed up, those are done even better, I believe, than a newspaper advertisement. Notices are actually mailed directly to people's houses that live within 1,000 ft.

Lex: Are you referring to the Citizens Bill of Rights meeting? They were noticed as well. We did receive one call from a person asking if this parcel was part of the hearing tonight. I said, "Yes," and informed them of where the meeting was, where they could find the information and told them that if they had any questions, they could call back. We heard nothing else.

Lasley: I have questions. The letters that are sent out, they generally say that we should be able to see a list of the parcels where those letters were sent to so that we know that the people within a quarter mile or half mile were mailed and noticed about the land use change. That is not in here. All I have is copies of items. So, in the future, that would be helpful and it would be nice to know that all of them heard about it and all the "I"s are dotted and the "t"s are crossed.

I am a little concerned about the residential homes that are there. There is a rural residential section that is approximately .11 mile northeast across Crowder Road. Again, we are going through all these papers, Chapter 4 and Chapter 5 and talking about compatibility. Now we've got a rural residential house and that is not the only one, there are more that I can see on the map. I am a little worried about compatibility for them from the noise from the trucks.

Lex: The use is there. You are not creating a new incompatibility. The mining is there. The trucks are there. For compatibility purposes, again, there is a distance.

So, I look at compatibility when you are introducing something new. The adjacent uses are not residential right next to it.

I understand your concern, but, I think that if there was a compatibility issue with those residences, we are not aware that any of the homeowners have any concerns. That use – those trucks and that impact is existing.

Henderson: The county attorney can correct me if I am wrong, but, their use is vested. I don't think you could take it away from them now if you wanted to.

Lasley: Well, another one of my questions is: They are currently mining the property and what is it – 20 trucks a day going out?

Lex: `I do not have a traffic analysis.

Elva, can you speak to this ?

Peppers: Yeah. As far as the trucks in this particular property and how it is being used, I think I can probably build a better picture as far as what is happening out there. As Ms. Lex said, this has been an existing mine since before the Comprehensive Plan was adopted.

The first point I would like to make is when the Comprehensive Plan was adopted, this was designated as Ag-3. In the Ag-3 at that time was where you would put mining. So, this has been conforming land use until the Comprehensive Plan was changed to add a mining category.

It is not the case where was done, it is just that it wasn't change along the way to keep up with the Joneses, so to speak. We are trying to do that now and trying to do he right thing. We are trying to strike it in stone that this is what it is and that is what the county has assigned. We are trying to make it right.

Years ago, we had previously discussed with the county planning department about doing this as an overall fix where all these mines would automatically be placed in the mining category rather than in the Ag-3 designation.

This owner wants to do it now on his own dime. So, that is what we are asking you

to do.

The mailing addresses were presented and it is on one of these maps right here. All the parcel ID numbers are there. The map shows which one of these parcels were notified. That includes the three small lots that you are referring to over here.

Lasley: I don't have that in my packet.

Lex: It wasn't included in the packet.

Peppers: You were asking about the traffic. There are two extremely large mines to the north of this within 300 feet that are very active. Both of them come down Sadberry Road and Crowder Road and Roberts Sand Road. This particular site is owned by Allen's Excavation. They don't sell sand commercially. They do road work, so when they need material for their jobs, they may come here and get it. They also have a mine in Leon County. That is where they get the majority of their material.

Right now, this is not a very active mine. For example, they got the Quincy by-pass job and they got material for that project from here. It saved them money, I am sure.

As far as the number of trucks – they own 5 trucks. So, however many times those trucks can go back in one day is the maximum number. So it is probably not that many. It is market driven and also distance to dump those trucks.

Any other questions?

Henderson: Do we have any comments?

Youman: What about this company if they want to sell it in the future to someone else. Is there a problem with them selling it?

Peppers: The owner is doing this with the other mine in Leon County. They are going through all of the permits and everything and getting everything in order. This is what you want from a property owner and a business person. You want them to make sure that they take inventory and try to get everything done correctly.

They could sell it now and still keep mining it. Mr. Weldon's son also works in the business, so, it may be passed down to the son. I really don't know what their future plans are. They have not disclosed that.

Lasley: I have a question about the roadways. What roadway will this property access?

Peppers: It comes out on Roberts Sand Road and then to Crowder Road and then to Sadberry.

Lasley: Which ones are paved?

Peppers: Sadberry.

Lasley: And who access to Roberts Sand Road and Crowder Road?

- Peppers: Both of those are private road owned by the other mining companies. Crowder Road would go to the pit to the north, which is no longer owned by Crowder. They sold it. Roberts Sand still owns the pit that is to the west.

The roads accessing this property is only used by trucks immediately other than Sadberry.

Lasley: There are no residences that use these two roads?

Peppers: That is correct.

Youman: No.

Nunamaker: There are quite a few residents that use Sadberry Road.

Youman: Yes, Sadberry, but not Roberts or Crowder.

Peppers: Like I said, those are private roads.

Henderson: Do we have commissioners with any other questions?

If not, do we have anybody in the public that would like to address the commission on this item?

Seeing no member of the public requesting to address the commission, I would like to request whether we have a motion from any commissioner that would like to suggest which of the options as suggested on page 6 of Item 7 on the agenda – recommendations by staff to the commission. Do we have a motion on those?

Bouie: So moved for Option one – approval of Allen's Excavation Large Scale Comprehensive Plan Future Land Use Map Amendment changing the land use designation from Ag-3 to Mining (LSPA-2019-01) with the condition that the Label on Exhibits A and B of the Environmental Analysis and maintain a fifty foot (50') natural area setback to the wetlands as indicated in the Compatibility Analysis response to Policy 5.3.4 of the Comprehensive Plan.

Bridges-Bright: Second

Henderson: All in favor?

Nunamaker
Youman Aye.

Henderson
Bouie
Scott
Bridges-
Bright

Henderson: Opposed?

Lasley: No.

Henderson: The motion passes 6 – 1.

That will take us to item No. 8.

8. **Public Hearing: Ordinance 2017-003** to update the capital improvements schedule of the Capital Improvements Element (LSPA-2018-11)

Lex: Thank you for this opportunity to update you on the capital improvements schedule. I didn't have a chance to look at this with Jill afterwards. I wanted to make sure that we clarified first that this public hearing is for consideration of a recommendation to adopt an ordinance (there should not have been an ordinance number listed in that) to update the Capital Improvement Schedule. The Board approved the Capital Improvement Schedule for FY 2019 thru FY 2023. That is attachment #1.

Having actually worked with capital improvement schedules for a number of years, I want to say first that any information that was included on this strike-thru from 2017 and 2018 was really not relevant to this agenda item. It was from the previous item when you adopted the Capital Improvement Schedule back in September. What we are looking at is change from that schedule that was approved and you adopted a Capital Improvement Element with a budget for Fantana Trail. We have now received notice that we need to add $200,000 into the FY 2018/19 for that project to be eligible for the FRDAP grant.

Therefore, we are asking approval to transmit this to the Department of Economic Opportunity with this revised Capital Improvement Element with the additional funds for county parks in order to be in compliance with the request for the grant.

We recommend Option 1 that the Board of County Commissioners adopt the Capital Improvements Schedule of the Capital Improvements Element of the Comprehensive Plan.

Any questions?

Lasley: In the FL Statutes 43(A)(4) it says (and this is what we are talking about tonight, the capital improvement schedule) "A schedule of capital improvements which includes

any publicly funded projects of federal, state, or local government." So, my guess is that anything that we get funds from the state or that the county government decides to do or that the federal government helps us with and which may be privately funded for which the local government has no fiscal responsibility. So, those are supposed to be included in the capital improvement schedule.

Lex: If you meet the threshold of the definition of a capital improvement. So, yes, it would be.

Lasley: Right. I got that. Previously, we have had things like the hospital and courthouse grant money to improve the support infrastructure, expansion, interstate exchange, so I am just trying to verify that none of those exists. Is that correct?

Lex: No, we are looking at - pursuant to Florida Statute, the only requirement is that our capital improvement schedule that we include in our Comprehensive Plan reflect any funds that are from local, federal or state entities or from a private developer through a private agreement. To insure that the adopted level of service are achieved. So, if we have no adopted level of service on those other facilities, those funds and those projects are reflected in your county's budget. This is simply a subset of the projects that would insure that we meet the level of service required.

In addition, we can include projects in the capital improvement schedule in the comprehensive plan if it is to our benefit when applying for a grant. Sometimes they will carry favorably that we have included it in our capital improvement schedule as a part of our larger planning process.

So, we are meeting the requirements for that and that is why you won't see the hospital in here or ambulances or anything of that sort. We have not adopted level of service pertaining to those.

Lasley: You are combining two different statements in Number 4. The next sentence in number 4 states, "projects necessary to insure that any adopted level of service standards are achieved and maintained for a five year period must be identified as either funded or unfunded and given a level of priority.

Lex: We don't have an adopted level of service for some of those other projects that you referenced.

Lasley: Right, but, to me, that does not reflect the first sentence. That is my statement for the record.

Lex: Well, this is the way that FL Statute is written. Again, our responsibility is through the Comprehensive Plan is to insure that we include the projects that will inform the public of what we are funding to achieve our level of service. It also informs individuals that may want to develop whatever level of service are and planned projects that we may have that will benefit their future development. So, regarding that statement, that is the way the Statute is written. Maybe David will have a

comment.

Lasley: Thank you.

Lex: You are welcome.

Henderson: Any other commissioners have any questions?

Do we have anybody from the public that would like to address the board with comments.

Showing no comment or questions from the public, I would like to ask the commissioners if anyone would like to make a motion. Options in this case are on page 2 that are suggested by staff with the recommendation of Option 1.

Youman: **I move that we recommend Option 1 – Recommend that the Board of County Commissioners adopt the Capital Improvements Schedule (attached and labeled Attachment #1) of the Capital Improvement Element of the Comprehensive Plan.**

Bright: **Second.**

Henderson: **All in favor?**

All: **Aye.**

Henderson: **O.K. Motion passes 7-0.**

That takes us to Item 9 on the agenda.

9. Public Hearing (Legislative) – Amendment to add Chapter 9 to the Land Development Code (which includes previously reviewed Subsection 4202 from the September 20 Hearing) (LDC 2018-04)

Gutcher: Thank you, Madam Chair.

This item has been before you as part of Chapter 4 previously. I believe the last time that you looked at this, it may have been September. You elected to create a new chapter in the Land Development Code to address accessory structures or uses and as such, the conversation that we had previously regarding equines in residential areas has been transferred into this chapter. This chapter then addresses other accessory type uses and structures like home occupations, outdoor storage of materials, keeping of livestock and fences. Some of this language was moved from other parts of the Land Development Code and some of it is new.

I will draw your attention to a portion of the document on Page 9 – 3 that is highlighted. In our previous discussion on the equine there was concern about the breeding issue on the parcel of residential uses. So, we are attempting to rectify

that with adding a clause – "for sale or other commercial purposes."

Since your last consideration of this, this clause has been added to help solve the concern of being able to reproduce the equine on your parcel and having a certain amount. Other than that, the equine portion of this is pretty similar.

We are also talking about in the first part of the Chapter accessory structures, which might be a shed in the back yard. It could be a pole barn on a residential property or even a swimming pool would be considered an accessory structure.

We have more clarity of what we expect when we are reviewing these for residents of Gadsden County. When they are reviewing the Code, they can have a better understanding of what to expect when they are looking to permit accessory structures and uses.

We are looking for a recommendation from you to move this forward to the County Commission as an ordinance to adopt a new chapter, Chapter 9, into the Land Development Code.

Nunamaker: Question. I had a call the other day, ladies and gentlemen, I meant to bring his name in, but, I left it at the office. He had a concern about the size of a barn. I didn't see it in the language in any of my papers, but, he said that he saw or heard somewhere where the barns cannot be any bigger than your home site or a trailer or whatever. Is there any kind of language in there that I am missing?

Gutcher: I am wondering if he was looking at the first page 9002 part f – "No accessory structure shall be greater than 50% of the floor area of the primary structure unless the accessory structure is a barn. " So, it is exempting barns.

Maybe he is confusing that language.

Henderson: What it would not accept in that situation would be if somebody has a shop on their property that is not constructed to house animals and they live in a trailer. Then that would prevent them from having a machine shop or something on their property that was greater than 50% of the floor area of a trailer.

Gutcher: Or a shed or something like that.

Nunamaker: For example: It doesn't apply to a barn, but, let's say the guy is an artist and he did sculpting in a shop. It can't be any bigger that 50% of the square feet of his existing dwelling?

Gutcher: That is correct. If you had a tiny house, you might have a problem.

Nunamaker: Even if he had in some cases,

Henderson: You are going to see a lot of trailers that are going to be smaller than 50% of

somebody's pole barn.

Lasley: That is not going to work.

Gutcher: If you had an 1800 sq ft. house, your accessory structure could not be larger than 900 sq. ft.

Nunamaker: If you had an 1800 sq ft. home. Yeah.

Henderson: I imagine that is going to make a lot of rural residential properties nonconforming from the get go.

Nunamaker: It sure is.

Youman: It is going to upset a lot of people, too.

Bouie: How did that calculation come about?

Gutcher: Well, 25% is more standard, but we recognize that Gadsden County is more rural in nature, so we increased it to 50% in this draft.

Lasley: What I have written down is a workshop, a multi-car garage, storage, barn and then a mobile home would certainly be penalized for being a mobile home and not a site built structure if it is not larger than most site built structures.

Henderson: I am trying to follow. So, the mobile home would be a storage unit?

Lasley: No, a mobile home on a lot – let's just say a single wide mobile home would be disadvantaged tremendously from a site built home.

Gutcher: It depends on the size of the site built home.

Lasley: Certainly , but, let's just say a 5,000 sq ft site built home. I just can see that this is not going to work.

Bright: Why is the accessory structure dependent on the primary structure?

Gutcher: It is a policy decision. If you feel like that you want to delete that regulation, you certainly can. It is intended to prevent a bunch of large accessory structures multiple buildings on a single lot with a small house.

Nunamaker: Is that limited to zoning area?

Gutcher: That is correct.

Nunamaker: It doesn't matter if you are Ag-3 or rural residential?

Gutcher: That is correct.

Nunamaker: Well, I don't know that I agree with that.

Youman: I have a problem with that, too.

Lasley: I have another question in that same section.
9002.b "The accessory structure must be dependent on the primary use of the parcel and cannot constitute a different use."

To me, that doesn't make any sense. The primary use of the parcel is for residential and the accessory structures is certainly not going to be for housing, it is going to be for other stuff.

Gutcher: For example, even your home occupation has to be located within the primary structure if you have a home occupation. You can't be in an accessory structure.

Lasley: That is a whole different category and I am not talking about that.

Gutcher: I am trying to follow what you are talking about. Can you give me an example?

Lasley: "The accessory structure must be dependent upon the primary use." I don't understand what you are trying to accomplish.

Gutcher: If it is a residential home, the accessory use must be dependent on that residential home. It can't be a business.

Youman: Like a garage, perhaps.

Gutcher: Right. A garage would house the car of the people that live in the house. That would be an accessory structure.

Bouie: I have friends that have three-car garage detached so that her husband can do his hobby working on the cars. It is a hobby and it is probably as large as their house.

Gutcher: A hobby is dependent on the people living in the house.

Henderson: But the garage, which is as large as the house would be a nonconforming structure immediately upon adoption although they would be grandfathered because they are already there.

Youman: So, is my tractor dependent on me living in my house? It is for farming. It is not for residential use.

Gutcher: Are you on an Ag parcel?

Youman: No, I am not on an Ag parcel.

Gutcher: Are you in rural residential?

Youman: I am in rural residential.

Nunamaker: Apparently it doesn't matter.

Gutcher: I don't want to get into too many specifics, but

Youman: I am just asking. So, what if a person owned and sold tractors, would that be in compliance with what we are speaking about?

Gutcher: Your tractor is not a structure or a use.

Youman: I mean, the structure that I built, I built for housing my tractors, lawn mowers and those kinds of things. Trailers. So, it is not dependent on the residence unless you consider me who uses it. In that case, I am in compliance.

Gutcher: Are you using the tractor for a business?

Youman: I use it for a farm.

Gutcher: It is dependent on you. If you are farming on a different parcel, but, you are not storing the equipment on the farm?

Youman: I am farming on a different parcel. I store some equipment on the farm, but, not my tractor. I have things that I need to do at my house and I transported one of my tractors to my house and I actually keep it there most of time. It is much bigger than the other one.

Gutcher: A tractor to me isn't a structure or a use. It is a vehicle. So, the barn is the accessory structure. You would be grandfathered if this were considered. But, if you were to build one after this was adopted, it would be limited to 50% of the size of your house.

Nunamaker: Does that include any structure at all? Just a pole barn with a roof? Is that the same as a structure?

Gutcher: I think that pole barns are exempted in AG category. That has been my understanding in Gadsden County because you are in an agriculture future land use category, you are an agriculture use.

Bouie: I don't see the need for measurements of accessory structures.

Gutcher: That is certainly something that you can change if you would like to.

Henderson: Based on the commissioners comments here tonight, do I hear a **motion to strike**

subsection f from 9002. 9002(f)?

Bouie Yes.

Bright: Second.

Henderson: All in favor?

All: Aye.

Nunamaker: Public input?

Lex: One point that I would like to make. I don't know whether you would want to consider any replacement language such as, "The total of all accessory uses may not exceed the primary use unless they would come in for a variance." Something like that. Just wanted to put that out there.

Lasley: Again, we are talking about numbers here. You don't have language in here that restricts a parcel to one accessory building. Later on when we start talking about those other uses, they can have up to seven (7) accessory buildings on their property. These are the new categories that you created for us. So, people can have as many as they want as long as they comply with 7.

Gutcher: Yeah, there is not a limit on this page about how many you can have.

Henderson: We are just dealing with the motion that we've got on Subsection (f). We have a motion and a second for discussion.

Do we have comments from the public on that particular portion?

Lex: Yes, we do. We have Miss Heather Cave and here is her information. 102 Beaver Creek Road.

Heather Cave: Madam Chair, I have comments on this section as well as the entirety Chapter 9 that will be discussed. Do you prefer that I make my comments now or hold off on it until the end.

Henderson: My question was going to be – because I think we are probably going to have other discussion on the different parts of Chapter 9, so what is the will of the commission. Do we limit discussion now to our motion that is pending? I think we have to do that.

We have a motion pending on just subsection f.

Cave: O.K. I appreciate your time. My name is Heather Cave. I live in District 2 at 102 Beaver Creek Road. I work at FSU. I am the director of the research foundation, so

my business is not in my home. I moved to Gadsden County because I work in Tallahassee and my husband works in Attapulgus. I have anywhere from 3 – 4 horses at a time and five cows and multiple dogs. I have rescue dogs. I live on 6 acres in the Reston Community. The reason I moved there was because we have the flexibility to do what we want on our own property. That means the ability to breed a horse. I know that is a different category, but, I have the ability to have cows on my property. I have the ability to have a barn for those cows. To have a barn for my tractor. I have a workshop on my property. Going through this Chapter 9, I am completely out of compliance. Completely.

It is un-fathomable to me that this would even be considered. I appreciate all your anguish in reviewing this. I am greatly concerned. I have a variety of present neighbors who feel the same way who wanted to come tonight, but, they were not able to come. I think that if it came to a commission vote, there would be a packed room who would be very unhappy this specific item that we are talking about and Chapter 9, which I will speak to as well.

I want to speak strongly against what we are talking about today – the limit on the accessory structures. I would already be out of compliance. We have a nice home. It is 1500 sq. ft. the square foot total of all of our out buildings – horse barn, cow barn, workshop is in excess of the 1500 sq. ft. I don't care if you raise it to 50% from 5%, that is not going to work. That is not just me speaking for myself. That is speaking for my neighbors. You can drive through Reston and see numerous separate buildings that are garages, apartments, a lot of mother-in-law homes, workshops that would be out of compliance of this regulation.

I know that we would be grandfathered in, but, I feel like that is not the feeling of the members of Gadsden County who like the right to do what they want on their own property. This is not Leon County where we are dense and need strong regulations and rules about how you use your own property.

Anyway, I thank this board for hearing me. I appreciate the opportunity to speak again as we move forward.

Henderson: Do we have anyone else from the public that would like to address their concerns?

Gutcher: I would like to remind the commission that anyone who has a land use designation of agriculture doesn't have any restriction on the farm animals. It is only if you are in the yellow rural residential. I know this is a subject that was confusing the last time we came forward.

Cave: I will have additional comments when we get there.

Gutcher: O.K.

Cave: I have some concerns about that, too.

Henderson: We are only addressing Subsection f.

Are there any other comments?

In the case that we have no other comments, we do have a motion and second on the table to strike the floor area restrictions.

ALL IN FAVOR?

ALL: AYE.

Henderson: Anybody against the motion? (no response)

The vote is 7 – 0. The motion to strike the 9002.F passes unanimously.

9. Public Hearing – Amendment to add Chapter 9 to the Land Development Code

Moving on. I actually do have comments on what we were just talking about. Since we have brought up the keeping of livestock – When we addressed this the last time, I apologize that I don't think I was as prepared as I needed to be.

I think our current regulations are really bad. The way the current regulation reads is that livestock shall be prohibited specifically in rural residential. In residential areas where the keeping or use of livestock destroys or materially impairs the value of the adjacent premises, which includes unpleasant odor. So, basically what we have right now is we do not have (as I believed in the past that we did) a situation where it (livestock) is currently prohibited. It is not. It is currently prohibited if any of your neighbors think you smell or that your pigs smell. I think we can all agree that it is a terrible standard. You are either in compliance or out of compliance depending on whether you neighbors think your livestock is smelling.

So, I do think we need to fix it. I think that jumping from that standard to where it is o.k. until somebody complains to a standard where we are going to ban it except for keeping of horses for personal use. That is a pretty big jump. I know that we have checked and we have adopted a definition that does allow chickens in rural residential areas. I know we were working of definitions before and that and that is going to be fixed where people will not have to give up their chickens. I think that is a big area.

As she mentioned earlier, she has cows. I know somebody else that has cows on 10 acres in rural residential in a different area down the road from you. They were really concerned. Again, you all are grandfathered, but, I think it is going to be a significant problem and I do think that we need to fix the current definition. I am just now sure what is proposed is the best way to do it. On the other hand, I don't know that I know the magic language is. So, I will throw that out to you guys for discussion.

Going from it is o.k. until somebody complains that you smell to a place where we are banning it all except for a few horses for noncommercial use. That is a pretty big jump.

Nunamaker: Give us the exact subsection that you are speaking to.

Henderson: Yes, absolutely. It is going to be 9003.C. The old one is

Lasley: Can we start at A?

Henderson: We can, but, that was my particular thing that I was concerned about. I am happy to jump around after that. But, I remember that the public had brought that up as a particular concern and I thought it appropriate to go that now.

The current one is Subsection 4202 (A)(2). That is what we are currently changing. Again, I was mistaken last time. I thought it was currently prohibited except we were not enforcing that necessarily. I was wrong. The way it reads is that it is fine until it smells.

Lasley: O.K. What page are you on?

Henderson : I am on page 9-2 at the bottom. That is my concern. I don't know that I am o.k. with expressly prohibiting it if you are rural residential.

Gutcher: May I? I think I left my Code out in the car, but, it was my recollection that the current language also states that if you are going to have something that is not equine, you have to get permission from the county commission in rural residential.

Henderson: It says that is only restricted to 5 acres or less. But, what the actual provision currently says in 1 4202 (A)(2) "Livestock shall be prohibited in residential areas where the keeping or use of any livestock destroys or materially impairs the value of the adjacent premises. Materially impairs shall include, but, not limited to unpleasant odors. Horses and other equine species or bred as pets may be permitted on properties of less than five acres as a special exception use only to be permitted by the commission and the board of county commissioners."

So, on her property where she has 6 acres, as long as she doesn't have a neighbor currently that complains that she smells, it is permitted. I understand what they were trying to build into this provision, but, I think the way it currently reads is very problematic. I don't know how to fix it. The first time we discussed this in September, we had an absolutely packed room. It is a concern. People want to live here because they want to be able to have a hobby life. We have so many strange places that until we can fix the land use map where we have so many odd places where it is rural residential in the middle of an agriculture area. The property doesn't look any different. Nobody understands they are rural residential. I think it is problematic. I am curious to see how you guys would suggest fixing it. I don't know how to fix it.

Bouie: Madam Chair, on your minimum sized property, is there any way to have a fixed buffer? That way the smell will not come into consideration if there is a buffer.

Henderson: I think there are buffer situations that are built into the new provisions.

Bouie: For instance, if I have 4 acres, but, I was capable of maintaining 50 ft. for my livestock so as not to be near my neighbor's home.

Henderson: That is what you've got – a vegetative buffer within 15 feet of the property line has to be retained. Then you've got down here like in Subsection 9 there is talk about controlling the equine waste. It talks about water quality protection. It has to be kept in this place where it does not impact sewage disposal or water supply.

You've got a minimum area of property regulation. I think a lot of those things are really good that will address some of the issues we have now.

My specific concern is from jumping from a situation in which various types of livestock are allowed to a piece of property 5 acres or bigger to where nothing is allowed, but, horses. Since we have determined that chickens are not livestock.

Bouie: Well, I guess I am trying to consider if a buffer

Nunamaker: Smells don't really care about a buffer.

Bouie: I see number 7 – What I am trying to get at is a buffer between my horses and my neighbor who doesn't want horses. I am suggesting that if you have livestock, you can have whatever you want, just have this provisional buffer for the neighbor who may not have livestock. That is all. It could be 25 – 50 ft. I am asking the people who have land and livestock if that is feasible for you? Does that make sense? So the neighbor who complains, they could say, "We put in this buffer. " You would have at least 50 ft. free from livestock.

Nunamaker: Did they complain about the smell? Smell doesn't care about buffers.

Bouie: I understand. I can move across I-10 and still smell it.

Nunamaker: How about noise? Noise doesn't care about buffers either. I have a neighbor who has too many dogs and it is very annoying, but, there is nothing I can do about it. It is really bad.

Bouie: I am just suggesting that may help. It is unfair to the person who has or who wants to have the recreational farm if they can't have what they want. Likewise, it is just as it is unfair for those persons who are living next to it and must deal with the smell even though they have no animals. I am just suggesting that a buffer is a way to the answer.

I asked the questions of those persons who have livestock. We have a citizen who looks like she can answer that.

Cave: I think the whole intent of these regulations is for someone who has a certain expectation of living in a residential area and they are not living near farm animals. Then the expectation of somebody who is living in the green agriculture area does have the expectation of living near farm animals. I think this is actually written to try and protect those who have a residential home in a residential area rather than trying to prevent something in an agriculture category.

Henderson: I think the actual bigger problem is that we've got a lot of stuff designated rural residential in areas that probably should be agriculture.

Cave: I agree. In the reverse also.

Henderson: I understand that we do have a situation where like in your situation, it is certainly possible for you to approach us and ask us to have your future land use map designation changed to agriculture. That would make your nonconforming use then conforming. That is an option for everybody and that would be the same if you got ready to buy property in a rural residential area. You could approach the planning commission and ask to have as we have done tonight. The first two things that we did tonight was to take action to make something a conforming use that was nonconforming. So, it is a change that can be made. It is an extra step. Then the question is – I don't know enough about vesting rights. I probably should, but, law school was a long time ago. If you have a vested use now, I don't know how much of that travels with you when you sell the property.

Gutcher: Typically, 100%. It stays with the land, not the owner.

Henderson: That is my concern. I think that I would love to see a situation where we took all of our rural residential pockets that are randomly stuck in agricultural areas and turn them back to agriculture. If they were, in fact, a commercial use, make them commercial.

Lasley: May I make a comment on that?

Lasley: What we need is an existing land use map. I have been saying that since 1990. Everybody says, "Yeah, that would be great idea." But, it would actually address these issues that are coming up. My whole neighborhood is zoned rural residential and there are no one acre lots in that thing. So, somebody put a yellow blob on our neighborhood for some reason at some time.

Gutcher: Well, the difficulty with Gadsden and existing land use is that the existing land use relies on the property appraiser's tax assessment. If you have 20 acres and you are not using it for farming and you have one home, it will still be taxed as a single family residence and not an Ag use.

Lasley: If you are not doing agriculture, why wouldn't you?

Gutcher: That is what I am saying. Gadsden has always had this very fuzzy line between rural residential and agriculture uses.

Lasley: We could work on getting everybody on the same page because they are certainly not.

Bouie: So any citizen has the right to apply for whatever category they want. If a person has 20 acres and they are not aware that they could be agriculture, we can't make someone .

Nunamaker: There are substantial fees involved.

Youman: They are prerequisite, too. I have property that I am not farming on and for me to get Ag, I had to plant trees on it. There are other criteria for me to keep it there.

Henderson: That has taken us down a rabbit trail for constitutional exemptions in taxes. But, in dealing with what is in front of us today, I understand we can tell people, "Hey, you can come to us." I think the problem with that in saying, "You are welcome to apply to have your designation changed." No. 1 – a lot of people are not going to understand the difference. No. 2 – that puts a couple of extra barriers to buying agricultural property or buying property in Gadsden County that you want to use for a hobby farm. I know that we definitely want to continue to encourage people to want to live here for a slower lifestyle.

That would be my question with that Subsection C. I don't have concerns with a lot of the things that go on in subsection C to set up specifications on keeping equines. I just have a problem with jumping straight to banning livestock. You also don't want somebody with a herd of 40 cows on a six-acre parcel. I have racked my brain with it since September. I have the front Code on the ipad and it is highlighted in two different colors. I have not been able to come up with definition by myself that works.

Bouie: My concern is that I think that the original complaint that came before the county commission was a 2-acre residential neighborhood that suddenly sued horses. They were riding them.

Henderson: In that situation, they should have. They were a nonconforming use and should not have been able to do it on 5 acres or less under the current regulations without coming to the commission to ask.

Bouie: If we have the size requirement and the buffer requirements, then the typical things like smell and all that shouldn't come into play. If we do buffers and minimum lot size –

Henderson: Would you allow though – What we are doing now (proposed) is we are looking at a

situation where you can do horses, but, no other livestock. But, we are coming from a situation where you can have livestock if it doesn't smell. How do you handle still allowing people to have livestock (goats, cows, potentially pigs,) I suppose we could decide pigs are per se smelly.

Bouie: But, I keep my pig inside.

Henderson: I know somebody that does. I Know that it is being species bigoted, but,

Bouie: I am not so concerned about species as I am lot size and buffers.

Henderson: What I am looking for is some ideas on how you can still allow a minimum or a "hobby farm" and that is where my problem is. Help me out here, people.

Gutcher: We still have the fundamental problem with the map. I think you can have a hobby farm. You just have to do your due diligence before you buy property to know that you can do on your property what you want to do on the property that you purchase.

Bouie: O.K., but, we should still be able to tell them what that is. Right?

Bright: Madam Chair, is it possible to limit the number of particular animals since we are not trying to get them to get rid of their animals or their noises. If we say, "3 goats, or 3 cows, or whatever" and be specific enough so that someone would know. If I have this parcel of land, I can have this many cows, this many goats, and once I am over that limit, that is it. They can't have anymore.

Gutcher: We do have a density for animals. It is No. 3 and it has to do with the maximum of eight (8) per property. I thought at one time we had a ratio of equines per acre.

Henderson: We do. It is in there.

Bright: I am not just talking about equines, I am talking about all of that stuff.

Henderson: Can we change it to be any livestock or farm animal per acre? In other words, you can't do more than 8 total.

Gutcher: I understand Gadsden's unique situation. As a land use planner, I am cringing because I feel like as a residential subdivision property owner, I bought into that subdivision not thinking that there will be two cows next to me. That is just me as a planner.

Henderson: If we do change it to where it says you can have in rural residential areas a certain number of livestock per acre, then if you have done your due diligence, you will know that there is a possibility that in that subdivision that is designated rural residential on that future land use map, you could have cows next to you.

Gutcher: There is nowhere in Gadsden County I could live without that nuisance next to me. Not out in the county.

Bright: You could live in town.

Gutcher: It is a decision that Gadsden County needs to make on how they want to be.

Henderson: At this point, I have a problem with taking us from where we can currently do it to the place that is proposed here. I think a lot of the other stuff in here is really good concerning the runoff requirements, concerning berms, keeping it out of the septic tank – I think all of that is really good.

If we adopt it exactly as it is written tonight, there is nowhere in Gadsden County that you can live other than an acre. If everybody around you is an acre, you are going to have a hard time meeting the rest of the requirements to have horses.

Gutcher: No, you could live in the agriculture areas. This does not apply to the green on that map.

Henderson: If you wanted to live somewhere where there were no horses, where you could not have horses next door, if you buy in a subdivision where your lot is one acre or smaller, you are probably going to be pretty safe from having horses next door. By the time you get done with your surface requirements and your primary home and your set backs, you are not going to have room to put them there. Not if it meets all the requirements.

The way that it is currently written there are some places where you can do that. If you buy a rural residential lot now, you are not safe from having horses next to you anywhere in the county unless you go and complain that they smell. You now have the power to take away your neighbors livestock. That would change. You would not be able to make an arbitrary complaint. I have a problem with that and the way it is written. I also have a problem with the way we are doing it here.

Bouie: What I am suggesting is an equation that acknowledges the minimum land requirements for safe keeping of the animals, for the waste removal, or care of the waste from the animal. We did an indepth equation it could develop into one of the policies.

Nunamaker: We should do that in any ag zone, though, or any zone.

Bouie: This is what has been brought before us and I am saying that I am with Libbey. We can't have a rule that allows a citizen to come in say, "Oh, the odor."
I am trying to critique it so that

Henderson: I think we've got it here. If you look at page 9-3 though, I think that a lot of the things that you are talking about that you would like to see are there.

Bouie: It is.

Henderson: I think we are there and you might want to add a set back. All my suggestion is like right here, we've got the minimum area of the property (….inaudible). We've got a maximum of eight (8) equines per property. All I am suggesting is that we set it as a maximum of eight total livestock (members of the livestock family)

Nunamaker: Is that per acre?

Henderson: It says per property here. A maximum per property. Anywhere in rural residential, you cannot have more than eight.

Nunamaker: If you have ten (10) acres in rural residential or if you have one (1) acre in rural residential, it is a big difference.

Henderson: If you adopt this as it is written you can't have more than eight (8). If it is smaller than that, you've got some other requirements in here. You can't have more than two per acre. So, if you've got smaller than a 10 acre parcel.

Nunamaker: I have a problem with this whole deal. We have a future land use map. It is actually a current land use map, which doesn't jive with the county's designations. We are doing all this stuff. We need a current land use map and we need a future land use map that is going to fix all this stuff.

Why are we doing all this arbitrary, well not necessarily arbitrary, but, being very specific about rural residential conditions when they don't make any sense on the ground. We need to fix our map.

Henderson: The problem is what we have before us today, we have to decide today whether we toss this potential "re-do" out altogether and go back to the drawing board and do something different. Or, we have to adopt this one with some amendments.

What we have before us today doesn't allow us to change the map.

Bouie: I asked a question earlier and a citizen is begging to answer me. Is there any way you can acknowledge her now?

Cave: Thank you, ma'am, I didn't have ants in my pants, I just have a few comments that I felt might benefit the board.

I took a few notes here and I might just run down them if you don't mind. Obviously they deal with this issue.

As far as the fence buffer, I like your comments and the way you are thinking out of the box about what we can do to mitigate the smell. But, still, you don't have the independence and the ability of the home owner. I do think having a barrier and fence outlined in number 7. Maybe the solution that you are looking for that is

affecting most land owners or smaller farm or hobby farm. You have a small area, so you are trying to capture all of the free food you can such as the grass. Most land owners do fence right on the property line. I think you are going to get some feed back from that.

I think Number 9 that you have outlined here – To avoid the breeding of rodents…and controlling the waste not within 100 feet of the property line. That is definitely a solution that can be implemented. I know that is something that I do personally at my house. I keep all waste. I shovel it up and move it to a place that is not anywhere near my house or my neighbors. I think that is the best solution that I can think of.

I like what you said, Mr. Nunamaker about the dog. I have a neighbor whose dog fence runs right next to my house. That dog barks all night and loud. That noise isn't mitigated. So, how does that relate to my silent horse whose manure I just trucked off. I feel I am punished for something. There is a dog right there on his owner's property, but, his barking is a nuisance to me similar to the way that the smell of horses and livestock is to others.

As far as expectation of your neighbors, I mean if you are looking at rural residential zone as I am, I think your neighbors have expectation. We are in a rural area. We are in a rural county. It is no surprise to anybody here. We are a rural county and we have horses, cows, and a variety of livestock.

I think a solution for smaller lots should be zoned to have no livestock. That would make sense. I appreciate this body moving toward regulating this so that the solution isn't "if you smell, get gone." I appreciate that. I am not just complaining. I understand your willingness to make progress.

As far as Ag zoning, I wouldn't have a problem with moving my home to agriculture zoning. Is there any tax implications that ag designation? Does that mean you will be receiving less ad valorem taxes or is that not an issue? That is just a question in my mind.

Bouie: I think you have to have a minimum of 10 acres.

Henderson: And, the two things are not tied together. The way you are classed with the property appraiser's office is ag and entitled to the ag exemption, I believe, is independent of the land use designation.

Nunamaker: It is very different.

Cave: That is just a question I wrote down because I wasn't sure. Thank you.

As far as the recommendation of the maximum of 8 animals for the hobby farms. I agree with what you are saying. But, if you have 10 – 20 acres, the eight maximum sounds unreasonable. Perhaps a solution would be 1.5 livestock per acre. When I

think about, I use my land very carefully. I use grass, we seed, we (inaudible) so that we don't overuse it and over graze it. I think a reasonable person could accept 1.5 livestock animals per acre. If you think about it, 6 goats on 3 acres is not very much. The same thing with horses. I think one per acre is very conservative in my experience of 35 years of living on farms. 1.5 might be a better approach and better fit the Gadsden County lifestyle.

Nunamaker: That half an animal is going to be very difficult to maintain.

Bouie: So, you can always be expectant.

Cave: It is cheaper to feed, he eats less. I think making it two would be a little more liberal, one is more conservative, which is what you want to be. That is your decision because you are the decision makers.

Youman: If you try to graze more than one cow on that acre of land, you have to have a good check book or you work at a job where you have a lot of money in your hip pocket.

Cave: Oh, yes, sir. I have round bales of hay and cow licks out there so that they don't overgraze the grass.

Youman: I am a cow owner and you need a good acre of land to raise a cow and keep them fat. You don't want something that the wind is going to blow down. So, a person that has one acre of land with a house on it, one cow is about all he can afford on that land.

Cave: Is there a minimum number of acres on which you can have livestock in Gadsden County?

Henderson: Right now if you are going to be under five acres, you are supposed to have to get permission and that is specific to equine. You have to get a special exception use from the county commission. I don't think very many people do, but, you are supposed to.

That takes us to a different part of this proposal in that subparagraph 3. It reads, "For the purposes of calculating the number of equines, the property shall consist of all contiguous property subject to common ownership, regardless of the number of tax parcel identification numbers assigned to the entire property. "

So, you could have 50 acres and still be restricted to 8 horses. In that case, I am assuming that you would have to come here and ask to be changed to agricultural. That is ridiculous. The longer we talk about it, and I know this is a lawyer thing, the more problems I do see with the way we have it proposed. I do have concerns. One of the things that I think most about under the Statute under which I currently practice is that they adopted. In this particular instance we have a land owner with a problem and then you end up revamping the whole section from that prospective and I don't think that makes good law.

Now, I hate the places in my Statute where it has been done and if I have the ability to tear mine apart and fix it, I would. I have some real concerns about this and I know the easy answer is to say, "Well, people need to come and have their use changed." For a lot of your citizens, that is going to be fairly routine answer for an insurmountable task.

Right now, we have to change the future land use map and it has to go through Florida Economic Opportunity. It is no longer DCA. I am so old, that is what I keep thinking. You could start the process now and become agricultural and all of these restrictions pending would not apply to you. But, I think that is a pretty big burden to put on people in this particular county.

I have some concerns about just about everything under Subsection C. I don't know where that leads us.

Lasley: I have a recommendation. Subsection C – Keeping of Livestock. That first sentence – "The keeping of livestock on property that is not designated as Silviculture or Agriculture on the Future Land Map is expressly prohibited. " So, let's delete that in theory. And then start that with "Livestock may be kept on property designated as rural residential subject to the following conditions: 1) was discussed earlier – "A parcel that is designated as Rural Residential and is not a part of a platted subdivision" – so, if you are not in a platted subdivision, then you could look at how many acres you've got and see how you fit in there.

If you are platted, which I am platted, I have 4.3 acres. We also have covenants that allow for everything except for pigs. That is my particular situation.

Henderson: You could change "equine species" in that paragraph to "livestock." That way, if any platted subdivision is welcome to ban it.

Nunamaker: Within their covenants and restrictions.

Bouie: Question. If we don't have any, could we (inaudible) it to get restrictions?

Henderson: But if it is a platted subdivision that is not specifically for the keeping of livestock, in other words, it is not a subdivision that would be platted as an equine subdivision (there are several of those in Tallahassee) or specifically a hobby farm subdivision, any other platted subdivision, if it is a basic subdivision, you can't have it there. That would solve the problem I think that you have referenced tonight.

Thank you, that is very good way to look at that.

Lasley: So, that is one thing. I personally would default on my homeowners association rather than be denied the ability to have it. I would be taking my documents into the county and say, "I am allowed here because of my covenants and I would like to be protected for that because we don't conform to the rural residential lot."

Henderson: Then in paragraph 2, "equine species" would be changed to livestock. You would have the same thing. What we have been talking about here is a hobby farm situation and not a commercial cow or pig farm.

Wherever there is equine, let's change it to livestock.

I am not necessarily comfortable in defining property of all contiguous pieces. If I buy all the lots in a subdivision and they all belong to me, I don't think I should be restricted to only 8 animals in that situation.

Nunamaker: I think it should be acreage.

Henderson: Per acre?

Lasley: What are the dimensions of an acre if it were square?

Nunamaker: 20875 roughly. 20871

Henderson: He was saying that for cows, one acre is sufficient. For horses, it is typically calculated as 2. If it were goats, it would be a whole lot more. So, does the commission have something to suggest as the maximum no of quote, unquote livestock units per acre?

Cave: Just let me add one thing to my comments and then I will get out of your hair. I appreciate your consideration. I will summarize just real quickly. On number 2 – I do have concerns about limiting the breeding. I know that some hobby farms do have cows and horses that they do like to breed. Not, necessarily for commercial uses. I just wanted to make sure that I made that comment.

As far as the limits of animals. To feed a cow, surely one acre is ideal. But a lot of people do it more densely with hay and feed. So, I just don't want to get too close to that restriction of 1 per acre.

My other comment would be as far as the fence being a certain distance from the property line. That is a concern I had.

Mr. Youman stepped out of the meeting at 7:57

Henderson: Just one minute. We have lost our quorum.

Mr. Youman returned at 7:59

Henderson: We have now gone back to having a quorum and the meeting can continue. We have had a suggestion down the way to consider, perhaps, having the staff rewrite this. Do you mean just Subsection 9003?

Bouie: Yes.

Henderson: We will address the other sections with which we have problems in just a moment. Are we talking about throwing all of 9000 out until we feel better about it? I don't know that any of us want to be here all night.

Lasley: We made some changes in the first section. I had some comments on the home occupation, which we haven't gotten to. Then we will have some changes in this. So, I would like to see the whole thing rewritten and presented again.

Henderson: And she was going to have some comments on fences, which, is actually Subsection 9004.

Bouie: Question. May we send our suggestions to staff?

Henderson: There is a question. How do you guys want to do that? We have certainly had a problem getting us here to have a meeting where we actually take action on a noticed meeting. So, we have not had a whole lot of success in getting to do workshop stuff. Once it gets to past 8:30, we all get ready to go home. It is 8:00 p.m. now.

What is the most efficient way for us to communicate with staff when we have comments like this so that staff can maybe consolidate them and then bring them back to us?

Lex: Each of you individually may direct any of your comments to staff as long as it is independent of each other with no exparte communications.

Secondly, I actually, in listening to all of this really would like to receive some input from stake holders in your community. Let's try to have a better understanding. This is only my third month here. I very much hear what you are saying. I prefer that we take a more comprehensive look at the whole section. So, if you do have any comments that you want to finish up now or in writing to us, either way will be fine.

Henderson: I think that the minutes for the September meeting, I think the minutes do a pretty good job of summarizing. We had a number of people from the public speak that night. I think we had a lot of people scattered from around the county. The room was pretty much full. We had people from Reston. We had people from north of Havana. We had people from Sycamore and all these places where there are yellow blobs on the map. I think there are a lot of little comments strung in there. Mostly, it has been mostly as Ms. Cave has suggested her tonight. They are saying, "We moved here for this reason."

One of the things that staff has included here that I do really like is if you are part of a platted subdivision where it is stated in the covenants and restrictions that no livestock is allowed, you can be free from livestock. I think that takes care of the questions and concerns that Ms. Gutcher brought up. Otherwise, there would be no

where in the county where you could buy land and expect to be free of livestock. That actually creates a good situation. You can look at it and decide if that is the type of subdivision that you want to buy in or not. That is a very good provision.

I have stared at it and hashed it around and couldn't come up with anything. Ms. Lasley did a good job in getting me kick-started on some ideas. I feel like now I can take my red pen and make some suggestions and send it to you.

I would like to encourage everybody to do the same thing. We cannot go to lunch and do this. We cannot discuss over emails. I have some concerns about it and it sounds like everybody else does, too. I will say on the record, it does not necessarily apply to me. Even though I live downtown in a municipality, I am within the city limits of Greensboro. So, this is not necessarily going to affect me. I am in an agriculture zone for Greensboro. I can put up a shed that is bigger than my house, which is a good thing. Almost every shed I would want to erect would be bigger than 50% of the square footage of my house.

If I happen to live outside the city limits of Greensboro, we would have a great big round yellow blob right where the city limit ends past the railroad tracks. That is a chunk of residential that for all intents and purposes is pretty agricultural. I think that anybody who would erect something there would have a problem under this subsection.

In any event, do I have a motion that we all take it home and mark it up with our red pens and get with staff individually?

Bouie: So moved.

Youman: Second.

Lasley: We have other parts of this to discuss.

Henderson: What I was looking for was a motion on was actually do tonight for the entire section is to make our comments on all of Section 9000. That is what I was asking for a motion on. For the entire thing. That we mark it up with our red pens.

Youman: Right.

Bouie: Would you like for me to correct that, Madam Chair?

Henderson: Sure.

Bouie: Madam Chair, I am offering a motion that we, as commissioners, write our comments and suggestions for changes for Section 9000 and submit them to the staff so that we can move forward.

Henderson: Do we have a second?

Bright: Second.

Henderson: All in favor?

All: Aye.

Henderson: Motion passes.

Lex: I want to make sure of one thing. As you consider your comments (and you like that section about the homeowners covenants and restrictions) that the county does not enforce them. They do not inform the public about them. So, therefore, that responsibility is completely out of our hands. I just want to make sure that it is very clear that burden would be on any property owner or purchaser.

Lasley: That does go with the deed, is that correct?

Lex: Again, I think that David would have to speak to that.

Attorney Weiss: It is not our jurisdiction. We don't have enforcement authority over the covenants. They are completely separate and apart from anything that the county does. The county is not in that business.

Bouie: They would have to take a civil action for anything to be enforced. By another body, not the commission.

Nunamaker: Ms. Lasley, you meant that it goes with the land and not the owner.

Lasley: That is correct.

Nunamaker: We have an affirmative on that.

Attorney Weiss: Covenants are on the plat.

Henderson: Unless they expire. But, that is a whole other issue.

Lex: I know you like that section and I do, too. But, I just want to make sure that it is very clear that the county has no role in that.

Thank you.

Bright: Madam Chair, I make a motion that we take a five minute recess.

Bouie: Second.

Henderson: All in favor?

All: Aye.

10. **Public Hearing** **Chapter 5, Development Standards (LDR2018-8)**

Gutcher: Yes, this is an introduction to what we are changing in Chapter 5, a little bit in 6, and then 7 & 8. 7 & 8 are coming forward to you soon.

This is just the first portion of Chapter 5. It is not the entirety of Chapter 5. In order to move things along, this is the first portion of chapter 5. It is titled Development Standards. My first goal in looking at this chapter is to try to stick to the topic of the title, which is Development Standards and move some of the issues that are not development standards out of the chapter. You will see a lot of strike-thru in the beginning because there were some issues in here that are now going to be more of a zoning issue rather than something that will pertain to a development standard.

As we are going forward, and if we can get to it tonight, Chapter 4 will have a lot of the particular standards as far as set backs and how you are going to develop inside a certain zoning category. So, that language was stricken in here. There is some language about home occupation also. As you know, that was just moved to Chapter 9 as far as accessory uses. There is a lot of deletion here, not because it went away, but, because it went into a different chapter.

We are trying to streamline to help make this more easy to understand. That is the direction from the county commission. We have some compatibility standards that we are introducing as far as what we are looking at when we mandate a compatibility analysis. We have that requirement in the Comprehensive Plan. We want to have standards that are consistent with what we expect and let the applicant profide to us when we are looking for those.

The nonconforming uses and structures section is currently in place. There are a few tweaks just to help clarify the language, but, not much really changing there. In addition, The Condemnation Relief Section, which is on page 7 of 105. The reason that it is 105 pages is because it is only the first portion of the chapter.

We really don't get into much of a change other than the deletions, which have just been moved around until we get into the recreational vehicle parks and campgrounds. Actually, this was moved from Section 5900, which is at the end of the current chapter. I am now on page 20. Again, residential standards will be in the zoning Chapter 4 in addition to commercial standards and then intensities and densities.

We are adding a portion on page 29 called community residential homes, which is essentially a reflection of what Statutes dictate in 419. This is talking about (on page 29 at the bottom) community residential homes, which is usually something that is six or fewer homes residents . Certain types of licensees are granted permission to live in residential areas. They have certain restrictions. The Statute covers it pretty well. This is mostly a reflection of what the Statutes say. There is a density

requirement there and they have to be a certain distance apart.

David had recommended some language change just to clarify not really contextual in Part C on Page 30. To rephrase the first sentence, but it essentially says the same thing. I think that we will go with it. It will say that "each licensed community residential home will occupy only one structure." Then "the house may have only six or fewer residents."

As another editorial note, Part E of that subsection is a repeat of Part A, so we will delete Part E. That is all we got to for this first portion.

Lasley: Madam chair, can we look at this page by page, please.

Gutcher: 5001 on the first page. We wanted to reword that to state, "The purpose of this subsection is to provide standards (not guidance, but standards) and then scratching out "administrative and/or legislative evaluation" and inserting the word "consideration." So the purpose of this subsection is to provide standards for consideration of applications for new development.

Lasley: How about guidance standards?

Gutcher: I will let David answer that. Guidance has a different meaning than standards.

Attorney Weiss: Yes. Guidance is "wishy- washy." Standards are very clear. These are your standards that you have to follow. The purpose behind this striking of "administrative/legislative" is because you leave out the quasi-judicial by doing that. So, you need to either strike that and say that it applies to everything or you need to add quasi-judicial somewhere. It is really not a major change. Those are the reasons for those changes. It is just to have language that is very solid in terms of meaning. If you start talking about guidance, I can sit here and argue about guidance all day and whether you actually have to do what it says or if it is just guidance.

Lasley: My argument is with the word "consideration." I don't have any problems with the word "standards." Is it standards for review or proposals. It is standards for what we are going to consider. We are either going to either think about doing it or we are not we are not going to do it. It seems not definitive.

Attorney Weiss: I don't have a real strong position on that. My thought is that you are providing standards that you are going to consider when you are considering these applications. But, if you would rather stick with "evaluations," I don't have a real strong preference on that.

Henderson: To address Commissioner Lasley's request that we go page by page, the chair does not have an issue with that, however, I think we have a lot of pages where things have been struck and moved and I don't know that we need to go page by page on

absolutely everything. I think that if you have specific points that are in here, (I know none of us want to be here all night) and we have two workshops that follow. With that in mind, I certainly don't think that we mind addressing issue by issue, but I don't know that we want to take it page by page and dissect every line.
I think we have a consensus on that. These are great crackers, but, I think we all want to eventually eat dinner.

Lasley: Shall we go.
On page 4, Subsection 502 – the third line down. The amendments with existing development shall be considered as required by this code. Again "considered" seems subjective to me. It seems to me that it allows for dismissal.

Gutcher: I think that consideration is the application that is coming before you. Just like the thing with the map amendments that you voted on earlier today. You were "considering" them. You made a recommendation to the County Commission.

Henderson: Just before the commission's edification, I will address the county attorney with that. Is there any particular legal meaning to the word, "consideration," that would allow for a different treatment than the word "addressed?"

Attorney Weiss: In this context, I don't think so. I think you are obligated to consider these things and address them. I would think that they would be pretty synonymous in this context.

Lasley: In "C" of that section, "residential densities and housing type" "type" needs an "s"
In number "F", again, we have this whole issue of tax codes. So, "The future land use and zoning analysis shall be that which is listed in the tax code." What does that mean. What is the tax code list for properties?

Gutcher: The property appraiser, if you go to the county website for the property appraiser and you click on your parcel, it will tell you the tax code number and the name of the classification to which your property is being taxed as, whether it is a mobile home, single family residential, multi-family etc. That is pretty standard in the planning profession; to use as your existing land use category. That is the best available data other than somebody actually going out and doing a windshield survey. That is pretty time consuming. It is possible, but, usually we rely on the property appraiser data because they do that. It is part of their job to go out and inspect the homes and they know what the use is on the property.

Lasley: So, say a property is silviculture; yet there is a residence on that property. What is that going to show?

Gutcher: That is up to the property appraiser in how they are going to assign a category. I don't have any knowledge on how they determine it. It is just our best available data and we are just trying to develop a methodology for the applicant to follow when they submit a compatibility analysis.

Lasley; So, you don't know that every residence that is in the county is going to come up on the tax code?

Gutcher: The property will come up on the tax code. It is just that how the property appraiser assigns the category is up to the property appraiser.

Lasley: O.K. but what I asked about was residences.
I asked about who were living in homes. That is what I am concerned about. That is my deal.

Gutcher: Well, if they have a ag exemption, then they might not show up as a single family residence on the tax code.

Lasley: Again, the existing land use is going to be much more important information than anything up on the wall that somebody blobbed out there.

Gutcher: I don't know to solve that problem unless the county would like to send someone to do windshield surveys.

Lex: Excuse me. To that point, if we were required to do that, we could not even with certainty say that we have assessed what is on that property. You may not be able to see it. There could be a six foot high fence. I have no reason to go behind locked gates. To use that as evaluation, it is not going to be consistent in any fashion. I would say that it is not something that I would defend in a legal court.

Lasley: I agree with that. I understand that it is not the planning department's job. My problem is that the information that you are getting from the tax appraiser, if you are going to be using the tax code for your database and your database doesn't give you the information that you need in that we are looking to protect the citizens in the area. "Oh, well, this house didn't show up, sorry." There is something wrong with that whole way that you are operating.

Gutcher: It is the best available data accessible to us.

Bouie: I think you are going to have to rely on that because your office would not have the staff to do what the property appraiser has already done. Then you would be duplicating efforts. Your issue is only when someone applies for something, so you wouldn't maintain other properties who were dormant for application right now. You are doing the best thing available.

Lasley: Moving on. The next one is "G". It deals with offsite impacts that are going to occur from unlawful development or something. Your statement is, "A statement as to whether the project will emit" and I would like to add, "for example; excessive noise, smoke, glare, odors" because you also have runoff, egress and ingress, safety and privacy" that have not been addressed. There could very easily be issues. What you listed here is not an inclusive list of all the impacts that the citizens can state as being problems that they might have with this development. So, somehow, that

paragraph needs to allow for things that are not listed there. You can't limit compatibility to just these five issues. You have to include all the other ones that I listed plus whatever somebody may come up with during the course of the application.

Gutcher: I think that it is important to list what you want them to tell you. I don't think it is a good place to be that there is an arbitrary decision on who thinks what is a nuisance. I think ingress and egress is a good addition to part G. We can certainly add that if that is something the Planning Commission would like to recommend. Can you go through some of the other lists that you made.

Lasley: Runoff.

Gutcher: There shouldn't be any. It should be self-contained on the parcel.

Lasley: Safety. Privacy.

Gutcher: What is private to me might not be private to you.

Lasley: I would go for Ingress and Egress.

Nunamaker: Are you talking about the number of vehicles coming in and out of a project?

Lasley: Well,
Gutcher: That would be traffic generation.

Lasley: My thoughts are for example the mining that we just approved. Not tonight, but, before on 267. I personally think that they need a turning lane into their lot off of 267 for the trucks. Just to make it safe. Maybe another lane when they turn left. They will all be turning to go north. So, that kind of thing.

Bouie: Those type of issues are considered by the Department of Transportation, I thought.

Gutcher: Whether they need a turning lane?

Bouie: Yes.

Gutcher: It can a local standard, but, it usually depends on the amount of traffic and the type of traffic, too. But, with a long semi, it takes longer to slow down. But, generally, it is the number of trips.

Lasley: If nobody has anything, I have <u>something on Page 6.</u>

It <u>is "E" close to the bottom under "Conflict</u>." If you will, explain that section to me. "The provision in some other portion will prevail over this one." Why would you do that?

Gutcher: It could be an issue where you are trying to protect like an environmental future. That might take a precedence that would take hierarchy over this subsection.

Lasley: The other thing is that this is the Land Development Code we are talking about, right?

Gutcher: Yes.

Lasley: So, anybody can get a variance on anything.

Gutcher: That is not how it is written. I think it has to be a bulk regulation.

Lasley: So, why write this if it doesn't stand? I mean, why not write something that addresses – why would you write this and then say It doesn't apply?

Attorney Weiss: It was probably geared toward – there is something more specific some where else, right? If there is a specific regulation that addresses it rather than this more general regulation. Maybe that it what it should say. I assume that is the intent.

Bouie: That does make sense. Why did you put it in there? You would assume you were making decisions based on your own standard, so why would you put that in there?

Gutcher: Yeah. This isn't language that I added. This was already here and if you want me to delete it you can. But, I am trying to think of a specific situation I can and historic preservation as an example would be a good one.

Attorney Weiss: When you are talking about nonconforming , you may have another section that is specific to a certain nonconformity. This is your general application. Anything that is nonconforming, this applies. But, you may have something and I think we actually kicked this around a little bit when we were talking about the horses, the equine and the livestock stuff – about putting something specific as to legal nonconforming livestock uses. So, that would apply. That is the idea. It may need to be reworded to say something more along the lines "In the event, there is a more specific provision in this code, that specific provision would govern rather than these general rule.

Lasley: Yes, I am more comfortable with that. A more specific provision.
Ya'll jump in anytime.

<u>Page 8 – Subsection 5008 Number D</u> The numbers reflected there are 5004 A – is that correct?

Gutcher: 5004 A is Nonconforming Uses Public Hazard. So, subsection

Lasley: It basically doesn't go in a round circle for me. Then again, it could be a threat …."shall not apply." So, if they shall not apply, then it can be a threat to general

health, safety and welfare and they can expand. So do we need like a 1(a) or A(1) on Expansion and Extension so that we can signify that. So, on page 5

Gutcher: I think it should be A – Public Hazard; B- Expansion or Extensions; C- Modifications of Use

Lasley: Or you could do A(1) however you want to do that .

Gutcher: I think the number just got separated.

Lasley: Just renumber it. So, we are going to change that to 5004 B and B will be the Expansion and Extensions
O.K.

The next page, page 9. Number E
You have "Proof of Use" and the other evidence is deemed relevant and reliable by the planning official. Having gone through so many planning directors in my history, I feel that is too subjective.

Gutcher: The reason why this line (Part E) was added had to do with the topic earlier in the discussion tonight on the equine and how to accrue how that horse had been there for a certain amount of time to say that it was a grandfathered use. In order to capture that, you can't show a utility bill, you can't show insurance damage. There has to be a way for someone to show that the horse was there for a certain amount of time. That is the reason for this part E. Certain specific circumstances, the planning official can say that this is the type of evidence that we will take. We can't think of everything in every situation. It is just to let there be a way for the planning official to take other types of evidence.

Lasley: O.K. And that is applying to occupancy of a nonconforming use or structure?

Gutcher: Yes. You had to be there with the horse. How are you going to show evidence of the horse?

Henderson: If we are going to make some changes, do we want to include livestock, we will need to change that wording from equine species or equine residency to livestock.
It should be livestock anyway because you are going to have people now that have livestock that under the new thing would be a nonconforming use. So even if we don't change 9000 to include livestock going forward, it needs to say livestock here because they are saying it currently. Does that make sense?

Lasley: You are talking about F. O.K.

Henderson: That gives specifics about what the planning official can consider for vesting uses.

Bouie: Is there anyone we can forward our suggestions to staff?

Henderson: For the purposes of keeping livestock in rural residential zoning district may include history of residency or an established agriculture exemption.

Henderson: I think what we just heard, to interrupt Commissioner Lasley as she is going through this, we just heard a suggestion that we treat this like we did 9000 and provide written information to staff instead of taking it apart tonight. I am assuming speaking for you that it would be in the interest of getting done sooner and not be in here until 11 p.m.

Gutcher: If I can take some liberty to just suggest a change of equine species to livestock and remove the second equine word. Proof of use for keeping of livestock in rural residential zoning may include history of residency or an established agriculture exemption as assigned by the Gadsden County Tax Collector.

Henderson: That is the exact note that I had made. I guess what we had happen here, which again is interrupting you as we are going through, is a suggestion, not in the form of a motion at this time. That would essentially table this issue until our next meeting. And we will have provided these types of details and comments to staff. Is that what you are suggesting?

Bouie: Yes, Madam Chair.

What is the will of the body?

Youman: So moved.

Bouie: Second.

Henderson: All in favor?

Bouie
Bright
Youman
Nunamaker
Henderson
Scott
Aye

Henderson: Opposed?

Lasley: No.

Henderson: The motion passes 6 – 1

Lasley: So, we will discuss this again next time?

Bouie: We have asked that we each go through it as you have done and give our recommendations to staff. When we come back, staff would have incorporated

them into the document that we will see next time.

Lasley: There are only two issues on here left.
The one we probably discuss is the mobile home parks and the recreation vehicle parks.

Henderson: We have voted to continue it to the next meeting. But, at this point, I suppose what we've got is an option to go ahead and finish because we might not be here that much longer. So.

Bouie: Do we have workshops after it? Is there more?

Henderson: Yeah, we had two workshops.

Bouie: O.K. I stand. I have children to go home to. No livestock.

Lasley: I would rather finish this and then do something different with the workshops.
We are not going to get through those either.

Henderson: We have a motion to reconsider our motion to table this essentially.
Is there a second on that?

Nunamaker: Second.

Henderson: I will call that to a vote.

Bright: Discussion.
On this particular motion that is being presented, I just want to make sure I am clear. If we take the motion to continue this particular thing, does that mean we are going to table the workshops for another day and time?

Henderson: That is the way that I understood Commissioner Lasley's motion.

Nunamaker: I don't see why we combined it anyway.

Henderson: Because we can't get people here.

Lasley: At a workshop, you don't have to have a quorum.
Whoever shows up, shows up.

Bright: Yeah, you can't really vote on anything, you just discuss it.

Nunamaker: We need to have a workshop in a couple of weeks or something.

Bright: O.K. I am clear.

Henderson: So, you are clear on that?

Youman: I am clear.

Lasley: I make a motion that we continue going through this chapter 5 and try to complete it tonight and then table the workshops for a separate meeting just to do workshop issues where the commissioners that can attend will attend and we don't need a quorum.

Nunamaker: Second.

Henderson: All in favor?

All Aye.

Henderson: We have a unanimous motion.

Lasley: On page 19. We are dealing with manufactured and mobile home parks and recreation vehicle parks. Currently and historically mobile home parks are rental units that were only allowed in commercial. O.K. that is where we are coming from. Recreation vehicle parks are in a new category. They are going to be rental lots that somebody can be in for six months.

Subsection 5101: first section. These parks are subject to administrative site plan review as a minor development order. Does that mean that they will be approved in the office and there will be no public hearing?

Gutcher: Yes.

Lasley: I do not agree with that at all. I think that will not work at all. These are very intense situations where people need to know what is going on around them.

Henderson: To that note, just out of curiosity, we dealt with the issue. No, that was actually a change of usage where they were trying to put in a mobile home park down at Lake Talquin. Would that have been different because that was actually a change of the Future Land Use Map change. Would that have been a situation that would have allowed that to have been approved in office without a public hearing?

Gutcher: Anytime you are changing a Map, it is required to be a public hearing and you go through the public hearing process.

This would be a situation where if it was allowed by right in the Future Land Use or the zoning category (if that comes into play) then they would not have to go through a public hearing because it is a use by right. They would just have to meet the criteria.

Henderson: So, would that have affected that situation where he was trying to put one in next to a subdivision and he was not allowed by right on the Future Land Use Map.

Gutcher: I am not familiar to the case, but, if they had to do a map amendment, then they would have had to come through the process of a map amendment.

Henderson: So, in other words, this doesn't allow you to approve one if it is in the middle of somebody's subdivision.

Gutcher: Unless they have the proper land use category or zoning district, then yes, they could. I think we have that written in the zoning – that it has to be in general commercial. It has to be in general commercial in Chapter 4.

Lasley: We don't know that right now.

Gutcher: It is coming forward to you if we have a workshop.

Lasley: So, you are telling me that it has to be commercial?

Gutcher: I am telling you that is how it is written in Chapter 4 right now.

Lasley: O.K. alright. Now, I am o.k. with that. I, personally, would like to see some more water and sewer restrictions on these things.

On page 20, we do actually have them. O.K.

So, "G" states that the mobile home parks will be on central water and sanitary sewer systems – whatever they can come up with – whatever kind of sanitary sewer system they can come up with. What are the chances that a variance could be approved for that?

Gutcher: It is my recollection (and my Code is out in the car, I am sorry that I didn't bring it in, but the variances that you are allowed to get in Gadsden County are only for bulk regulations – setbacks, height, impervious surface, and they have to have a reason. There has to be a hardship.

Lasley: There could very easily be a hardship. "I can't afford it." How many time have I heard that?

Gutcher: The septic system wouldn't be a variable request.

Lasley: "M" is accessory structures, which is one house plus all the other structures that are around as long as it meets the setbacks – is that correct?

Gutcher: Correct.

Lasley: O.K. The next section is 5102. Recreational Vehicle Parks and Campgrounds.

I would like to know why this got changed (inaudible) to two.

Gutcher: So that you could have an RV Park on a small size parcel.

Lasley: What was the thinking behind that? Did somebody ask for that specifically? A developer or something?

Gutcher: No.

Lasley: So, you want to allow recreational vehicle parks in the zoning districts. We don't have that table yet, so, can you tell me where these are going to be allowed as a use by right and noboby will have any say-so about it?

Gutcher: If you turn to Chapter 4 Item 12 – Commercial lists (This is number 12 section in your agenda packet) We have mobile home parks on page 4 of 13, which is "commercial zone." I think RVs are going to be allowed .

Lasley: What bothers me is that if we approve this language, whatever zoning they have a dot on, they are going to appear there and the people next to that lot are not going to know it. Is that correct?

Gutcher: That is true for anything that is allowed within a category. We are showing in the zoning in Chapter 4. "Allowable uses for recreation include RV, improve any type of camping, really." Just so you know that recreation is an allowable zoning district for RV. So, yes, anything that we have shown in Chapter 4 as an allowable use will be able to go in that category.

Lasley: So, basically, see Chapter 4 is what you are saying.

Gutcher: That is where the regulations are going to be housed to determined what you can put on a piece of property based on the zoning district assigned to that lot.

Lasley: My question was, "Where are RV parks going to be allowed to exist?"

Gutcher: Recreation.

Lasley: In commercial and Nature based?

Lex: Yes. In any category of a nature center.

Just to comment on the two acres, we were thinking that you may have some area where you would want to preserve the natural setting and therefore only allow a smaller area for recreation vehicles.

Lasley: Well, too, what are the standard here per acre? Eight per acre? So, you will have 16 lots on two acres with one house on a well and septic. Or is it restricted to central water and sewer?

Gutcher: We are talking about an RV. Yes, so, there would be no house, it would only be a park.

Lasley: So it is central water and Sewer?

Gutcher: It would have dump stations. Pump out stations.

Lasley: Yeah, but, you have to have a sewer system.

Lex: You can have your service through a pump out service. You do not have to have onsite sanitary sewer disposal for pump outs. There are alternatives to that.

Lasley: I think 16 lots on two acres too many, but, whatever.

Number 8 – "Access to the RV park shall be to and from a paved arterial or collector road. The Board of County Commissioners may grant a variance to allow access to local roads. " I think that needs to be deleted because I don't think that local roads are the place to locate these things.

Gutcher: The local road is primarily where you are going to have camp grounds. I don't think most RV parks are going to be back in the woods, right, where they are camping. So, arterial and collectors are the major roadways through Gadsden County.

Lasley: O.K. So, that would be a type 2 process for a variance, if they need a local road.

Gutcher: Yes, it would be a variance and it would be a quasi-judicial hearing.

Lasley: O.K. So, that would come before planning and zoning commission?

Gutcher: Yes.

Lasley: Alright, then I am o.k. with that.

Here it says that all facilities within the recreational area will be served by central water and sewer. I am o.k. with that. Page 21, No. 11.

Let me go on to the next page. Then we have accessory uses. So, again, these are going to be allowed on local roads. So, on a recreation RV campground, you could have a pool, walking trails, rec room, courts, dock, gate hose, laundry facility, maintenance facility, administrative office, residential dwelling and a 50' x 50' convenience store. So, you can have all that on a local road.

Gutcher: It is restricted to use by the guests.

Henderson: And, only if a variance is granted. It is not automatic that it can be on a local road. It

says that they have to be collector or arterial unless there is a variance granted, which will not be automatic.

Lex: And the access to all of that will have to be internal.

Henderson: I have ridden that ride. Basically, when considering the variance, you have to consider the surrounding use and if it is inappropriate, a variance could be denied.

Lasley: O.K. You won't believe it, but, I am done with that.

Nunamaker: Do we have areas already designated for recreation?

Gutcher: Yes, some of them.

Nunamaker: Some, but, not all. Right?

Gutcher: Do you mean on the map?

Nunamaker: Yes.

Gutcher: Yes.

Henderson: In the blue.

Gutcher: It is the very bottom category on the right.

Lasley: It is not a lot.

Gutcher: The zoning map will mimic that Future Land Use Map except for the agriculture. What is going to happen is that this map is essentially going to turn into a zoning map. Then, the Future Land Use Map is going to combine some categories like agriculture and industrial and such.

Nunamaker: Are you going to fix a lot of stuff?

Gutcher: That is another job, but, I agree with you. It does need to be fixed.

Henderson: It will be much easier to fix zoning than it is to fix the way you've got the categories on the Future Land Use Map. When you switch to zoning, you can do that at the local level. You won't have to go all the way through Economic Opportunity.

Lasley: O.K. I am on page 29. This is the Community Residential Homes. In reading this, is this also going to be a sue by right application?

Gutcher: We don't actually review an application. They just come in and sign the permit from the State.

Lasley: So, there is no regulation?

Gutcher: They have to be a certain distance from each other. So, that would be like city issue. They can't be closer either 1,000 or 1,200 feet to each other. They have to supply a list from the State of where the others are located in the same vicinity. But, other than that, if it is in an area that allows for residential uses, we just sign the permit.

Lasley: So, can you define single family detached housing? That is just a single house as in one house?

Gutcher: Yes. It is not attached to something else. A duplex would be a single family attached dwelling. Detached isn't attached to anything else.

Lasley: Isn't all our lots zoned for that? A

Gutcher: I think what you are asking is – that is probably the primary dwelling type in Gadsden County.

Lasley: These can be anywhere where they are currently not allowed?

Gutcher: No. They are allowed. They are currently allowed. Yes.

Bouie: Question. Under this description, is there no other size of community homes that could be allowed?

Lex: Yes, there is. But, not under this provision of FL Statutes. So, if you wanted to provide one type of community residential facility, it would be a stand alone with no more than six people. So, if you wanted to service 15 – 18, you would need to either develop it in commercial areas and you would need a larger facility to be able to do that. They need to be considered all under one roof. If you are going to serve a greater number of residents, FL Statutes requires it. You can have two homes connected by a breeze way. Regardless, you would have to be in a commercial zoning for anything number greater than six.

We are working with some people trying to establish a similar type use.

Lasley: I am assuming the regulations for all this are ruled by the State. I would have a lot of questions as to how that would be run.

It looks like "E" on page 30 in that same section, is a duplicate.

Gutcher: Yes, it is.

Lasley: That is all I have. Do we need to make a motion for all those changes?

Henderson: What the chair would then ask Commissioner Lasley to do would be to put her changes into the form of a motion and run through them and suggest what she

wants. Not all of your questions would be things you would put in a motion because you asked questions and they were answered without making a change.

So, if you will run through with us where you want to make changes in the form of a motion, then we will see if you can get a second and we can vote on that.

Gutcher: If you don't mind, include the editorial comments I made earlier as part of your motion.

Henderson: Is there anyone in the public who wish to speak to this issue?

We do. Mr. Winchester.

Winchester: Would you like to make your motion, then I will come back?

Bouie: I would like to hear his concerns.

Henderson: O.K. Let's hear his concerns before we put a motion on the table because that is going to divide a complicated motion from a vote. At this point, my brain is too tired to hold it in my head.

Winchester: My name Daniel Winchester, 842 Rich Bay Road, Havana, FL

I actually came for the workshops, but, after I sat through this since July waiting and trying to get the Land Development Code revised to address some of the concerns that I would have concerning the conservation communities. Since you tabled the workshop item, I guess the point of order that I have in terms of a question would be, since this is a public hearing, Item 10 is a public hearing. So, I either need to say my peace now about Chapter 5 and get it into the record and have you all consider it or not consider it and pass it on to the County Commission. True or False? That is what this is for, right?

The reason I am asking is what I am really here about includes both really. It includes the workshop categories, but, Chapter 5 is implementation. So, it is kind of like the chicken or the egg. I don't know

Henderson: Keeping in mind that we are only addressing a portion of Chapter 5 tonight, is that right, Ms. Gutcher?

Gutcher: I would also like to say that it won't immediately go to the County Commission because it will go as a whole chapter. It won't go in fragments.

Henderson: I don't know exactly where your comments will go, but, but I don't know that your particular issue is contained in what we are looking at in these 27-29 pages tonight. We are only looking at 29 of 105 of Section 5 tonight.

Winchester: Only 29 pages. That might help. In terms of some of the language dealing with (I

probably don't have exactly what ya'll have) page 4-10. For example Table 4107. Ya'll aren't doing that tonight?

Henderson: No.

Winchester: So, it was just pretty much what I heard. O.K.

Henderson: I will say that Commissioner Lasley has done a good job of covering each. What she talked about tonight is the only thing that is on the table tonight.

Winchester: So, in other words, when you have the workshops, my concern is if I wait until another workshop and like somebody said, you don't need a quorum for workshops, so who knows who will show up for the workshops. Then maybe the conservation community concept that I wanted at least to have the workshop to be about, I want to make sure that at some point that the workshop is either voted up or down and included and transmitted to the County Commission to be considered when they consider the overall public hearing. I don't want to get snow balled with some legal – I have been there.

Henderson: We understand. We understand your concerns and we feel the same frustration that you do because we have been unable to get these things addressed. Obviously, the hurricane was nobody's fault and then we have had quorum issues. That is why it is taking so long.

But, let me say this. The things that we are going to workshop – those don't get voted up or down at a workshop anyway. They get workshopped and then they will be on as a public hearing and then we will vote up or down to transmit it to the County Commission. So, basically, on the issues that we are going to workshop, you will have two more chances. You can show up at the public workshops and offer your input. Commissioners can talk about it, but, there won't be a vote taken under those circumstances anyway. The vote to transmit to the County Commission won't happen until it is on the agenda as a public hearing, which it would not have been tonight. Neither will it be the next time we have a workshop on it.

Bouie: Madam Chair? So, what you are proposing is to somehow have your conservation community added to a land use recommendation?

Winchester: No. What I am falling back on at this point – because the process is bifurcated the way it is and it is confusing. I don't want to be in a situation where it is postponed and postponed indefinitely.

Bouie: O.K, Sir, what I am trying to ask you is – Are you proposing to bring a recommendation before the county to have your conservation community submitted to the county as a recommendation for use?

Winchester: Yes, ma'am.

Bouie: So,

Winchester: To include in the policy. That is why I originally (I know you guys want to go home) but,

Bouie: What is the best way for him to present that recommendation to the county?

He has presented to us in the past or an outline of what a conservation community would be like. There is one in Tallahassee. He would like to make a recommendation to the county and the board to add it as a land use category.

Attorney Weiss: There are a couple of ways that you can amend your regulations. One of which is kind of what we are doing here at the staff level and doing a major overhaul. You can certainly take into consideration and should take into consideration public comment through that process. That is not necessarily driven by what any individual wants.

The other process is individuals can at any point in time submit an application to amend the regulations. There is no prohibition against that. When that application is complete, it has to be considered.

Bouie: But, what he is saying is in a broader sense. I believe his suggestion is that Community Conservation be a portion of our land use development.

Henderson: If I might, I would like to clarify. I don't want to speak for you, Mr. Winchester, but, the only reason in Gadsden County that you could not do that community today, as a developer, is because your lot sizes are smaller than an acre. Is that correct?

Winchester: That says it all. The conservation community concept is all about developing more strategically in keeping with the rural lifestyle of Gadsden County and get away from the checker board style that currently you have right now.

Henderson: I understand that. Why can't you do that development today? Why can't you, as a developer, develop a conservation community on land in north Havana or wherever. Why can't you do one of those today?

Winchester: I think it is a policy issue at this point. There is no policy in the Comprehensive Plan that allows for the strategic type of clustering like I presented back in August to do. It is not just me.

Henderson: That is what I am asking. Those are lot sizes that cluster dwellings on smaller than one acre a piece.

Winchester: That is not true. My answer to that question, what I would advocate would be a density range of from .5 acre up to 3 units per acre depending on the soil types, depending on the amount of environmental feature of the area so on and so forth.

Henderson: Which is a more intense development per acre than is allowed today. Correct? Completed?

Winchester: When you back up a one acre lot –

Weiss: We are getting far off topic here, but, in terms of what is the specific subject matter, I think that one of the things we are considering in Chapter 4 is to have a new category for Planned Unit Development. The category would allow for a lot of flexibility in what it would allow for these types of developments. But, that again, is a Chapter 4 issue. Right now, we are on Chapter 5. I think we will

Henderson: And we are only doing the first part of Chapter 5.

Attorney Weiss: Right. And again, back to your point, once we have Chapter 4 workshops, then there is going to be a public hearing at Planning Commission level and then there will be a public hearing at the County Commission level. So, these are all topics that are going to be addressed three more times.

Winchester: I appreciate that, but, at the same time, the policy in Chapter 5 – all you would have to do is add a number 7 which states, "by such and such a date you will adopt a policy that allows for conservation community that meet the following criteria." Boom, that is it. You don't draft an ordinance. It is very simple. I have already provided the language. In fact, what I will do is go ahead and submit that as part of the record. This is the conservation community information that I have presented. It is all in here. I would like to make that a part of the legal record.

I am confused right now. It seems backward to me that part of Chapter 5 is being considered and then Chapter 4. Then I am supposed to come back to another workshop, which may or may not happen. It is just complicated. I am a land planner. This is what I do everyday.

Bouie: May I complete my statement?

I think where you are is that you are trying to make a recommendation to the County to have a particular type of subdivision. There is no legislation against that, but, you are asking the county to adopt your concept. Then again, you could very well go out and have a developer present your concept in an application and then it will go through the process. Where I am confused, Mr. Attorney, is does the county adopt concepts? Because this is a concept. If we can't adopt a concept,

Winchester: I am proposing a policy, not a concept.

Attorney Weiss: The county does adopt policy, certainly. But, I think

Bouie: So, he won't have to come back. My thing is if there is a developer that has this in his application, then we would go forward. But, to present this as a portion of our

land use as a policy, that is where I hesitate. I don't think that the Planning and Zoning Commission is in a position like this. I have never known a Planning Commission to take a policy from the general public per se.

Lex: If I may, madam chair?

Henderson: May I respond to that real quickly?

Bouie: I am just trying to help you, sir. I don't want you to have to come

Winchester: I am not proposing a development, I am proposing a policy.

Bouie: I understand. I am trying to get there.

Winchester: I can't propose any development, ma'am, without the policy that could guide it. I don't understand why that is hard to figure out.

Lex: I want to say that I spoke with Mr. Winchester. I met with him. I explained to him that we are working on a more comprehensive plan, period. I think your point regarding the planned unit development and does it offer these flexibilities that he is looking for in order to develop a conservation community – Is that an avenue and a tool that he can use. So, if I can say, I would request that we do not put a policy in that says "we will do this." We can't do that. We don't know what "this" is. But, we are working toward a planned unit development policy and I would respectfully suggest that Mr. Winchester look at those guidelines, think about what he wants and come back with some very constructive guidance for us to consider to put into that that may help him achieve his end goal of conservation community. Let's continue to work with him at that level through what we already have. Once we are done, I have told him that there is always an avenue to come by. But, that was my recommendation to him previously.

Bouie: At his last presentation, my closing comments were that the concept or the policy is well received. It is appreciated, but, the county cannot mandate or adopt and expect citizens to adhere to that type of recommendation. I don't see where

Winchester: Well, that is fair enough if that is how you feel about it.

Bouie: If there is a developer that is presenting that community, then we would go forward.

Winchester: Just to clarify, the PUD used to be in the Comp Plan of Gadsden County. You are talking about the Master Planned Community that is proposed or

Gutcher: I have not known of a PUD to be a part of Gadsden County's Comprehensive Plan.

Winchester: When you are talking about the appropriate place for this would be under the Proposed Master Planned Community, is that the same thing?

Gutcher: We are trying to introduce that so as to enable someone to do something like you are talking about. That is not something that Gadsden County has had in the past. It hasn't allowed categories that would allow for innovative design layouts.

Lex: So, think about that as a framework and come back and see how we can put some comments in that that will help you achieve your end, but, within the larger framework which would serve

Bouie: My recommendation was for education and suggest that the county educate the community and those putting in applications, but, I can't see how we can have policy.

Lex: No. Input to that policy that we already are trying to develop. That is what I would request.

Winchester: Alright, thank you. I will take you up on that.

Lex: Don't forget, look at what we are writing, think about what you want and please come back with that kind of comment in terms of what you have in front of you.

Winchester: Let me just close, if you don't mind, by saying that I followed some of the comments that you did make in Chapter 5. Page 8 under 105 when you talk about clustering community. For example, commissioner, if you had a piece of property and you rezoned it as Master Planned Community – Let's say 100 acre parcel or larger and you want to create a clustering community, similar to the one in Tallahassee, but a much smaller variety. There is a big demand as you all know for clustering activity. With that languagethere, would it prohibit a clustering community if you had say clustering and a common area, common riding trails, common barn and that sort of thing? When I read this, I was concerned that it might prohibit any clustering community. If it doesn't, that is fine. But, if does, then that is something I guess you could address in the Master Planned Community category somewhere.

Have you dealt with that? Does that makes sense?

Gutcher: I am not sure that I am following you. …This is to show – these are examples of what you can provide to planning official to show that you are a vested use and you are grandfathered.

Winchester: But, if you had a clustering community?

Gutcher: That is new. That is not vested. That is something that we are creating that is new.

Winchester: So, would that be addressed under the Master Planned Community?

Gutcher: Yes. You would talk about that in your development plan that you would submit as part of your master plan.

Winchester: It wouldn't be automatically prohibited because of that language?

Gutcher: No, this has to do with proving your vested use.

Winchester: Alright. I think she answered it.

It could be a farming community. A conservation community could be a working farm community, which would be up my ally. If you had a 100 acre farm and right in the center of that farm you grew sugar cane, tomatoes or whatever you grew in the center of that.

Bouie: We need to find a developer and bring that on.
Bring it on.

Henderson: Bring a development plan.

Winchester: They are watching, they are there. Anyway, I hear what you are saying as far as the master plan. The Master Planned Community talks about half acre lots are not allowed if you don't have central water. But, later in your plan, you do provide for half acre lots with central water. But, in a Master Planned Community, you have sewer and water for anything under one acre. So, that would have to be addressed.

Lex: I think that comment to as we go through the workshop. Read about the Master Planned Community, think about what you want, what your concerns are, what are your comments. We welcome your input at the appropriate time. We are here

Winchester: I don't really have a comment on this, but, I did have a thought when I heard it. On the RV park situation that ya'll talked about. When you said that RV parks allow - do they include – you said alternative waste water technologies or treatments or whatever – so, could you have an RV park without having it on sewer, conventional sewer?

Lex: You can have an RV park without central sewer if there is somebody that comes and pumps you out. You do not have to have sewage facility on site.

Henderson: It gets done by a portable truck. At Red Hills, they come around and pump out the horse trailers.

Winchester: But, you don't have to have an expensive sewer line to run an RV park.
I am saying this because of the ecotourism. It would be of benefit to not have to run a sewage line.

Henderson: Actually, Mr. Winchester, if you will look at that and the way that it played out – for any facilities, restrooms, buildings and what not, they are required to tie into sewer. What she is talking about is that to service each individual RV, those can be pumped out. You know what the truck looks like that pumps out septic tanks?

Winchester: Yes, ma'am.

Henderson: Those can pump out RVs. That is not any kind of installed system.

Winchester: But, you can have an onsite septic tank to serve the bathroom?

Henderson: No. It says that it has to be connected to sewer for the bathrooms at the store, for any type of structure. If it is a pool house, those bathrooms are required to be connected to sewer. It does not provide for septic tanks within that RV park at all.

Winchester: I am just thinking out loud. There really isn't that much sewer in Gadsden County.

Henderson: If you are going to do RV Parks, under those regulations adopted the way that they are, they are going to have to have it or they won't have an RV park.

Bouie: Madam Chair, the time.

Winchester: My last question. Are RV parks aligned for example tiny homes on wheels? Same thing. They are both on wheels, right?

Henderson: No. I don't think they are.

Lex: RVs are licensed through the State a different way.

Gutcher: They have a different legislative definition than an RV.

Lex: There is no such definition for tiny homes.

Winchester: In other words, if a tiny home had met the same legislative definition as an RV, it wouldn't be discriminated against. They would be treated equally.

Henderson: Mr. Winchester, I don't think that is a question that we can answer. That is making me very uncomfortable into the legal advice situation. As the attorney is in the room can agree, we try not to get into anything by which we are not protected by malpractice insurance. At least, I do. So, with that in mind, and we appreciate your comments, but, in the interest of time, we would like to move on.

Youman: Thank you, sir, Thank you.

Henderson: That will take us back to Commissioner Lasley who was ready to make a motion on this first portion of Chapter 5 that we have talked about in detail. She has a motion for us. She is going to run through the changes that she is going to propose to be made to that. Then we will take a vote on that.

Lasley: Don't let me forget anything if you see something, let me know.

I would like to make a motion that we approve Chapter 5 with the following changes

that we discussed:
Page 4 – Subsection 502(c) – there is a typo. We need to add an "s" to type.

Page 4 – on the impacts, we are going to add "ingress and egress"

Page 5 – Subsection 5004 – we are going to add "b" before expansions and extensions and renumber the others accordingly. Modifications is "C"; Abandonment is "D", etc.

Page 6 – Subsection 5005 (E) – in conflict – add the words "more specific provisions" It should read, "In the event there is a more specific provision in this Code conflicts with this section, the more specific provision shall control it."

Page 8 – Subsection 5008 –(D) and I believe we have changed that number there to 5004 (B)

Page 9 – in (F) we have changed the word "equine" in the first and second line to "livestock" Change "equine species" to livestock as well.

Delete the reference to equine and change the wording to read as follows: For the purposes of keeping livestock in rural residential zoning district may include history of livestock to establish residency or an established agriculture exemption."

Page 30: delete the duplication.

Gutcher: May I ask you to include the editorial changes that I referenced earlier? They are:

Page 30: Rephrase Part C to state, "Each licensed community residential home shall occupy only one structure" (first sentence)

Page 1 Subsection 5001 – compatibility: Rephrase the first sentence to read, "The purpose of this subsection is to provide standards for evaluations of applications for development, redevelopment, infill development and Comprehensive Plan Future Land Use."

Lasley: I amend my motion to include her changes also.

Henderson: Do we have a second?

Bright: Second.

Bouie: You got it.

Henderson: Therefore, all in favor?

All: Aye.

Henderson: All opposed? No response.

May we have a motion to adjourn?

Lex: No, please. Just one second, please.

May I introduce our new planner?

Ellen Andrews. She comes to us from DEP. She has a background in Parks and Recreation Planning. She has experience with historic preservation, trails and she is going to be a great asset and compliment to our team.

So, Miss Ellen, meet our Planning Commission. This is the first quorum, so you bring good luck.

Henderson: And she prevented us from getting hungry. Thank you.

Lex: Thank you for letting me take that moment.
Thank you all for your hard work tonight. It has been a great meeting.

Henderson: So, you are adding her and Jill is stays with us, too?

Lex: Jill stays with us, too.

We are going to share her with Parks and we are really going to try to build some other parks. She is a resident of Gadsden County. She brings that with experience, too.

Henderson: We are glad to have you. With that I will entertain a motion to adjourn.

Youman: So moved.

Bright: Second

Henderson: All in favor?

All: Aye.

Henderson: We are adjourned 9:35 p.m.

Regina Davis, Acting Chair

Attest:

Nicholas Thomas, Clerk

AT A WORKSHOP OF THE PLANNING COMMISSION HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON FEBRUARY 14, 2019 AT 6:00 P.M., THE FOLLOWING PROCEEDING WAS HAD, VIZ:

Present:

Libby Henderson, Vice-Chair-
Regina Davis, At-Large Member –
Marion Lasley –
Lori Bouie –
Steve Scott, School Board Representative –

Staff Present:

Jill Jeglie, Senior Planner
Suzanne Lex, Planning and Community Development Director
David Weiss, County Attorney
Marcella Blocker, Deputy Clerk

Absent:

Edward J. Dixon, Chair
Gail Bridges-Bright
John Youman
Doug Nunamaker
William Chukes
Antwon McNeil
Gerald McSwain

1. Pledge Of Allegiance

Vice-Chair Henderson led in the Pledge of Allegiance to the U. S. Flag.

2. Introduction Of Members-Roll Call

Deputy Clerk Marcella Blocker called the roll and recorded the attendance as stated above.

3. Approval of the Agenda

4. Disclosures and Declarations of Conflict

WORKSHOP

5. Future Land Use Element (Legislative) (LSPA 2018-01)-Discussion of amendments to the Future Land Use Element of the Comprehensive Plan

Allara Mills Gutcher, The Planning Collaborator, gave a brief description of the Amendment. She said the Element was updated pretty heavily a few years ago and some of the changes were a

result of lessons learned and tweaks that are need to be made. She said some is a result of the zoning they anticipate adopting in the future. Introducing different classes of utilities. She explained the map on the wall was a Future Land Use Map and has several categories and it was also their Zoning Map. She said it would introduce different classes of utilities that the Board voted on in September and the definitions will be in Chapter 2 of the Land Development Code and will include Utility Classes I, II and III. She reminded them Class I would be things like transmission lines, natural gas lines, water distribution lines, sewer gravity lines, etc.; Class II would be booster stations, pumping stations, switching facilities, substations, package plants, lift stations, and Class III would be production or treatment facilities such as sewage treatment plants, water treatment plants and elevated water storage towers, and other similar types of facilities and then the actual electrical production facilities are not considered in this class, it would be a different definition. She said they might see the solar power generation facilities that have been talked about prior. She said they need to discuss tonight the issue with Talquin and their desire to develop smaller solar power generation facilities, such as ones that might be on about five acres to help produce energy that would go to the substations. She said if there was a desire for that type of facility to be an allowable use in the residential category or a commercial category, they need to insert that language in the draft.

She said there were some new categories, one being the Nature-Based Activity area and the Master Planned Community, which was a type of category that would allow a mixture of uses and would be considered as a planned unit development or planning development by the County to have a balanced mix of efficient land uses in close proximity to each other to create a live/work/play environment. She said those were the major changes.

Commissioner Bouie stepped out at 6:11 p.m.

Commissioner Lasley asked to go through the item page by page.

Page 1 A. Historical –

She said she did not think that the Class II utilities would fit into the Historical category and should be deleted.

Commissioner Henderson asked if that was State law controlled and thought that was something they decided they could not determine to be there. Ms. Gutcher said that category and the Conservation category were the only two categories they could regulate.

Ms. Gutcher said there was not very much historical on the Future Land Use Map.

Commissioner Bouie returned at 6:13 p.m.

Commissioner Lasley said the intent of the category was to protect the historical qualities and areas and structures and also the word character was deleted and explains intent. She read 7) "Development Restrictions – Anything that historically alters the *character of the* site or structure, other than routine maintenance or what is necessary to eradicate a public hazard, is strictly prohibited."

She then said on Page 2 Conservation number 6), she raised the question regarding hunting clubs.

She was concerned about the protection afforded to adjacent properties and they needed to make sure there was criteria there to ensure the bullets were not going places where they were not supposed to go.

On Page 3-Recreation she said her concern was number 6 that dealt with RV parks. She said to her it was a pretty intense use of the land and the number of units that could be had per acre. She said she was also concerned about what the requirements were for them to be on central water and sewer.

Ms. Gutcher said that would be something that was regulated in the Land Development Code and there was a statute in Chapter 5 that talked about RV parks and mobile home parks. She also said that would change with the next item with the zoning categories. She said Florida Statutes 513 for standards and showed the minimum land area was two acres, the maximum density for RV spaces, camp, and/or tent campsites shall not exceed eight per acre and a setback of 50 feet from the property line. Travel trailers or similar vehicles have a minimum stay size of 1500 square feet with a minimum space width of 30 feet.

Commissioner Lasley said the sites could be occupied 365 days a year by someone and only one-half a year by one person and the other half year someone else could occupy it. She said her concern was did they have to be located where there was central water and sewer.

Ms. Jeglie said all utilities within the recreational facility shall be served by central water and approved sanitary sewage system.

She asked if citizens would be notified of things happening around them.

Ms. Gutcher said that would be coming to them in the future as revisions to Chapter 7 and will have an opportunity to discuss that then.

Commissioner Bouie stepped out at 6:24 p.m.

Ms. Gutcher said this was stating that RV's were allowed in recreation.

Commissioner Lasley asked if all the land use changes listed would be a 5-2 hearing where it would be noticed in the papers as a Land Use Change. Ms. Gutcher said any comprehensive plan map amendment would have to go through public hearings.

Commissioner Lasley's next comment was in Public/Institutional Number 6) Allowable Uses She said they had Class 1, II & III utilities that include spray fields and things like that. She said once the language was approved, a spray field or any sort of treatment facility could be located in any of the public land uses. Ms. Gutcher said Public/Institutional yes and generally a Public/Institutional use was owned by a local government or an educational facility or hospital and not usually private ownership. Commissioner Lasley said along with spray fields, they also had landfills. She said she was not sure that both the uses Class III should not be in heavy industrial and not public.

Commissioner Bouie returned at 6:27 p.m.

Commissioner Lasley said the two allowed uses in number 6 that she questioned were Class III

Utilities and Landfills as being allowed uses on Land Use.

Commissioner Bouie left the workshop at 6:29 p.m.

Her next comment was regarding F-Agriculture section. She said they talked earlier on what the Zoning Map would look like basically what they had up now and would have an Ag I, Ag II and Ag III but when the other map is made, it would just be Agriculture. Commissioner Lasley asked the point and Ms. Gutcher said future land use should be broader and when someone wants to change from Ag 2 to Ag 1, it would not be a State review any longer but would be a local decision. Commissioner Lasley asked when changing from Ag 3 to Ag 1, would the neighbors know someone was applying for the change and Ms. Gutcher said yes.

Commissioner Lasley then asked about private aircraft facilities in Agriculture. She said there was 5, 10 and 20 acre lots in agriculture and asked the criteria for private aircraft and landing strips. Ms. Gutcher said she was unsure if Ms. Lex had any knowledge regarding a farmer that would want to spray their field and the intent would be to allow that farmer to be able to take off from his property. She said anything of a certain size has to through FAA, there has to be certain clearance, certain depths for the airstrips, etc. Ms. Jeglie said she did not know how many existed currently but do and have gotten calls from people that were interested in buying larger parcels and wanted to know if they were able to do that, especially crop dusting Commissioner Lasley asked what was to prevent them from not being involved in agricultural spraying and opening up a small private airport and was told the FAA. Commissioner Lasley asked if it would prevent that and Ms. Gutcher said they could if they did not have enough size for their landing strip. She said as far as functional operations, if something for crop dusting as opposed to a fly-in residential community, there would be no restriction on them from being able to do that as long as they meet the FAA requirements. Commissioner Lasley said she was more concerned for people who allowed others to come in and out and then it would impact residents there because they would have to deal with air traffic. She then asked if a hunting club would be allowed on 5 acres and said that did not work for her and did not see that as a safe enterprise. She said she had four acres and could not shoot a gun without hitting a neighbor.

Commissioner Davis said she saw her point because when looking at the allowable uses under density, the density is five acres for everything. Ms. Gutcher said yes because you have to have the most dense category in the Future Land Use so when they get to Zoning, they would still have the 1-5, 1-10 and 1-20. Commissioner Lasley asked if she would deal with the homeowners to come in and say they were zoned AG and they want to put 4 houses on 20 acres and then tell them your AG 3 and can only have one house. Ms. Gutcher said the Zoning would mimic what they have today on the Future Land Use Map.

Ms. Lex appeared and asked if they could put a range in. Ms. Gutcher said she didn't know why they would want to. Ms. Lex said this is where the locals would have more say in what happens at the Zoning level and not to have to send to the State with an extra level of review.

Commissioner Lasley said they were also offered more protection with the Comprehensive Plan because statement in the Plan cannot be waived and have to be followed. She said anything written in the Land Development Code, people could apply for a variance. Ms. Gutcher said she would correct her on that because the Code specifically said a variance could only be gotten for bulk regulation, not for density.

Commissioner Lasley said her next comments were on Page 4-Rural Residential. She said they currently have on the Future Land Use Map was Residential and if she was suggesting three different grades of residential property, she had the same question as with AG, everything was being lumped into one. She said in number 2-Designation Criteria, she says "Areas used primarily as single-family and multi-family residential housing units." She said according to the definition of multi-family residential housing unit could be an apartment complex. Ms. Gutcher said a duplex could be multi-family; it depended on how they were defining it. Commissioner Lasley said if they transferred out to rural areas where there was no water and sewer, would that not be able to be used there, the max would be one unit per acre.

Ms. Gutcher said when they get to the Zoning District in the Land Development Code, they have the three Residential categories; Rural Residential, Suburban Residential and Urban Residential. She said Rural Residential remains at one dwelling unit per acre and because the other two are not mapped, they won't exist on the map until someone applies for them. Commissioner Lasley said both those categories require central water and sewer and Ms. Gutcher said yes. She said again her concerns were she listed Residential and they have many acres in the County that was designated as Rural Residential. She said they could not turn the County into six dwellings per acre in the County all on separate wells and separate septic tanks. Ms. Gutcher said they were not; someone would have to apply for that category. Commissioner Lasley said she would like to reserve the ability to come back to this language and change if she did not like what is in Chapter 4. She said previously in Chapter 4 there were statements about water and sewer would be required for these types of uses and sewer is not addressed and was the problem she had with the Comprehensive Plan was they take out things that were inconvenienced and in the long run would be a bad decision. She said the August handout of this particular Future Land Use Element had in Number 3-Density, instead of six dwelling units per acre had two and asked why it was changed. Was there someone that wanted to put six units and Ms. Gutcher said not that she was aware of.

She said in Number 6-Development Restrictions it said schools must be located on a collector or arterial roadway and according to the maps she looked at, they have major and minor collectors and major and minor arterial roads. She said she assumed they could be on any of them as major or minor and Ms. Gutcher said correct.

She then said in H-Neighborhood Commercial, water and sewer were not addressed and assumed that child care facilities, restaurants, professional office buildings and services, convenience stores, retail sales and services could all be in the County on septic tanks and Ms. Gutcher said yes. She said they needed to move away from that type of development and was sorry to see those requirements and regulations were being ignored. She said she had a problem with number 6, "and other similar uses" feels really vague. Ms. Gutcher said other similar uses was as set forth in the Land Development Code and was listed in Chapter 4.

Commissioner Lasley said in I Commercial, sewage was not addressed. She said Mobile Home Parks in number 3-Density, it said there was no residential allowed except for mobile home parks, which was five units per acre "if all units are connected to a centralized water and waste water system". She said there were statements in the Comprehensive Plan that do require various things to be connected to water and sewer, this was an example and she personally would like to see a lot more.

She said in Number 4 Intensity, the floor area ratio shall not exceed 1.0 and asked if that meant the commercial building could cover the whole lot. Ms. Gutcher said theoretically yes but practically no because they had to have storm water, open space and parking. She said one would potentially mean a two story building that was the size of the lot so that 50% of the lot would be covered on the footprint but they had 2 stories and that would equal to 100% of the area. She said since she mentioned water and sewer for mobile home parks; why not want this for the other allowed uses for Neighborhood Commercial on page 6. She said adult day care and assisted living facilities, why the establishments on a well and septic tank. She then said private clubs, shopping centers, medical facilities, mobile home parks, RV parks, light manufacturing office complexes; why not state that these need to be on central water and sewer? Ms. Gutcher said the County did not provide that service and in order to get those services, they either have to connect to a City, if the city offered it or Talquin. She said there was talk of trying to promote more economic development areas in the County and some of those areas might not have a provision and could be something they could develop with a well and package plant.

Commissioner Henderson said where she lived, there was no sewer they could hook to and in town they had sewer.

Ms. Lex appeared and said the Public Service Commission controls utilities and the County had no control over the utility area served. She said they go to the Public Service Commission and request to extend their area and bring utilities to that area. Ms. Lex said they could not assume that a utility company wanted to expand their territory. Commissioner Henderson said a County could not require another municipality to require that. Commissioner Lasley said historically, the County Commission approved a shopping center on west 90 and then got a grant to extend the sewer there. Ms. Jeglie said they were located within ¼ mile and that was policy was still there and has not been changed. Commissioner Henderson said the County could not require Gretna and Chattahoochee to serve the western part of the County and they could not make those utilities make it available to anyone or any development they might want to do; if they do not want to serve and the County does not have it and they make it required, they were shutting down any development that might want to be done in the whole western part of the County.

Commissioner Lasley said in Commercial, outdoor equipment would be allowed and must be screened; junk yards and debris landfills were prohibited and she asked about trash landfills and trash transfer stations, were they equally prohibited? Ms. Gutcher asked if she was asking if a landfill was an allowable use. Commissioner Lasley said she was listing junk yards and construction and debris landfills so her question was by it not being mentioned, was a trash landfill or trash transfer station allowed in the category. Ms. Gutcher said she would say it was not allowed and Commissioner Lasley suggested it be put back in the language.

She said her next comments were in the Nature Based Activity Areas. She said it was pretty intense development; water and sewer was not addressed and no natural resource protections. She said in number 3 Density, does the language state there could be one living quarters only or could the owner have a living quarter and could the grounds keeper have a living quarter and a living quarter for another person on the property. Ms. Gutcher said any owner/operator, any grounds keeper or any person that worked on the property could live there. Commissioner Lasley pointed out there was a typo in number 3 as the fourth word should be “of” instead of “to”. She said there could be three homes, a lodge that could have three stories and 50 units, a retail store, an RV park with a maximum of x number of units per acre and all was sensitive to the environment

and somehow would be nature-based. She asked who would decide if the stores would be nature-based. Ms. Gutcher said they could sell fishing equipment, renting bicycles, kayaks and once submitted to staff, would be reviewed by staff and they would look at the Land Development Code after this with more of the regulation nitty-gritty was located. Commissioner Lasley asked what would change it from being a commercial lodging establishment, a B & B establishment or a restaurant/café to a grocery store to being a nature-based application; would this be done in-house and was it at the discretion of the Planning Director. Ms. Gutcher said it was at the discretion of what they decide the Land Development Code would say as far as the regulation goes.

Ms. Lex appeared before the Board and said these categories were new and do not exist and when they turn this into their Future Land Use Map, this will come back before them for a Future Land Use Map amendment first before being implemented in the Zoning districts.

Ms. Gutcher said to answer her question as to why, was because the County Commission wanted some sort of category that would allow this type of activity without having to take a map amendment and zoning change to a full-fledged commercial category to allow these uses.

Commissioner Lasley then said in number 7, ingress and egress shall not be provided through a residential subdivision and there was wording somewhere, if it was left vague, did it generally have to say platted and she was fine with residential subdivisions that were created and wanted to protect the residents that were there from intense traffic. Ms. Gutcher said you could not go through a residential subdivision to get to it.

She said in the Master Planned Community: number 1, the last line stated there has to be the provision of infrastructure and again she was making the point that she was requiring infrastructure and would like to see it defined in the other Land Use categories. She asked if this required central water and sewer and Ms. Gutcher said no. Commissioner Lasley said they were going to allow two units per acre up to twelve units per acre on a well and septic tank. Ms. Gutcher said subject to the availability of centralized water and sewer services. Commissioner Lasley said they were going to allow light industrial and Ms. Gutcher said that could include something that was fully contained in a building, such as a craft brewery or any type of manufacturing that they would not know outside the structure of what was going on inside.

Ms. Gutcher said when they get into the Land Development Code; the Mixed Use Zone is used to implement the Master Plan Community that is in the Comprehensive Plan and the Urban Mixed Use in the Land Use category.

In the Urban Mixed Use, the diverse choice of housing types, higher densities and intensities in areas that have central water and sewer, these areas are located next to the city limits according to Designation Criteria and will have water and sewer available within ¼ of a mile most likely and yet number 3 are saying no more than five dwelling units allowed. She said it seemed to her if they wanted to pack people in, this is where it should be. Ms. Gutcher said the density on the Master Plan Community was no less than two and no greater than twelve, subject to the availability of centralized water and sewer service and the density would depend on whether you could connect to central water and sewer on the Master Plan Community. Ms. Gutcher asked if her recommendation was to increase the density in Urban Mixed Use and Commissioner Lasley responded absolutely. Ms. Gutcher said she would make a note that Commissioner Lasley would

like to see a higher density in Urban Mixed Use. Commissioner Lasley said in number 3 Density, it states no more than two dwelling units per acre where only central sanitary sewer service is available and to her knowledge, there will never be only sanitary sewer available, there will always be water first and sewer last. There was further discussion and Ms. Jeglie agreed with Commissioner Lasley that it probably should read central water service as opposed to central sanitary sewer. Commissioner Lasley said that was the language that should be in place. She said in number 6 Allowable Uses are Public/Institutional where they have allowed landfills and something was not right with that.

She then said on Page 8 she did not like Class III utilities being in a residential application. In number 7 they state that the developments must be located on paved roads, local, collector or arterial roads and thought it was too intense. Commissioner Lasley said if it was on central water and sewer, OK, but if not, she was not OK with that.

Her next comments were in Industrial, who labels the Light Industrial land as it is now and who does the Heavy Industrial. Ms. Gutcher said anything Heavy Industrial would be Heavy Industrial on the Zoning map and anything Light Industrial would be light industrial on the map. Commissioner Lasley said she did not want someone to come in and every one to be noticed that someone was applying for a land use change for Industrial thinking it would be something that would impact them with odor, noise, etc. so how would they know what was going to go on there. Ms. Gutcher said they would not know for sure until they applied for a Development Order but they should give an idea when they are applying for the Zoning because they would have to be able to analyze the development. Commissioner Lasley said she was not comfortable with approving just an Industrial category that was broken down before the Development Order and Ms. Gutcher said that would be a recommendation to be made to the County Commission. Commissioner Lasley said her recommendation was that the Residential, Agricultural and the Heavy Industrial Land Use Changes are done at the same time with the Zoning Application.

Ms. Gutcher reminded them later in the Future Land Use Element, they did have Policy 1.4.5 that required a Compatibility Analysis be submitted by the applicant for any proposed land use change contiguous to existing land designated as Rural Residential on the Future Land Use Map. Commissioner Lasley said when they get there, her comment would be that AG 1 and AG II put there too because those people have homes also. She added the County was rurally residential and she was concerned with protecting the people that have homesteads.

Her next comment was on Page 9 Policy 1.1.3, number 2. She said the numbers needed to be adjusted. Ms. Gutcher said with this policy, in case a parcel had two future land use map categories assigned to it, it talks how to assign availability to parcels that have two future land use categories assigned to it. Commissioner Lasley asked where the numbers came from. Ms. Gutcher said they went through that at the Staff level and with the Attorney.

Her next comments were on Page 10, Policy 1.1.7 and read that construction of Class I and II utilities shall be exempt from the lot coverage requirements and asked that they could have utilities that cover more space. Ms. Gutcher explained the reason behind this policy was there might be a substation that was only ½ an acre and they need to have impervious surface on it to support the structures of the substation so instead of having whatever the impervious surface requirement was for that category it is assigned, it would allow them to build that they need to build on the property they own. She added if the total impervious surface of the development is

5,000 square feet or less would be the only way this would work. She said this was the threshold Water Management District uses for storm water. Commissioner Lasley said Class I and II utilities were booster stations, pump stations in addition to the water distribution and basically they were increasing the impervious surface on the smaller lots and Ms. Gutcher said it was exempting those for this type of use as long as it was 5,000 square feet or less.

Commissioner Lasley asked if Policy 1.2.4 that shows being deleted if it was moved somewhere and Ms. Jeglie said the Infrastructure Element was before them and explained it was included in the Infrastructure Element.

Commissioner Lasley then asked on Page 11 Policy 1.2.5 if that was ¼ of a mile and Ms. Jeglie said water and sewer was ¼ of a mile in the adopted Infrastructure that they previously adopted.

She said in Policy 1.2.6 it states that developments shall only be approved when the adopted levels of service standards meet or exceed the capacities and she wanted to verify the level of service standards that apply. She wanted to verify that there were level of service standards that apply to other criteria and Ms. Gutcher explained the water and sewer would be dependent on the organization for which the service is. She said the City of Quincy had adopted a level of service standards and was unsure if Talquin had. Commissioner Lasley asked if anything that related to these categories would be in Capital Improvements and Ms. Gutcher said yes, that was part of the Concurrency Management she mentioned earlier. Commissioner Lasley commented on the lack of solid waste collection that the County has and could not believe they did not require because people have trash.

Her next comment was on Page 12 Policy 1.2.19 that was struck through. It stated no large scale land use amendment shall be approved which converts lands from AG to Rural Residential unless an agreement was recorded prior to development which required to be served by dental water and sewer and asked if it was inserted somewhere else or struck. Ms. Gutcher said she didn't move it. She added that the Development Agreement procedure is a Florida Statutory procedure which was in the Land Development Code for Procedure. She said she removed it because it was something Gadsden County struggled with which was the difference between what an Agriculture Land Use category is used for and what a Residential Land use was. Commissioner Lasley said she felt they were going in the wrong direction.

Her next comment was on Page 14, Policy 1.3.6 If a parcel is reduced or bisected due to condemnation, then each parcel is allowed one residential dwelling, she asked what it meant. Ms. Gutcher said if there was 20 acres and the State has elected to extend a road or create a new road and it bisects your property and it was agriculture at 1 dwelling unit per 20 acres and there is now less than 20 acres, then you would be allowed to have one residential dwelling unit on each part of the divided parcel because of that condemnation.

She then said Policy 1.4.5 dealing with the Compatibility Analysis. It shall be submitted by the applicant for any proposed land use change contiguous to existing land designated Rural Residential on the Future Land Use Map. She said she wanted to protect areas that were not residential that were non-conforming AG or AG I subdivisions or AG I Residential and AG II Residential. Ms. Gutcher said it would be easier to implement if they stated Agriculture.

Commissioner Henderson asked if anyone wished to speak.

Dan Winchester, 842 Richbay Road, Havana, FL appeared before the Board. He said in July he presented a Conservation Community concept and at the last meeting last month he was instructed to work with staff to integrate the Conservation Community Concept into a Master Plan Community definition. When he proposed the concept, it was for the Rural Residential. He said he took the pages he drafted tried to integrate it into the Master Plan Community Category. He said the first option dealt with the net/gross density issue that was talked about earlier. He said one thing that could be done in lieu of potentially adopting a conservation community would be to allow gross density in all land use categories. He said in allowing net density or gross density in all land use categories like AG I, II and III would allow more density in those areas where they were trying to establish residential. He then went through Option 2 of what he presented to the Commissioners.

Commissioner Henderson stepped out at 8:03 p.m.

He distributed a plat of Centerville Conservation Community to the Commissioners and made comments regarding same.

Commissioner Henderson returned at 8:06 p.m.

There was discussion between Ms. Gutcher and Mr. Winchester regarding the land use element.

Commissioner Henderson said she was not sure if it was appropriate to discuss what he wanted to do on a particular development and that was something that would be approved when he was ready to propose it.

Ms. Gutcher said for him to look at his document at Table 4111 that was where the standard was for the density depending on whether he had connections.

Commissioner Lasley asked him if his lots were 1 acre plus and he said what he presented was a model from another project. She asked if there was some reason he could not create a subdivision in Gadsden County on a basic subdivision plan and do that he wanted if he had a land use that allowed rural residential. He said possibly, he had proposed a specific conservation subdivision policy, he said this was not a specific development plan, it was a model. Commissioner Lasley said her problem with gross density on one acre lots was that there would be people with wetland and septic tank issues just because developers were not going to care for all that. She said one of the properties on the lake was 50% wetlands and if they had been allowed to do a gross density they would have had twice as many lots on half of the property they could have built on all on septic tanks in scattered wetlands and that would have not worked. She said she appreciated his concept and thoughts but there were a lot of vehicles there that people would have to choose from, from the basic subdivision that had a wetland in the middle that they could cluster. He said he would like to do a project, or work with someone that wanted to do a project such as what he had. He said he would work with Ms. Lex on this and see if he could come up with something that was better.

6. Chapter 4, Land Use Categories (Legislative) LDR 2018-05)-Discussion of amendments to Chapter 4, Land Use Categories of the Land Development Code

There was a consensus to schedule discussion of Chapter 4 at another workshop.

Ms. Lex passed out a FEMA update.

GENERAL BUSINESS

7. Planning Commissioner Questions and Comments

8. Director's/Planner Comments

MOTION TO ADJOURN

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE WORKSHOP WAS ADJOURNED AT 8:22 P.M.

GADSDEN COUNTY, FLORIDA

_____
Edward J. DIXON, Chair

ATTEST:

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NICHOLAS THOMAS, Clerk

AT A WORKSHOP OF THE PLANNING COMMISSION HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON MARCH 14, 2019 THE FOLLOWING PROCEEDING WAS HAD, VIZ:

Present: Regina Davis, At Large - acted as Chair
Douglas Nunamaker, District 3
Lori Bouie, District 5
Marion Lasley, District 5

Absent: William Chukes, District 1
Antwon McNeil, District 1
Libby Henderson, District 3
Steve Scott, School Board Representative

Staff Present: David Weiss, County Attorney
Suzanne Lex, Growth Management Director
Jill Jeglie, Senior Planner
Ellen Andrews, Planner
Allara Mills Gutcher, Consultant
Muriel Straughn, Clerk's office

Expired Terms:
John Youmans, District 2
Gerald McSwain, District 2
Ed Dixon, District 4
Dr. Gail Bridges-Bright, District 4

1. <u>Pledge of Allegiance</u>

Ms. Davis called the meeting to order and led in pledging allegiance to the US flag.

2. <u>Introduction of Members and Roll Call</u>

Each member present stated their name for the record. The attendance was recorded as listed above.

3. <u>Approval of the Agenda</u>

No action taken

4. <u>Disclosures and Declaration of Conflict</u>

No action taken

5. <u>Chapter 4, Land Use Categories (Legislative) (LDR 2018 -05) Discussion of the Proposed Amendments</u>

Consultant Allara Mills Gutcher introduced the proposed new Chapter 4 of the Gadsden County Land Development Code. She explained that the existing chapter will be deleted in its entirety and a new chapter will replace it.

She pointed out the following:

- The proposed Land Development Code introduces zoning districts, which is a concept that has not been implemented in Gadsden County previously.
- She referenced Page 4 – 1 Section 4100 which lists the various zoning districts.
- The current Future Land Use Map (FLUM) shows three different categories of Agriculture lands (1, 2, & 3.) The next version of the FLUM will show only one agriculture land use. However, the agriculture lands will be broken down into zoning districts on the "zoning map."
- The same concept as listed above is true of Industrial. The Industrial category will become just one category on the FLUM, but, will have two zoning districts to implement the "light" and "heavy" industrial zoning districts.
- The Neighborhood Commercial and General Commercial will remain in place just as before.
- There will be three separate residential categories specifically mapped for development. They are Rural Residential (RR), Suburban Residential (SR) and Urban Residential (UR.) They will not exist on any map until an application is made for that zoning category. It will be brought to the Planning Commission and Board of County Commissioners for a rezoning request via a Map Amendment.
- The following categories will closely resemble what they are at the present: Historical (H), Conservation (CSV), and Silviculture (SIL). Recreation (REC), Public/Institutional (P/I).
- The new zoning districts are named Nature Center (NC) and Mixed Use (MU). Those will be used to implement the new Future Land Use Map categories discussed at the last workshop. These will be included in the Comprehensive Plan at a future meeting.

Commissioner Lasley:

Are there going to be applications for a Land Use Change and also applications for zoning separately?

Ms. Gutcher:

Yes. When somebody wants to apply for a completely different category, they would have to change the FLUM and the Zoning Map.

If they are looking at a residential category on the FLUM and only want to change, for example, go from RR to UR, they would only be asking for a Zoning Map Change because they would already have the future land use that they would need to develop in that parameter. It depends, but, essentially, if you are going to a completely different category, then yes. You would have to do a FLUM Change and a Zoning Map Change. If you are going within the same category, you would only need a zoning

change.

Commissioner Lasley:
Will both of those activities be noticed in the paper and will the public be able to have input?

Ms. Gutcher: Yes

Commissioner Nunamaker:
Will there be applications and fees for both of those?

Ms. Gutcher:
There are currently fees for applications for Future Land Use Map Amendments, so I can only anticipate that there will be Zoning Map Amendment fees also. That will be up to the County Commission for them to change their fee schedule.

Commissioner Lasley:
So, if someone has a piece of property that is zoned RR, whatever applies to RR, will it still stand?

Ms. Gutcher: Correct.

Commissioner Lasley:
And the same for the AG and for the Industrial?

Ms. Gutcher: Yes.

Commissioner Nunamaker:
Right now, the agricultural lands are by far the greater portion of the county. So, AG1, AG2, and AG3 are now going to be combined into one Agriculture category?

Ms. Gutcher:
On the FLUM, but, the Zoning Map will have the three (3) separate ones. Zoning will be AG1, Ag2 and Ag3. On the FLUM, we just need one Agriculture category.

Jill Jeglie:
That will become the zoning map and the FLUM will change to combine colors. That will allow 1, 2, and 3 in a combined residential. (Urban, Suburban & Rural Residential)

Commissioner Nunamaker:
Are you going to allow any adjusting in the ones, twos, and threes or are we are going to leave it crazy like it is?

Jill Jeglie:
Someone can come in and make an application to change it. I will let Allara explain that.

Ms. Gutcher:

At this stage, we are not changing any property on the map.

Commissioner Nunamaker:

So, when we have a piece of property that has three categories, it will stay.

Ms. Gutcher:

Yes. It will just be the zoning. It will depend on what it is categorized as. But, if it has AG1, 2, & 3 on the FLUM on the same property, it will have one agriculture Future Land Use category, but with AG1, 2, &3 zones on the same property. We are not changing any boundaries. We are moving it to the Zoning Map.

Jill Jeglie:

We are putting forward a policy that allows an interpretation on those boundaries, though, to allow some flexibility. I can't remember what the amounts were, but, within so many feet on so many acres, you could adjust the line.

Commissioner Nunamaker:

Is it generally going to be to the least restrictive category in the parcel?

Ms. Gutcher:

Not any longer. Not if you adopt the language that we talked about at the last workshop. It gave a way to measure how you would look at the maximum development potential of a parcel that had more than one category assigned to it.

HISTORICAL ZONE – PAGE 4-1

Subsection 4101 Historical Zone

Ms. Gutcher:

Some of these are very similar in nature to the Future Land Use categories. One of those is the Historical Zone. The intent is the same. It gives an idea of what we are looking for to categorize as historical on the Zoning Map. It could be a property on the National Register. It could be a listing by the Florida Department of State, Division of Historical Resources or it could be a locally designated historical property by the Board of County Commissioners.

Each of these zoning districts – each subsection is broken down in the same order in how we are describing them. The first portion of the subsection is just a general overview of the zoning districts. Then, we have the As, Bs, Cs and Ds of each of these subsections. The General Character, Allowable Uses, Bulk Regulations and Development Restrictions. It is similar in order in how we proceed looking at each one of these zoning districts. It is consistent throughout the document. It is easier to read that way. You can go to a specific zoning district and know that "A" is talking about

General Character and that "D" is talking about Development Restrictions.

If there is any sort of density or lot size requirements, it would be listed inside of the table that is listed in each of those subsections.

In the Historical Zone, we tried to leave it open because we want to be able to keep the historical aspect of the development on site. It may not have the Code Setback or whatever the Code might state for other zoning districts. So, we are trying to keep with the historical aspect of the historical site as far as this zoning district.

So, this one is probably the least regulated category zoning district because we want to retain what is existing so that somebody can maintain the historical structure and not be worried about being nonconforming.

Commissioner Davis:
Commissioners, do you have any questions regarding the Historical zone?

Commissioner Lasley:
I have questions on pretty much every issue. My first question is on Section 4100, which, is the Zoning Districts. In all the other categories, you have broken down the zoning. For Agriculture – you have 1, 2, & 3. In Residential, you have Suburban Residential, Urban Residential and Rural Residential. You have broken those out.

In "O", you have just listed "Mixed Use," of which there are two categories that are not listed now on this. They are the Nature Based and the Urban Mixed use. To be consistent, I feel like you need to list those. When we get to those sections, I feel like they need to be broken down and not created under an umbrella type thing. I think their uses should be broken out and listed separately.

Commissioner Lasley referred to Page 4-16 Subsection 4111. Mixed Use Zone

Ms. Gutcher:
So can we put that in the parking lot and address them when we get to that point?

Commissioner Lasley:
Well, at "O", I think you should substitute that with "Nature Based" then add "Urban Mixed Use."

Ms Gutcher:
In the Urban Residential, you mean?

Commissioner Lasley:

No.

Chair Davis:
She is looking at "Mixed Use."

Commissioner Lasley:
Then over here where you have them in a table together. Mixed Use Zone. "The Master Planned Community and the Mixed Use Zone…"

Chair Davis:
O.K. Can we discuss that when we get to that specific area?

Commissioner Lasley:
Well, this is that first section. It is just-

Chair Davis:
If it applies, then we can go back and put it in as that.

Commissioner Lasley:
O.K. That is fine.

In that same section, the second line of the paragraph following the list – the Board….permits manufacture**s**… there is a typo.

Jill Jeglie:
That should also read "Florida Statutes" – there is typo there, too.

Commissioner Lasley:
On that same page under Historical Zone, "The listing on the **f**ederal National Register of Historic Places." I have a question as to whether federal be capitalized?

Chair Davis:
It does.

Commissioner Lasley:
That is all I have on that page.

Page 4-2: In B. Allowable Uses. I see it as a place for having public meeting houses for the community and I don't know if we can work that language into there. Something like that. And, I would like to add language "and/or" other historical uses because that is not included as an allowable use.

Chair Davis:
So, do all of those need to be listed?

Ms. Gutcher:

I think maybe what we need to look at and remember is that this category is a very small percentage of that map. It is really intended to – and even in the future when anything becomes historical – to preserve what is on the ground. This is not about developing something used. This is about preserving what is on the ground.

We can easily broaden part B and say as we did in the Table, "As historically established."

Chair Davis:
Yes.

Commissioner Lasley:
O.K.

Chair Davis:
Bulk Regulations: (No Changes offered.)

Table 4101. Bulk Regulation Standards: Are they O.K. with everyone? (No response)

Next is Development Restrictions. (No Response)

Alright, we are now to Conservation Zone.

Page 4-2 Subsection 4102. Conservation Zone.

Ms. Gutcher:
This zoning district is also very similar to what the Future Land Use Map states and allows for. This is to preserve lands that are environmentally sensitive. Land and water resources and habitats.

The first part, where the bullets are, are just general characteristics of the lands that are in the conservation zone. If you have a conservation easement, one of the advantages of listing it in a conservation future land use category and as a conservation zoning district is because it is easier to regulate what goes on in there. Sometimes conservation easements are in a commercial zoning district. Sometimes they are in an industrial zoning district. To know where those boundaries is a little harder to determine unless you have personal knowledge of them when they are not mapped.

Having a developer or whoever to have the ability to put it into the Future Land Use category or a Zoning district, then you actually have it on the map and it is easier for staff to notify anybody coming forward whether there is an conservation easement or some other sort of preservation tool on the property.

Allowable uses include those which are passive in nature. Again, this language is very similar if not identical to the Future Land Use category. So, it is allowing hunting clubs and activities which are considered active recreation. Walking trails, observation

points, open space for walks and the like. The only residential density that is allowed is one dwelling unit per forty (40) acres, which is also shown in Table 4102. It shows you the setbacks, the minimum lot frontages, etc.

Then finally, the development restrictions are impervious surface must be limited to that which supports passive recreational activities. Then, the parking restrictions.

Chair Davis:
O.K., Commissioners. Comments, questions, concerns?

Commissioner Lasley:
I have comments on page 4-3. Under "A" General Character. "The preservation of the natural environment is the desired effect here. The lands within subdivisions and other developments meant for open space." Are they going to be reclassified as conservation land?

Ms. Gutcher:
Not necessarily.

Commissioner Lasley:
Are they going to be zoned Conservation?

Ms. Gutcher:
As the developer comes forward or the land owner comes forward and wishes to develop the property. It is not mandatory right now that they put any of that into a conversation land use category. If they want to have a conservation easement, that is up to the County or whoever the receiving agency is to accept that easement and how they want to work on that easement. But, no, it is not considered a requirement when somebody is coming in with a residential subdivision to put in that open space. The open space might be considered more of a recreational use. It needs to be looked at on a case by case situation. It could be an open park. It just depends on the plan for development.

Commissioner Lasley:
So, in "B" – Allowable uses. I think there are plenty of opportunities for hunting camps that have active recreation, which I am assuming will be ATV usage and things like that. There are several other land use categories where this can be allowed.

My statement is that the protection of environmentally sensitive areas and critical habitats and active recreation. They (Conservation and ATVs) do not go together. Active recreation is definitely more destructive and is not set up to protect and preserve lands. So, I would like to see that part struck out of there.

Ms. Gutcher:
Just so that you are aware, that area down by the lake (pointing to the FLUM on the wall) - that big brown conservation area where Joe Budd is located – they do hunt in

there. So, that is mainly the reason why this language is the way that it is. Also active recreation includes something that you are doing like hiking, single tracts for the bicycles – that is active recreation. A lot of that happens down in that area also. You just need to think about that when you are forming this language.

Commissioner Lasley:

I personally don't have a problem with passive hunting with people. Your definition here is that passive uses are …walking trails, observation points, open space, and boardwalks. I personally don't have a problem with that. The impacts to the conservation lands are going to come when ATVs are allowed in there without any regulation.

Ms. Gutcher:

Well you can mention something about motorized vehicles then.

Commissioner Lasley:

That would be good. I would be much more inclined to that in conservation. Restrict it to passive recreation.

Commissioner Bouie:

I agree.

Ms. Gutcher:

I would suggest that we put that as a development restriction under Part D.

Commissioner Lasley & Commissioner Bouie:

O.K.

Commissioner Nunamaker:

I have a very minor grammatical error to point out. Page 4.2. Second to the last sentence where it says "federally-owned" lands. I would get rid of that hyphen. I know that it is superfluous.

Ms. Gutcher:

O.K.

Chair Davis:

Is there anything further in Section 4102?

Commissioner Lasley:

I do have a question on the Bulk Regulations here.

In our last meeting, you mentioned that variances are only going to be allowed for these Bulk Regulations in these tables. Does that mean that someone could actually put more dwelling units in there if it is approved?

Ms. Gutcher:

The density of the category is limited first to what the Future Land Use Map is limited. Then if there is a difference and it is more restrictive, then it would be limited to the more restrictive zoning type district. So, if the Future Land Use allows for one dwelling unit per five acres, but the zoning says that it has to be one per ten, then that would be the limitation. One per ten.

Commissioner Lasley:

In this Conservation Table 4102, the Maximum is one dwelling unit per 40 acres in the Land Development Code here.

Ms. Gutcher:

Correct.

Commissioner Lasley:

Does that conflict with the Future Land Use Element?

Ms. Gutcher:

It is exactly the same.

Commissioner Lasley:

So, this is situation where a variance is not allowed?

Ms. Gutcher:

You cannot get a variance on density.

Chair Davis:

Development Restrictions. Any Concerns other than adding ATVs to this area? I am sorry, motorized vehicles.

Growth Management Director Lex:

If I may suggest another qualifier in there is "anything that would require extensive facilities or development." Again, that type of recreation usually requires extensive facilities and development and you would want to restrict that also in your conservation. For your consideration.

Ms. Gutcher:

That is a good point, but I would want to quantify that. We would want to know what "extensive" is. Do you want to limit the number of square feet a building can be?

Commissioner Lasley:

Isn't it already limited to a maximum of impervious surface of .05?

Ms. Gutcher:

That is not very large.

Commissioner Lasley:
Good.

Growth Management Director Suzanne Lex:
I think that would limit it.

Chair Davis:
Was there anything else in that section?

Commissioner Lasley:
I am through.

SUBSECTION 4103. Silviculture

Chair Davis:
We are now on to Silviculture.

Ms. Gutcher:
Silviculture is very similar to what the Future Land Use category is. It is pretty much the harvesting of trees. There is not a whole lot of this category in Gadsden County, but, it is primarily on the south and southwest side of the county boundary. These are planted pines, generally. They grow until they harvest. The allowable uses include silviculture uses, agriculture uses, other operations to protect Gadsden County streams, lakes and other water bodies. It does allow for hunting clubs and similar activities and limited residential at one dwelling unit per 80 acres.

Then we go down to our Table 4103. That talks about setbacks, lot sizes, lot frontages, the density, there is no maximum building height proposed. The development restrictions refer to the best management practices for silviculture which is the latest adopted version in 2008. It states that residential uses shall be constructed only if necessary to support the silviculture or agriculture use on the site. Then just another silviculture restriction.

Commissioner Nunamaker:
Would that house be like for a caretaker?

Ms. Gutcher:
Yes, something like that.

Commissioner Nunamaker:
Then again, it is only one per 80 acres?

Ms. Gutcher:
Yes, that is correct.

Commissioner Lasley:

I have some grammatical things on page 4-4.

In the last sentence of the first paragraph the word "be" should be added at the end of the sentence.

In the sentence that follows – it should read, "Lands "that" actively….

Under "A" the second sentence should read "typically consist "of" planted trees…
Also under "A" the word Silviculture is spelled wrong. (the one that is not underlined)

Under Allowable uses, I am comfortable with hunting clubs as an activity. I think that is an appropriate use.

My next comment is on the next page – according to the footnote, the maximum building heights are unlimited with the exception of a house that shall not exceed 36 ft. So, I guess my question is – Why would they be allowed to have unlimited heights?

Ms. Gutcher:

Because of the Forestry towers.

Commissioner Lasley:

You sort of opened the door for everything based on one particular example and I am not comfortable with that.

Ms. Gutcher:

But, they would be limited to what is allowed in that category in that district. They can't put anything commercial in there.

Commissioner Lasley:

My next comment is going to be No. 2. "Residential uses shall be constructed only if necessary to support the Silvicultural or Agricultural uses on site." How are you going to monitor that?

Ms. Gutcher:

When they come in to get a building permit for the residential structure.

Commissioner Lasley:

How does that work?

Ms. Gutcher:

I will let Suzanne answer that question.
She is asking how you would determine that the residential use is dependent on the silviculture activity. At one dwelling unit per 80 acres.

Growth Management Director Suzanne Lex:

I think that you would have to look at the application and the restriction that would be placed on that application in terms of if they had somebody there as a manager. Again, I would think that you would need a lot of acreage to want to do that. It would be permitted for that purpose, but, I don't think that we have ever had such an application and I would not anticipate that.

Ms. Gutcher:

I don't it is going to be an issue. I think that is a lot of land to use it for something other than the intended purpose.

Commissioner Bouie:

I do have some concerns about limiting the dwelling number. I am imagining that there are a lot of small farms that will need managers that will want to have dwelling places for them.

Growth Management Director Suzanne Lex:

That is exactly what I am thinking of in terms of you may have somebody whom you want to manage that activity, just as you have agriculture and silviculture activities similar to that.

Do you think it should be less acreage?

Commission Bouie:

I would guess or some type of allowance for more than one dwelling. I don't know just how you would do that.

Commissioner Lasley:

It is one dwelling per 80 acres, so on those dark blue charts, I am sure there are more than 80 acres. You could have quite a few houses in there.

Jill Jeglie:

They are owned by only about five corporations.

Commissioner Bouie:

So, if there is 386 acres for sale, I guess I would have to divide 80 into 386 acres to see that I could only have 5 dwellings on my property to house someone to care for it. Is that correct? Then I would have to have the houses spaced out for every 80 acres?

Ms. Gutcher:

Yeah. These are pine plantations though. It is not like it is an agricultural activity that requires a lot of maintenance. They take 15 years before the trees can be harvested from the time they are planted.

Just as another note, if you are looking at changing this number, we will have to change it in the Comprehensive Plan also because that is the density that is listed in the plan.

Commissioner Bouie:

I am just leery of restricting the number. I am from a rural area agricultural zone. I remember the day when there were houses on the properties, but, O.K. I will come back to it.

Chair Davis:

Anything else, commissioners? (no response)

O.K. then we will move to Recreation.

SUBSECTION 4104. Recreation Page 4-5

Chair Davis:

O.K. Let's move on to Recreation.

Ms. Gutcher:

This district is intended for where we can have areas for outdoor recreation, indoor recreation for visitors and residents of Gadsden County. It is not a category that we really limited to a location where it can be. It can be located anywhere throughout the county and adjacent to both residential and non-residential development.

Allowable uses are applicable to those that you would consider as a Recreational Zoning. Activities would consist of parks, playgrounds, sports fields, courts, dog parks, swimming facilities and the like. We would also allow tent, cabin, and RV sites in this category. Hunting clubs and activities and temporary vendors to offer food and beverage to recreational users (food trucks.) "Temporary" is defined as a period of three (3) days or less during a thirty (30) day period for those temporary vendors.

The Bulk Regulations are listed in Part "C". There is no density in this category unless there is an on-site management operator that needs to stay there overnight.

There are other bulk regulations listed in the table.

Other restrictions include those that apply to a Recreation Vehicle Park, which we have in another part of our Code, which you guys recommended adoption back in January. We talked about RV parks and what those requirements would be. That would be in Chapter 5 of the Land Development Code.

It talks about residential uses shall be dependent upon the management of the on-site use.

Parking requirements shall be what is contained in other portions on this Code.

The sports facilities and fields shall be limited in their hours of operation just so that it is not a nuisance to adjacent residential uses.

Chair Davis:
O.K., Commissioners. Comments, questions or concerns?

Commissioner Lasley:
I have comments on Page 4 – 5. So, again, my question is – Are these going to be labeled on the zoning map?

Ms. Gutcher:
Yes. Just as they are today on the map on the wall there.

Commissioner Lasley:
O.K. But, not within a subdivision when a subdivision has a recreation area or a mixed use. Master planned community developer decides it is going to have a recreation component. Is that going to get labeled on the map?

Ms. Gutcher:
If it is a mixed use development, the whole project will be done as mixed use. It won't have separate pockets of different types. There will be a mixed use and it will be approved as what we call a "planned development or planned unit development." That will be different. You will look at the whole overall development of the things. It won't be piece-milled.

Commissioner Lasley:
So, we have a house and we have facilities. We've possibly got swimming pools with changing areas and a pump station for pool. We've got maintenance facility buildings. We've got camp sites. We've got RV sites. We've got a hunt club, which, I am assuming can't have a structure unless it is the management facility one and the same. Bathroom facilities. So, we've got all this, but, there is no mention of water or sewer being necessary to house these.

To make them operate successfully and to provide amenities for our tourists that come into the county, I feel like we need to have some requirements since we are dealing with the water supply and the waste that is going to be created from this endeavor. That could be passive. It looks like there are some impacts here that are going to be happening.

Commissioner Bouie:
Would that be maintenance facilities and accessory to the primary use? (Page 4-5 B)

Ms. Gutcher:
Yes. They would be dependent on the use on the site.

When we talk about things like the RV parks and swimming pools – those specific development regulations for that type of development will be located in Chapter 5, which is the general development standard. That is what RV parks are. So, this is what is allowed overall. Overall setbacks and overall restrictions, but, when you are talking

that specific, it will be in another section of the Code.

Commissioner Lasley:
So, you have somewhere in the Code where there are restrictions about how swimming pools are going to be designed and regulated?

Ellen Andrews, Planner:
That is in the Building Code. It is covered in the Florida Building Code as well as the Florida Statutes. There are a lot of swimming pool regulations and many of them have to do with not only how they are built, but, Department of Health regulations. The Building Code is pretty specific about you can and can't do with swimming pools.

Commissioner Lasley:
Looking at the table, we have one housing facility per site. That is my interpretation. Is that correct?

Ms. Gutcher:
That is correct.

Commissioner Lasley:
The next page, Page 4-6. "The maximum impervious surface" for this site is going to be a maximum of 20%. Is that correct?

Ms. Gutcher:
Yes.

Commissioner Lasley:
So, that is going to limit the intensity of the development.

Ms. Gutcher:
Yes.

Commissioner Lasley:
At the bottom of that table, there is a footnote about the maximum building heights are unlimited again. Explain why that is.

Ms. Gutcher:
There are certain types of uses that I don't personally know of any reason we would want to regulate them. There are only a certain number of things that can occur in this zoning district that are hard to predict from a recreational aspect. Again, we are not allowing industrial uses; we are not allowing general commercial uses. You have to think about what is allowed inside that zoning district. As far a recreational activities, you might have forestry towers; you might have viewing tower in a park or something similar.

Commissioner Lasley:

Couldn't they apply for a variance for a structure?

Ms. Gutcher:
I don't know right off the top of my head; I thought we had a provision in the Code that didn't allow you to get a height variance.

Commissioner Lasley:
Well, they didn't think they did on a cell tower.

Jill Jeglie:
That is a different code. There is a specific code that you all adopted several years ago regarding cell tower heights.

Commissioner Lasley:
I remember that.

Ms. Gutcher:
If you look at Section 1500 on variance procedures. Part A of that section says in the last sentence, "The height of the structure is excluded as part of this definition for what you can get a variance from." You would not be able to get a height variance.

Commissioner Nunamaker:
Are you saying there is no height restriction?

Ms. Gutcher:
Not in this recreation category.

Commissioner Nunamaker:
So, somebody could build a 100 ft. tall bungee jumping platform?

Ms. Gutcher:
Yes.

Commissioner Lasley:
And the RV Parks - again, in the other part of the Code that we dealt with last time, I believe that there can be eight RVs per acre or something like that.

Ms. Gutcher:
Right. If there is water and sewer. Those are not usually hooked up to central sewer. They are usually pumped out at a pumping station.

Commissioner Lasley:
The next question I have is on no. 4 under "D", Development Restrictions – page 4-6. "Sports facilities and fields shall be limited in hours of operation when abutting residential zoning districts." I would feel more comfortable if it stated something like residential dwellings or something.

Again, there are AG1 Residential subdivisions. As long as they are included in that, that is fine. But, it doesn't look to me that AG1 or even AG2 subdivisions will be protected by this. So, should they be adjacent to this?

The next statement is, "The hours of operation shall be between 7:00 a.m. and 9:00 p.m., and shall include the operation of the outdoor lighting." I am wondering if 8 a.m. isn't better than 7:00 a.m.

Then, is it only for Rural Residential? Urban Residential? Suburban Residential? In which case, again, the AG subdivisions and highly developed areas that for some reasons might not be zoned residential – do they not have unlimited hours?

The way this reads is that the hours shall be limited only if they are adjacent to residential zoning districts and if they are adjacent to anything else, the hours of operation are non-descriptive.

Ms. Gutcher:
That is the way it is stated.

Commissioner Lasley:
I think that the sports fields, there are times when things need to be, you know, we need to set a time and then just follow it.

Growth Management Director Suzanne Lex:
I want to just caution you. If I had an agricultural piece of property and I built a recreational facility on it and someone comes along and builds a home next to it, are you going to retroactively say that I have to shut down at 9 p.m. if it abuts residential zoning.

If someone else builds a house that is adjacent to my property where I built my recreation facility first, it would restrict the recreational use that had already been approved and developed. I would recommend that you not use "abutting residential use", but, "subdivision."

If you are in a rural residential or in a residential area and you come in for a zoning district, those zoning districts exist already. So, again, you have your rural residential, so you are not really changing anything that you have now. If it abuts rural residential, those are the hours of operation.

I would also say as a parent of a teen that plays ball, 9 p.m. is really early. These kids are playing until 10:00 p.m. typically. Another thing about starting at 7:00 a.m. You can start construction at 7:00 a.m. by the noise ordinance. You may want to consider opening the facility at 7:00 a.m. because you can start buzz sawing at that hour as well. I think this would be a lot less intrusive than construction. Just wanted to bring those facts to light.

Chair Davis:

I play tennis at 7 a.m. It is not too early. I am out there playing tennis and I get it.

Growth Management Director Suzanne Lex:

Some kid sports start at 6 a.m. Kids go to swim practice before they go to school right next against residential areas. Typically, if you want a recreational facility to really serve your community. You are going to allow it to serve the community and the needs of that community and it is early and it is later. That is my experience in both urban and more rural areas.

Commissioner Lasley:

If you look at eastern part of the county towards Havana, I believe that all that land is AG2 or a lot of it is AG2. So, I guess I have problems with the wording "when abutting residential zoning districts" by limiting it to just that category. There may be other residential dwellings nearby that might have a problem with it also. If they set the criteria, it is going in next to you and the folks are not going to have any say-so in this.

Ms. Gutcher:

I think the original idea was that in an agriculture district, you have greater acreage on which to build a house. So, there is likely more vegetation to help buffer any noise. Like Suzanne mentioned, you generally want these things near residential areas so the kids can get to them.

Chair Davis:

How do you other commissioners feel about the wording of "abutting residential zoning districts?" Does it need to be expanded or does it need to be just "residential zoning districts?"

Commissioner Bouie:

I actually think that they need more time. People typically work out late and early at sports facilities. You wake up early to get to a sports facility. I go at midnight to exercise a lot. To limit the hours – I think that will be taken care of in the application process. You know, when we ask the citizens to come forward with their concerns. But, to actually put a number in there – I don't think it is fair to the facility. It is too restrictive.

I am O.K. with having some consideration for the residents, but, I don't think we need to get to the point of numbers and all of that.

Growth Management Director Suzanne Lex:

I just examined this issue for the St. Hebron Park. If you have a residential dwelling unit, there are buffer requirements and they are more dense because you have that residential unit proximate to it. So, there is additional buffer required. It is a 20 Ft. buffer. There is more screening that is required. So, there are measures in the Code already that provide for that buffering with recreational uses adjacent to residential

units versus zoning districts. Again, I have incurred recreational facilities where people live in the residential zoning districts.

Chair Davis:
Commissioner, (speaking to **Commissioner Nunamaker**) do you have any thoughts on it? (pause) I guess not.

Commissioner Bouie:
I was waiting for something profound to come from him.

Commissioner Nunamaker:
Good luck.

Commissioner Lasley:
Again, I am not so worried about the hours of operation as I am about the outdoor lighting that might impact people that live around in that area.

Commissioner Nunamaker:
In that zoning category, doesn't it say that the lights go out at 9:00 p.m. also?

Commissioner Bouie:
What about football games? Will they just have to cut the game off because the lights need to go out?

Commissioner Nunamaker:
Part of the problem with that is when you have a public or private facility for recreation, they want those lights to go out at night because they don't want kids sneaking in there and jumping into the pool or sneaking around or whatever.

Chair Davis:
Are you speaking from experience?

Commissioner Nunamaker:
I heard about it.

(Laughter)

Growth Management Director Suzanne Lex:
You may want to limit the lighting that is directly related to the type of recreational facility like the big lights that are for ball fields. The type of lighting that you are talking about typically are not so intrusive (swimming pool or tennis courts.) You would not want to have those tall lights (ball fields) on beyond the need for them to support the activity that was going on. I would think.

Commissioner Nunamaker:
Perhaps we could have it shielded away from the residential areas.

Growth Management Director Suzanne Lex:

That is additional language, but, again, I would recommend that if you want to, to restrict the lighting. I think the most intrusive lighting is the lighting that you use for ballgames – football and baseball. Therefore, you may want to specify that type of lighting in terms of compatibility.

Chair Davis:

O.K. I am going to take this in three parts. The first being whether or not the commission would like to change the wording as it relates to abutting residential zoning districts. Can I get a feeling from you all? Commissioner Lasley has indicated that she would like to see it changed. You have indicated that you have no problem with it. That leaves one other.

Commissioner Bouie:

My concern is that this is something that should be considered as a case by case issue. I am having issues with the hours of operation.

Chair Davis:

That is the second part that I was going to take up. I would like to narrow it to one issue at a time.

Commissioner Bouie:

I am o.k. with giving consideration to residential properties. However, I am concerned about putting numbers to it.

Chair Davis:

You are saying, leave the "residential zoning districts." Take out specific operating hours.

How do you feel about the outdoor lighting – being as specific as you can be?

Commissioner Bouie:

There should be adequate buffers for the height and lighting. Will that satisfy, Ms. Lasley? How can we provide a buffer for it?

Commissioner Lasley:

For a football field – I can't imagine. There is no way. You can't buffer those unless you've got dense 30 yr. old pine trees around it. I would hate to live in a house and then have a ball field come in next to me and have to have those lights on all the time when I used to be able to sit out in my yard and enjoy to stars. To me, that just doesn't all go together.

Commissioner Bouie:

I understand, but, somehow we need a place for children to play.

Commissioner Lasley:
I am not going to sacrifice somebody's personal home at the expense because this is an inappropriate location for this.

Commissioner Bouie:
I hear you and I am saying that it should be considered by a case by case basis. At that time, we would have the citizens come before us and state their concerns and weigh it out there.

Commissioner Nunamaker:
There will be public hearings.

Commissioner Lasley:
I am fine with that, but, there are things written in here so that if somebody wanted this on their property, there is not going to be any public hearing.

Chair Davis:
Why don't we stop at the first sentence, and then follow with, "The hours of operation shall be what?"

Ms. Gutcher:
"…outdoor lighting operations shall be dependent on a qualified lighting study."

Commissioner Bouie:
What is that? Someone to come out and tell you what?

Ms. Gutcher:
How the lighting is going to spray.

Commissioner Lasley:
I am sorry, I can't buy that.

Ms. Gutcher:
Consider it on a case by case basis?

Commissioner Bouie:
Yeah, because you will have given the citizens the opportunity to come and state their concerns.

Commissioner Lasley:
That is not what she just said.

Commissioner Bouie:
O.K. then, let's add it.

Commissioner Lasley:

So, you did not state that the citizens were going to be informed of this qualified study, correct?

Ms. Gutcher:
The citizens will be informed just like they are today when they go through the public hearing process.

If it is a development order that is required to go through the public hearing process, that is the time they (citizens) would come forward to voice their opinions.

Commissioner Lasley:
These are all allowable uses that you are setting up here, correct?

Ms. Gutcher:
Yes. That is why I feel that if you talk about a lighting study and then we get a section of the Code that talks about what is acceptable in lighted facilities adjacent to residential zoning districts, that might help you. I understand that lighting is a concern, especially when they are 80 ft. off the ground.

Commissioner Lasley:
But, it is also my understanding that these are allowable uses. When someone comes into the Planning Office and says, "There is some recreation property here and I want to put this in." Then you are going to say, "O.K., pay your money and let's see your application." Is it going to be approved in the office or is it going to come to the Planning Commission?

Ms. Gutcher:
We are working through that in Chapter 7. It is in the chapter that it is coming forward to you. It is in Chapter 7 as to what the thresholds are for administrative approval and what has to go before the County Commission for approval.

Commissioner Bouie:
So, with lighting, can we say that it has to come before the board? Would that satisfy?

Ms. Gutcher:
You can make that restriction, yes.

Commissioner Bouie:
I think that would satisfy on the case by case basis and it would have more…
All lighting over sports facilities and fields.

Jill Jeglie:
What about the low lights that light the walking trails?

Ms. Gutcher:
You might just say lighting over 20 ft. in height has to be considered with a lighting

study and come before the commission.

Commissioner Lasley:
Yes, use sports facilities and fields.

Mr. Gutcher:
Lighting over 20 ft. in height that accompanies a sports facility field must have a lighting study. We will get to who reviews it when we get to Chapter 7.

Commissioner Lasley:
Why do you have to say over 20 ft.?

Ms. Gutcher:
Because if you are on a walking path and the light is 6 ft. high, it is probably not obtrusive to somebody that is 50 ft. away in their home on the next block.

Commissioner Lasley:
But that is not a sports facility or a field.

Ms. Gutcher:
Right.

Commissioner Bouie:
I guess what she is saying is that we don't have to include the height. O.K.

Commissioner Lasley:
It sets a criteria. It is like you can put 20 ft. in there and you can leave them on all night long and nobody has to study it.

Ms. Gutcher:
We like criteria because it is defensible and it is easy to interpret.

Chair Davis:
Would the commission like to see a height specific or no?

I hear one "no". Now two. So, there will not be a height number placed in there.

Clerk Straughn:
May I have some clarity? I understand that if it is a sports facility with fields

Chair Davis:
And fields.

Clerk Straughn:
And Fields. And or And/or?

Chair Davis:
And/or

Clerk Straughn:
I know that the new sports facility plan has sports fields, swimming pools, walking trails.

Chair Davis:
And/or.

Clerk Straughn:
And/or it is.

Chair Davis:
Shall be limited in hours of operation when abutting residential zoning districts and the next sentence I will defer to Allara.

Ms. Gutcher:
This is just a workshop, so this is just the language we are discussing.

Clerk Straughn:
You are going to require a lighting study

Ms. Gutcher:
We don't know that yet, we are just talking it through. This is going to come back to them either next month or the one after that.

Clerk Straughn:
And you are going to put in buffering considerations between a facility and the homes.

Ms. Gutcher:
That already exists.

Clerk Straughn:
And they will be considered on a case by case basis. Is that language going in there?

Ms. Gutcher:
No.

Commissioner Lasley:
What about the outdoor lighting for the sports facilities and fields, we want to be able to consider that on a case by case basis.

PUBLIC INSTITUTIONAL ZONE– Section 4105.

Chair Davis:
We are going to move quickly to Public Institutional Zone.

Ms. Gutcher:
This is no different than the Future Land Use category. It speaks to uses that are generally public and/or institutional such as government buildings, hospitals, schools anything that you would associate with institutions.

If you want to try to move on a little quicker, if you have any questions, because this is pretty much identical to the Future Land Use category. I guess we can go now to address specific questions now.

Commissioner Lasley:
I do on page 4-7. In my opinion, all of these uses that you have listed here need to be type 2 reviews so that the public and the boards can have input.

Medical facilities, utilities, sanitary sewer, gas, landfills. So, is it written in here that it is a use by right?

Ms. Gutcher:
Yes, it is a use by right. Anything that is listed inside the zoning district is a use by right.

Commissioner Lasley:
So, if it is a use by right, does it get approved in the office at the planning department and does it not come before the planning board and the board of county commissioners?

Ms. Gutcher:
We are going to look at that when we get to Chapter 7.

Commissioner Lasley:
How can you make decisions on this when we don't have that information?

Ms. Gutcher:
That is a different process. What we are looking to do here is to determine what is allowed inside that zoning district and what the setbacks and the building envelop is.

Commissioner Lasley:
O.K. So, then if that is the case, since I don't have that information, I feel that they need to be presented to the public who is going to be living near them or affected by them – the landfills and utilities and medical facilities, government buildings, prisons, rehab – They need to be a type 2, Class 2 hearing where people are informed and have the opportunity to come out and give input.

Ms. Gutcher:
O.K. But, right now, we are trying to decide if these uses fit into the Public/Institutional

Zoning District.

Commissioner Lasley:
O.K. I get it.

Chair Davis:
It is two parts. As long as you make the note, when we get to that section, placement of facilities should be brought before us for review and a public hearing before the people. Then we can go forward and say, "they are allowable uses in Public/Institutional zoning districts" as long as you make note of what the commissioners want when we get to that section which state further restrictions.

Ms. Gutcher:
Sure. But, the other thing that we need to think about is if we don't want them in this category, which category would you like them to be in?

Commissioner Nunamaker:
I think that is a good category.

Chair Davis:
I don't have a problem with them being in this category.

Ms. Gutcher:
That is what we are looking for at this level - agreement that it should be in Public/Institutional Zoning District.

Commissioner Lasley:
The only one that you mentioned that specifically is going to be a type 2 hearing is a prison.

Ms. Gutcher:
Just to let you know, we are getting away from "Types" and we are getting more and more into administrative or whether it goes to a public hearing.

Commissioner Lasley:
I am using the only language that has been presented to me. So,

Ms. Gutcher:
Yes, I agree. I understand what you are saying. It is just for context. We can only do so much in one meeting.

Commissioner Nunamaker:
I have a comment Section "D", Development Restrictions, no. 1. "Uses associated with the "incarnation" of people. (laughter) We need a better word. Inundated, etc.

Ms. Gutcher:

Yes, thank you.

Incarceration (laughter)

Commissioner Nunamaker:
Are you talking about incarceration or jail?

Ms. Gutcher:
Yes.

Commissioner Lasley:
I am still at the top of page 4-7.

The utilities. So, my question is: Should they be in industrial or commercial zoning or land use basically? And sanitary sewer and gas and electric? Again, the location is not restricted. I am a little concerned about that. The landfills – I don't know where they need to be.

Chair Davis:
But can they be in Public/Institutional zoning districts? That is the question, correct?

Ms. Gutcher:
Yes. Not here, because Gadsden County does not own a utility, but, sometimes a city owns their utility, their own wire, owns their own sewer, owns their own garbage. So, they would want to use their own property, which is a public land which would be the Public/Institution category and zoning district to be able to operate these facilities.

Chair Davis:
So, the question once again is whether or not if it is publicly owned, is this something they can put on their land? Is it an allowable use? Not, whether or not it could be in another section as well, but –

Ms. Gutcher:
Yes.

Commissioner Lasley:
What about landfills? I don't know where you are going to put them, but, industrial or commercial.

Chair Davis:
I say that it does.

Ms. Gutcher:
I am not sure that you would want it in commercial because you think about retail shopping centers and you probably don't want a landfill close to those.

Commissioner Bouie:
If the county chose to purchase its own landfill, you would you require the county to be commercial.

Commissioner Nunamaker:
Does it fit into that category is the question.

Commissioner Lasley:
O.K. So it is not commercial. What about Industrial? I am just saying that you've got public lands already and when you write this in here, it is like somebody (inaudible)

Ms. Gutcher:
I am just trying to help. Even if you made it an industrial category, it doesn't really matter in the broad scheme of things. It would have to be in the Industrial Future Land Use category in order to put a landfill there. It is really about location – I think that is what you're concerned about rather than what land use category it is allowed as. There is really not that much public/institutional on that map today.

Growth Management Director Suzanne Lex:
You are safer to keep it in Public/Institutional. It you start putting it in commercial and industrial, that opens the opportunity for private providers to come and say, "I want to take my industrial land and build a landfill or a transfer station. I think if it is under the public and the institutional, there is less of that, as she said, plus, I think there is less likelihood for that invasive use or perhaps what you would consider an incompatible use. If you want landfills to be looked at with a certain criteria, we can reserve that look at that in and of itself. They are usually the most contentious public use. So, I do understand your concerns, particularly about that, but electrical facilities, your substations, you need these so people can get out. You don't usually put your transmission lines right through a neighborhood, but these substations, you do need to be able to have these water facilities to serve your customers. Landfills, you may just want to have a separate criteria for review.

Commissioner Lasley:
In this same section 4105, I am not sure that the setbacks are enough depending on what they are adjacent to. What type of land use is next to them?

Commissioner Nunamaker:
These are like residential setbacks.

Commissioner Lasley:
Some of these are going to need bigger setbacks. There are too close for residential protections from utilities and landfills or prisons.

The other thing is because the impacts to residential life could be pretty big if you are next to something that is in this category. I would like to see some protections for the residences that exist or have this land use next to them.

In "D" 2 at the bottom of the page (4-7), "Class III Utilities are subject to a compatibility analysis." Again, we are back to the issue of – Does that need a public hearing?

Ms. Gutcher:
Do you mean the compatibility analysis?

Commissioner Lasley:
Yes.

Ms. Gutcher:
The compatibility analysis in and of itself is not subject to a public hearing. It could be the type or the level of development type that you are used to hearing, that would be dependent on whether it goes before to the County Commissioner.

Commissioner Lasley:
Well, because we don't have any definitions, the things that I listed before that I am concerned about that I think need to be type 2, I would like to reserve judgment on this whole section because I think we need additional criteria that defines.

Ms. Gutcher:
O.K. Let me ask you – Whether or not it is a type 2 – how would that relate to whether or not it is allowed in this zoning district? I mean it's got to be located somewhere. If not in this zoning district, what district would you like to see it in?

Commissioner Lasley:
Well, the other thing is if you don't mention it, then they have to apply for a special exception and then I know we are going to have a public hearing. As far as I can tell in these rules and regulations, the public may not be able to have input on anything where changes are going on in the county.

Ms. Gutcher:
That won't be the case, but, you know, you have to allow for a waste water treatment facility to go somewhere. This is not whether it is going to be a type 1 review or a type 2 review. It is where do you want it to be?

Chair Davis:
Where do you want it? What zone do you want it in? I think we are getting into the weeds and not looking at -

Commissioner Bouie:
This is only about outlining the categories and not necessarily all of the requirements.

Commissioner Lasley:
The Land Development Code is supposed to be the rules of how the county functions. You have said that about the Comprehensive Plan – that it is basically the overarching

structure and so now we are down to the Land Development Code and this is where the rules are supposed to be and you are telling me now that these are not the rules.

Ms. Gutcher:
No, they are the rules. I never said they weren't.

Commissioner Bouie:
There are two different –

Ms. Gutcher:
There is another chapter that talks about specific types of development.

Growth Management Direct Suzanne Lex:
May I suggest though, if you are concerned about the specific uses of Class III Utilities and the landfills, you may want to include those uses as well under No. 1 and No. 2 so that all are subject to a public hearing and specifically call out those three things. Those are biggest issues that trigger compatibility - Utilities, jails and landfills. That is just a suggestion.

Commissioner Lasley:
I would be o.k. with that. Landfills, transfer stations, you know, I don't how big the category is, but, if landfills cover everything, that is fine. If prisons cover rehab & half way houses, fine. I am o.k. with all of that. But, if you have to list everything separately, then, let's list them all separately.

Ms. Gutcher:
Well, incarceration would be somebody who cannot leave a facility. A half-way house, if you have six or fewer residents, then you can be in any residential zone, by State Statute.

Commissioner Nunamaker:
Some incarcerations can leave and come back. They have working permits and passes and stuff like that.

Ms. Gutcher:
We might want to define incarceration. We haven't.

Growth Management Director Suzanne Lex:
I think that is subject to the operation of the facility.

Commissioner Bouie:
You are saying that everything is pretty much subject to the facility?

Commissioner Nunamaker:
Right.

Ms. Gutcher:
You can't require certain electrical facilities. Substations are required by Florida Statutes to go anywhere and you can only regulate them in conservation and historical districts.

Chair Davis:
Commissioner Lasley, as I am hearing you, "D – 1" on page 4-7, "all allowable uses shall be subject to" is that what you are saying?

Ms. Gutcher:
I don't know that you want it to go that way. Do you want a government owned park to be required to be approved by the County Commission?

Commissioner Nunamaker:
Sure.

Commissioner Bouie:
Yeah.

Commissioner Lasley:
I would say Utilities and the landfills and the incarceration of people.

Commissioner Bouie:
So, Government-owned and quasi-public properties are coming before the county that owns them and for permission.

Chair Davis:
So, the last two bullets, you would definitely want.

Commissioner Lasley:
For what is currently described as a type 2 hearing.

Commissioner Bouie:
For government owned properties, you are going to regulate your own government. So, the county commissioners are going to say, "We want this new park and we are going to have to have a hearing?"

Commissioner Lasley:
We were talking about the incarceration of people, utilities and the landfills.

Commissioner Bouie:
Those are government owned?

Chair Davis:
Right.

Commissioner Lasley:
The people live here in the county and are going to be affected by these developments and they need to have the opportunity to come into this room and talk to the Planning Commissioners and the County Commissioners about the things that are going to be happening next to them.

Chair Davis:
O.K. Alright.

Commissioner Bouie:
How will we word it?

Ms. Gutcher:
Any more questions about Public/Institutions?

No Response.

Subsection 4106. Agriculture Zones

Ms. Gutcher:
Moving on to Agriculture zones.

Chair Davis:
I am going to ask if we have any questions about agriculture zones so that we can move a little bit faster, please.

Commissioner Lasley:
I have a question.

Chair Davis:
Go ahead.

Commissioner Lasley:
In "A", the second paragraph there, well it is really the last line of the first paragraph, "Parcels within this district are low density." I did not find a definition for that in the definitions.

The next section, "the location of any Agriculture district shall be limited to the rural areas of the County, not adjacent to a City limit." That exists pretty much everywhere in the county. So, how do you address that? There are agricultural districts adjacent to every city in the county.

Commissioner Nunamaker:
Just take it out.

Ms. Gutcher:
You are correct. We certainly can take that out.

Chair Davis:
You said you were taking it out? Is that what I heard?" Are you taking out the entire sentence?

Ms. Gutcher:
The entire second paragraph.

Commissioner Lasley:
In "B" 1 – "Allowable uses are those which are related to agriculture activities…." My question is what happens if a property is zoned Ag and there are not Ag products being prepared there like exist today?

Ms. Gutcher:
They will be allowed to continue.

Commissioner Lasley:
Then somebody would regulate in the future? The activities on those properties to make sure that they don't

Ms. Gutcher:
Start a farm?

Commissioner Lasley:
That anything in the Ag area that is newly created will be producing an agricultural product.

Ms. Gutcher:
They would be allowed to continue on.

Commissioner Lasley:
What is the purpose of that?

Ms. Gutcher:
The purpose of that is because the intent is to try to encourage residential uses to be in a residential district. So, if anybody has 20 acres and they want to plat a subdivision to have them become residential on the Future Land Use Map and whatever residential zoning district, they would need to suit their development plan.

Just as you are concerned about obtrusive uses adjacent to obtrusive uses, there are certain types of agriculture activities that are obtrusive to a residential land. To preserve the agricultural uses.

Commissioner Lasley:
No. 2 is that, "The residential uses as the primary residence is for the person or family conducting the activities on that site." I question who is going to monitor that?

Ms. Gutcher:
Just like other activities that may go on a property that are not allowed by the Land Development Code. It is a Code Enforcement issue. It becomes a Code Enforcement issue.

Commissioner Lasley:
No. 3 – Agritourism/Agrotourism – I went to the definitions and it sent me to the FL Statutes. Why don't you just list the items in the definition that relate to Agrotourism/agritourism, which are horticulture, floricultures, forestry, dairy, livestock, poultry,……in the Chapter 2 definition of it so that people don't have to go to the Florida Statutes.

Ms. Gutcher:
You can certainly do that. The reason why we like to refer if there is a Florida Statute definition to the Florida Statutes is because when that changes, somebody has to be on it to know that the definition changed that year in that session then come back to amend the Code.

Commissioner Lasley:
You could also say something like, "such as," or "examples are" and then list these things. I am just saying that it is just not up front. It is like, o.k., I have to go to my computer and I have to find this Statute and I have to read what it says before I can even understand what this says. I am just sorry to see that.

Commissioner Nunamaker:
Why is Agritourism reiterated?

Chair Davis:
Yeah, that part I didn't understand.

Ms. Gutcher:
I may have to go back and look, but, I think it is mentioned both ways in the Statute.

Commissioner Bouie:
You could use "and/or" instead of the symbol.

Ms. Gutcher:
They are actually the same. It is actually terminology.

Commissioner Nunamaker:
It is the same spelling.

Commissioner Lasley:

One of them is supposed to be Agrotourism and Agritourism. One of them is misspelled.

Then the private air strips – No. 4. – I understand that this is where it is going to be and there is location criteria then have a certain amount of area that they need to be on. Again, I am back to the issue of – I personally believe that neighbors need to be notified. I want to make sure that this is part of the type 2 notification.

Chair Davis :

Again, that would be in another section. This is specifically stating allowable uses. What other zoning would you put private air strips and airplane hangars if not here.

Ms. Gutcher:

This is meant to capture the person who provides the service to spray crops. They need a place to take off and land from.

Commissioner Lasley:

I understand that.

And the deleted stuff. All this that has been deleted that we are getting rid of, there are all kinds of light industrial uses that calls for class 1 review; I mean class 1 and class 2 are listed all through the document you are getting rid of.

I am not creating something out of nothing. I know what this is replacing. I know that there are some things missing. So, there is no, "Yes, this is o.k. This is o.k." The public is presented with the opportunity to speak against it. That is not in this document, O.K., and that is what I have a problem with.

Ms. Gutcher:

O.K.

Commissioner Bouie:

I am thinking that this is just outlining where these categories are.

Ms. Gutcher:

What is allowed inside of them?

Commissioner Bouie:

And so, other locations in the Statutes would tell me what the restrictions are. Is that right?

Ms. Gutcher:

No. In our Code. There is another chapter that will talk about the development of an airstrip or the development of an RV park or mobile home park.

Commissioner Nunamaker:
And whether or not they would be subject to a public hearing?

Ms. Gutcher:
Yes. How they are going to be processed. Yes.

Commissioner Bouie:
Perfect.

Commissioner Nunamaker:
Are you good? (speaking to **Commissioner Lasley**)

Commissioner Lasley:
I want to see it. I am not sure which part comes first, but, this doesn't answer all my questions.

Commissioner Bouie:
Does the chicken cross the street or does the street move?

Chair Davis:
Might I suggest this? Perhaps, in the future, if she has questions where she needs to see both parts, if you (Commissioner Lasley) could contact them and you all provide her with both parts so that she can compare them instead of us going through it this way.

Ms. Gutcher:
That is a standing offer. It has been made available all along.

Chair Davis:
I am getting older, so, I don't remember everything that I suggest.

That would certainly help her in her process of understanding what is here.

Commissioner Nunamaker:
Everybody has questions about how this is going to be processed and how it is going to be developed. Hopefully, that will come out in Section 7. Is that right?

Ms. Gutcher:
Yes.

Chair Davis:
My suggestion is that if you are working of Section 7 and you have a rough draft, go ahead and provide that to the commissioners so that they can go back and forth.

Commissioner Bouie:

We agreed a couple of years ago that we would get our concerns back to you all before the meeting so that when we come to the meeting, it is streamlined. So, we need to get back to that, perhaps.

Chair Davis:
Yes. I have something that I need to leave to do at 8:00 p.m. So, I don't know if we should continue this.

Ms. Gutcher:
Not with 3 people. I don't think that would be effective.

Chair Davis:
We can continue it when the commissioner also has the Section 7, which she wants to see both of and can ask her questions to the staff. I think that will be better served for everyone if the commissioners agree.

Commissioner Nunamaker:
I am sure it is a good suggestion, but, all we are trying to do tonight is

Chair Davis:
Dr. Phil says when you say, "but," I strongly listen to what comes after.

Commissioner Nunamaker:
Exactly. Thank you. We are just trying to see if these categories for these items fit into these categories. That is all we need to do tonight. How and where and how it goes about and whether there is a hearing or not will come later, if I understand it correctly. So, let's just get these in the right category and move on.

Ms. Gutcher:
There really isn't much deviation from the Future Land Use Category language. So, if you want to amend something in here, then we are going to look at the Comprehensive Plan language to make sure that we are not being inconsistent with the Plan.

Chair Davis:
O.K. So, do you want to try and get through it or should I – let me defer to Commissioner Lasley. In order for you to get through the allowable uses, are you of the opinion that you would still need to see Chapter 7? If so, then we need to - we are about to lose one member.

Commissioner Lasley:
Yeah, like on page 4-9; D; 3 – It is talking about private airstrips. I am going to know how that is dealt with before I can say that this use is o.k. in this zoning district. I don't know if it can go somewhere else. This may not be the language that I want to put in here. If it is going to be a "use by right," people who have agriculture land and they come to the planning department and say, "I want to put an air strip in. I have enough room and the Airport Authority said I could. So, it is approved at staff level and the

neighbors go, "I've got these planes coming in here all the time."

Commissioner Nunamaker:
But, there are restrictions in Section 7.

Commissioner Bouie:
It says, "only allowable as an accessory use to agriculture use." That means that it would have to be proven that there is an agriculture use and the State would have to approve it. So, it is not like they could just walk into Gadsden County alone.

Commissioner Lasley:
That is not what it says.

Commissioner Bouie:
It says as an accessory use.

Commissioner Lasley:
It is happening now with no review level. There are airstrips throughout this county. I can't tell you where they are at.

Commissioner Bouie:
This Restriction states that, "only allowable as an accessory use to a primary agriculture use…."

Commissioner Lasley:
..Silviculture or….

Ms. Gutcher:
Or as residential Fly-in facilities. So, if you wanted to have a Fly-in subdivision, it would be allowed in the Agriculture zoning.

Commissioner Bouie:
But, that would be 10 houses that come together as a subdivision and agree that they would all have private planes come in on this landing strip.

Ms. Gutcher:
Exactly.

And, like Jill said, a lot of this is trying to address what is already happening without any review without any parameters of what is allowed. So, we are trying to capture some of that in this revision.

Commissioner Bouie:
Again, the issue is, "Is this a zoning district where this should be placed?" Right now, there is nothing wrong with that.

This is the recommendation of the staff and this is the zone where they have it currently. It does not ill-effect anyone to have it in this zone. There may be procedures that can be added to Chapter 7, but, it can be in this zone.

Chair Davis:
What is the will of the commission?

Commissioner Bouie:
I have twelve (12) minutes that I can stay.

Commissioner Lasley:
I would suggest that we finish with the Agriculture and get to a stopping point.

Chair Davis:
I don't know if you were at "D" or not. Were you above "D and still on the allowable uses as it relates to bed and breakfast and lodging?"

Commissioner Lasley:
Yes, I do have a question on that. Again, does the B & B lodging as an agrotourism use. I assume that is going to be decided by someone in the office.

Ms. Gutcher:
Yes, it will be reviewed by someone in the office, yes.

The applicant will propose a use and it will be reviewed by staff.

Commissioner Nunamaker:
I am just curious now, but, would that be like for a "Dude Ranch?"
Bed and Breakfast?

Ms. Gutcher:
It can be. People are traveling for experiences more recently. They will come in and work on a farm for a week and stay at the B & B then go home.

Growth Management Director Suzanne Lex:
It is a 5 acre minimum.

Commissioner Nunamaker:
Yeah, o.k. They want to work on a farm?

Commissioner Bouie:
And they will pay me to work on my farm? Hot diggity!

Commissioner Lasley:
So, on page 4-9, in the Table, the maximum building height is 30 ft. in all three of the Ag zones. Again, in the others (Recreation and Silviculture), you had no limits. So, I

would just like to hear the logic of this.

Ms. Gutcher:
Just as we talked about earlier about the possibility of having forestry towers or observation towers that you would possibly want to be taller than 36 ft. Trees are taller than that.

Commissioner Nunamaker:
They used to be. (laughter – a reference to the recent damages to trees from Hurricane Michael)

Commissioner Lasley:
In "D.1" you have, "The Immediate Family Exception will only apply to lands in Ag 2 & 3." What if you have an Ag1 piece of property that is, we will say 6 acres.

Ms. Gutcher:
You have to have a certain number of acres (and I would have to go back and review), but, you have to have a minimum number of acres to even be able to use this provision.

Commissioner Lasley:
It is 6. 3 for the parent and 3 for the other parcel.

Ms. Gutcher:
I will need to go read it again, but, there is a reason why I wrote it this way and I just can't recall it at the moment.

Commissioner Lasley:
So, again, my question is, "What if you have a piece of Ag property that has the acceptable number of acres to divide it up, why is it not allowed to do that?"

Ms. Gutcher:
I will have to go back and review. I can't recall why I wrote it this way, but there was a reason.

Chair Davis:
She will get back with us on that one. D-1.

Commissioner Lasley:
On D-2, the third line, "zoning districts that are not classified as agriculture…." I think that agriculture needs to be capitalized.

Ms. Gutcher:
O.K.

Commissioner Lasley:

Again, the compatibility analysis comes up. You have already verified that it is not necessarily a type 2 hearing, so –

Ms. Gutcher:
A compatibility analysis is a report. It is a review of what is proposed against what is existing. It is a study.

Commissioner Lasley:
It is still a part of the type 2 hearing process currently.

No. 3. D-3. "Private airstrips are only allowable as an accessory use to a primary agriculture use, silviculture use, or residential subdivision in this zoning district."

The word, residential subdivision needs to be defined a little bit better than that. That is (inaudible) I am not comfortable with that.

Ms. Gutcher:
Can I get clarification on that? Your understanding.

Commissioner Lasley:
Grammar-wise, in the second line, it should read, "these zoning districts."

Ms. Gutcher:
"In this zoning district" "this" refers to – Oh, I get it - any of the three zoning districts.

Commissioner Lasley:
Then the next line "that provides for fly-in facilities," instead of "provide", I would use "fulfill the criteria for fly-in facilities" or something like that. Provides, I don't think, is the right word.

Again, I question the residential subdivision. (Definition) require an application for a private air strip.

Commissioner Bouie:
There will probably only a handful of people who could afford to have a subdivision with an airstrip.

Commissioner Lasley:
But, if it is a residential subdivision airstrip, air traffic is going to be heavier and, again, it needs to be presented to the public so that they can have input.

Commissioner Bouie:
I accept that.

Commissioner Nunamaker:

Let's get it in the right category.

Commissioner Bouie:
Then with restrictions, you can outline them in another area. Then you can state that it needs to come before a hearing or whatever.

Chair Davis:
That completes that particular section. We will adjourn.

Attorney Weiss:
I think we might want to have a couple of minutes for public questions?

Chair Davis:
I do apologize. Do we have public input on this thus far?

Sara Johnson, 1666 Talquin Ave. Quincy, FL:
Where do you see the RV parks that are in existence already such as Ingram's Marina, Talquin Lodge, and Whip-O-Will – under recreation or under Nature Center? By reading it, I am unclear. There is so much of the same in both of them. So, my question is where do we fit in?

Chair Davis:
I will defer to staff.

Do you mean currently?

Sara Johnson:
Well Yes, or where are you going to place us?

Growth Management Director Suzanne Lex:
You will stay where you are.

Sara Johnson:
Good.

Jill Jeglie:
But, I would see Nature Tourism as being the best fit rather than Recreation. It will depend on the criteria we go with.

Ms. Gutcher:
You are allowed in Recreation.

Sara Johnson:
I was reading all the commercial things – the house, the boat rental and all of that, which we already have over in Nature zoning. We are just a blend. That will work.

Growth Management Director Suzanne Lex:
If there is a zoning district that you think better fits you, then you can request a zoning change. That is a review process. You kind of got what you got, but, if there is anything you want to change, you can.

Chair Davis:
Is there anyone else?

Growth Management Director Suzanne Lex:
I just want to report that I did write a letter and reached out to all the commissioners to let them know that there are vacancies and requested appointments to the Planning Commission Board. Thank you.

Chair Davis:
Any other comments from the attorney or staff?

O.K. Then we are adjourned.

Again, please share Chapter 7 and also I encourage the commissioners to contact the staff so that we can ask our questions as it relates to this chapter and any others.

_____
Regina Davis, Acting Chair Date Approved

ATTEST:

_____

Nicholas Thomas, Clerk

Zoning District	**Sub-section**	**Page**	**Questions/Concerns/ Suggested Changes**	**Conclusion**
Mixed Use (MU)	4100	4-1	Break this out into both subcategories "Nature Based Mixed Use" and "Urban Mixed Use"	Revisit this later
Zoning Districts	4100	4-1	Paragraph following the list of zoning districts – second line: correct the spelling of Statutes & manufactured	Corrections noted
Zoning Districts	4100	4-1	Capitalize **F**ederal in the first bullet following the first paragraph	Correction noted
Historical Zone	4100 B Allowable Uses	4-2	Broaden part B to add "As historically established."	Correction noted
Conservation	4102	4-2	First bullet at the bottom of the page, remove the hyphen between federally owned lands.	Correction noted
Conservation	4102 B Allowable Uses	4-3	Add language to restrict use of motorized vehicles on conservation lands. Restrict conservation lands to only passive recreation as a restriction in Part D rather than change Part B.	Add restrictions in Part D regarding motorized vehicles.
Silviculture	4103	4-4	Add the word "be" to the end of the last sentence of the first paragraph.	Correction noted
Silviculture	4103	4-4	In The first sentence of the first bullet, add "that" following the first word (Lands.)	Correction noted
Silviculture	4103 A	4-4	Second line: add the word "of" after typically consist	Correction noted
Recreation	4104 D 4	4-6	Recreation facilities that have ball fields, swimming pools and walking trails, etc.	Consensus to add language that will require developers of sports facilities and /or ball fields that require outdoor lighting to have a lighting study done and the study must be approved by

Zoning District	Sub-section	Page	Questions/Concerns/ Suggested Changes	Conclusion
				the planning commission and the county commission in a public hearing.
Recreation	4104 D4	4-6	Discussion regarding the wording, "abutting residential zoning districts."	There was a consensus to leave the wording as written with Commissioner Lasley objecting
Recreation	4104 D4	4-6	Hours of operation of the recreation parks	Extensive discussion, but no consensus was reached to change them.
Recreation	4104 D4	4-6	Is the Recreation Use the correct zoning in which to place the described facilities?	Yes
Recreation	4104 D4	4-6	Review on case by case basis	No consensus was reached
Public/Institutional	4105	4-6	Is the zoning district acceptable	Lengthy discussion: Consensus – yes
Public/Institutional	4105 D; 1.	4-6	Correct the spelling of incarceration	Correction was noted
Public/Institutional	4105 B Allowable Uses	4-7	The last 2 bullets of Allowable Uses • Any facility related to the provision of utilities including potable water, sanitary sewer, gas or electrical power • Landfills, subject to state permitting process	Add utilities and landfills to No. 1 and No. 2 to require public hearings and compatibility analysis.
Agriculture Zones	4106 A	4-8	The term "low-density" does not appear in the list of definitions in the code	Add a definition to the list of definitions elsewhere in the Code
Agriculture Zones	4106 A	4-8	The second paragraph of A. does not appear to be a correct statement. Any property that is adjacent to a city limit would be considered rural.	Delete the entire second paragraph
Agriculture Zones	4106 B 3	4-8	Duplication of Agritourism/agritourism	Change the spelling of one of the words to be Agrotourism

Zoning District	Sub-section	Page	Questions/Concerns/ Suggested Changes	Conclusion
Agriculture Zones	4106 B 4	4-8	Is this the correct zone to place air strips and airplane hangars?	After a lengthy discussion, there was not a consensus to change it to another zone.
Agriculture Zones	4106 B 5	4-8	Is Agriculture the appropriate place to list Bed and Breakfast lodging as an agrotourism use	There was a consensus that the Agriculture Zone is appropriate
Agriculture Zones	4105 D 1	4-9	There was a question as to why Ag1 would be exempted from the Immediate Family Exemption (if it had adequate acreage) when Ag 2 and Ag3 were not.	Ms. Gutcher stated that she could not remember why she wrote the language in the manner that she did, but she would come back to them with the answer.
Agriculture Zones	4105 D 2	4-9	D2; third line; the word agriculture should be capitalized.	Correction was noted.
Agriculture Zones	4105 D 3	4-9	The term "residential subdivision" needs to be defined a bit better. Grammar wise, the phrase, "this zoning district" should say, "these zoning districts" because it refers to more than one. Also, the term "provides for fly-in facilities." It was suggested that "provides" is not the right word to use. "fulfill the criteria for fly-in facilities" was suggested as a substitute.	Correction and suggested language was noted.
Ms. Gutcher and staff were requested to provide each of the commissioners a copy of Chapter 7 (where the restrictions are to be placed on zoning districts) so that comparisons could be made between it and Chapter 4 where the zoning districts are described. In addition, Chair Davis requested that the commissioners consult the staff before the meeting time to address their questions so that the meeting could be more productive.				

AGENDA ITEM #6

Gadsden County Planning Commission
Agenda Request

Date of Meeting: August 22, 2019

To: Honorable Chairman and Members of the Planning Commission

From: Jill Jeglie, AICP, Senior Planner

Subject: Public Hearing (Quasi-Judicial) – Midway Business Park Final Plat (FP 2019-01)

Statement of Issue:

Consideration of an application for final plat approval for the Midway Business Park Subdivision described by Tax Parcel Identifications #4-16-1N-2W-0000-00140-0000 (Anderson Columbia, 168.23 acres), 4-16-1N-2W-0000-00140-0100 (City of Tallahassee (Utility), 0.31 acres), 4-15-1N-2W-0000-00233-0000 (Anderson Columbia, 14.49 acres) and #4-15-1N-2W-0000-00233-0200 (Smyrna Concrete Ready Mix, 6.78 acres) (Attachment #1 & 2).

Background:

This subdivision is comprised of four (4) parcels owned primarily by Anderson Columbia, (168.23 and 14.49 acres), Smyrna Ready Mix Concrete (6.78 acres) and City of Tallahassee (0.31 acres) (utilities, gas). Anderson Columbia Co., Inc., represented by Carlton Fields, Moore Bass Consulting, Inc., and Melvin Engineering has submitted an application for a final plat of the thirty-three (3) lot subdivision (Attachments #1 & 2). The BOCC has approved conceptual and preliminary plats and the infrastructure was constructed (2009). The final plat is required by Florida Statutes to be recorded in the records of the Gadsden County Clerk of Court (Attachment #5).

Analysis & Findings:

Section 6200, 'Major Subdivision Plat Requirements and Procedures' of the Land Development Code (LDC) outlines the three step process and requirements for a major (platted) subdivision: Conceptual, Preliminary and Final Plat. The Conceptual and Preliminary Plat have been approved by the Board of County Commissioners (BOCC). All infrastructure has been constructed to plan specifications as certified by Melvin Engineering (Attachment #2 & 3).

The applicant has filed for Final Plat in accordance with Subsection 6204 of the Land Development Code (LDC) and Chapter 177, Part 1 Platting (ss. 177.011-177.151) of Florida Statutes.

Jurisdiction:

A portion of the roadway at the southeastern corner of the plat is located within the municipal boundaries of Midway. Midway has executed an agreement to allow this plat to be heard by Gadsden County (Attachment #4).

Final Plat Requirements (Subsection 5207 & §177 Part 1 Platting, Florida Statutes (F.S.)):

The purpose of §177 Part 1 Platting, Florida Statutes (F.S) is to establish consistent minimum requirements, and creates additional powers in local governing bodies, to regulate and control platting of lands. It also includes minimum requirements for platting and does not exclude additional provisions or regulations by local ordinance, laws, or regulations (Attachment #5).

Pursuant to §177 F.S.:

> "*The recording of any plats made in compliance with the provisions of this part shall serve to establish the identity of all lands shown on and being a part of such plats, and land may thenceforth be conveyed by reference to such plat*."

§177.091 F.S. outlines the requirements for plats made for recording. As required, the plat offered for recording has been prepared and signed and sealed by a professional surveyor (§177.061 F.S.). Prior to approval by the county, the plat must be reviewed by the County surveyor and evidence of review must be placed on the plat. Before a plat is offered for recording it must be approved by the appropriate governing body and evidence of such approval must be placed on the plat. Plats to be recorded must also contain an executed dedication by the owner or owners of record (§177.081 F.S.). Due to the expiration of the original preliminary plat and the delay between the time the infrastructure was completed (2009) and the this final plat, the Midway Property Owners Association must execute and record a 'Release, Waiver and Indemnity Agreement' with Gadsden County prior to recording the final plat (Attachment #3).

After the approval, the plat shall be recorded by the circuit court clerk upon submission. The circuit court clerk shall maintain a book of the unfolded plat(s). A print or photographic copy must be filed in a similar book and kept in the clerk's office for use of the public §177.111 F.S.

Public Notice Requirements (Subsection 1304, LDC):

A public hearing notice was mailed to property owners within 1000', an advertisement was placed in the three (3) local papers, and a sign was posted on the site (Sub. 1304).

Procedures (Subsection 7202):

This is a quasi–judicial action in conjunction with the advertised public hearing per Subsections 1303 through 1305 of the LDC. The Planning Commission shall make a recommendation to the Board of County Commissioners based on findings of fact that are available to all parties involved and shall specifically state the reasons for denial of an application or request. The

development order for the site plan may be denied when the proposed development does not comply with all applicable standards of the LDC.

Planning Division Findings Summary:

The Planning Division finds that with conditions, the four (4) sheet final plat set is consistent with the preliminary plat and meets the requirements for a final plat per Subsections 6204 and 6205 of the Land Development Code (LDC).

Options:

1. Recommend that the BOCC approve for signature the Midway Business Park Subdivision Final Plat (SD-2019-01) prepared by Moore Bass Consulting, Inc. with the following conditions:
    a. On the Plat, Name of Subdivision at top of sheet 1 – add "and lying in part within the city limits of Midway, Florida"
    b. On the Plat, Certificate of Approval by PC – change to the form required under Subsection 6204(G) of the LDC and change "Preliminary" to "Final"
    c. On the Plat, Certificate of Approval by BOCC – change to the form required under Subsection 6204(G) of the LDC. The statement that approval of the plat does not constitute or effect an acceptance of the dedication of any area should be added. Since the County is not accepting anything, the language should be modified to state that the County will not accept the dedication of any area.
    d. On the Plat, all of the property owners within the plat boundary need to execute the plat dedication, and any mortgagees need to execute either the plat dedication or a separate joinder. The title opinion letter from First American dated June 20, 2019, the attached representation authorizations indicate that Midway Park, Inc., City of Tallahassee, and Smyrna Ready Mix Concrete, LLC all owned property within the plat boundary at the time of authorization and therefore would all need to execute the plat with Anderson Columbia if that is still the case.
    e. On the Plat, General Note 6 – change "Leon" to "Gadsden"
    f. On the Plat, include the required certification by a licensed engineer that all improvements have been installed in accordance with the provisions of the preliminary plat approval per 6204(F)(4).
    g. Record and provide copies of the executed 'Release, Waiver and Indemnity Agreement' by Midway Business Park Owners, Inc. for the benefit of Gadsden County.
2. Recommend that the BOCC deny the Midway Business Park Subdivision Final Plat (SD-2019-01) prepared by Moore Bass Consulting, Inc. and provided findings.
3. Discretion of the Planning Commission.

Recommendation:

Option #1.

Attachments:

1. Location Map
2. Final Plat & Application w/ Support Documents*
3. 'Release, Waiver and Indemnity Agreement'
4. Midway Business Park Platting Agreement
5. §177 Part I Platting Florida Statutes

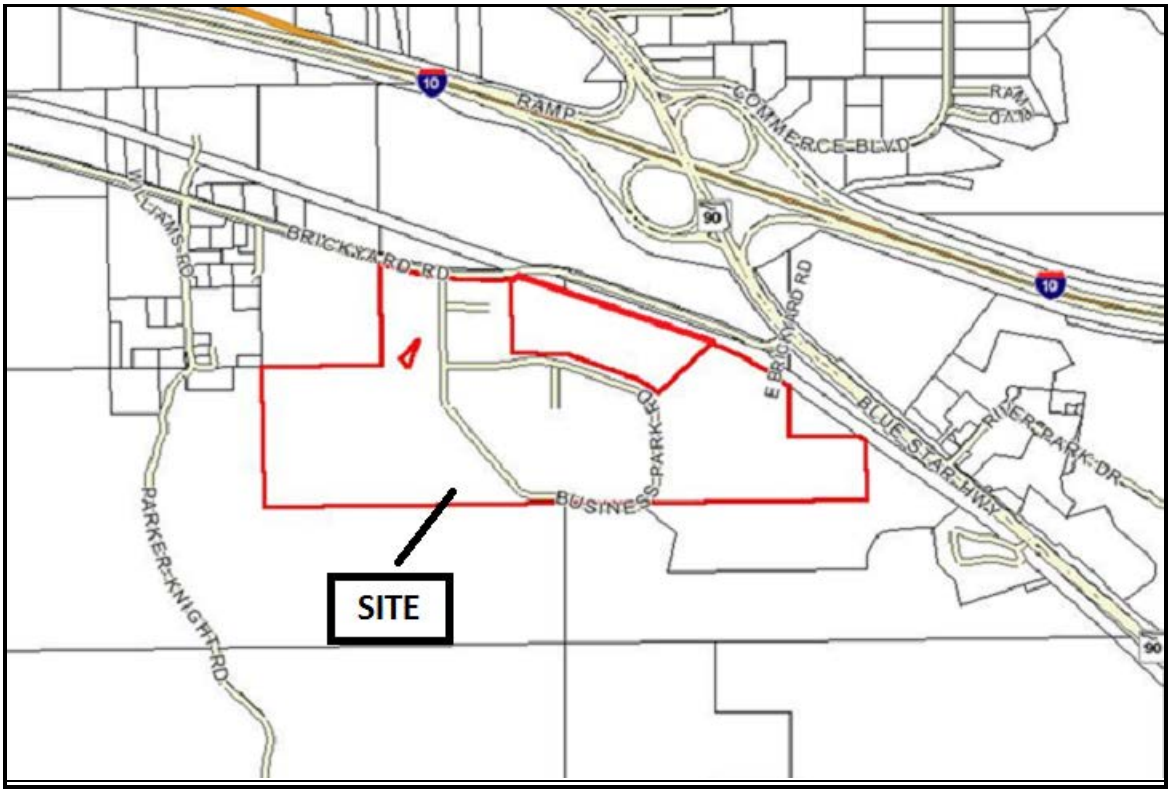
*Due to their length, the 'Title Opinion' prepared by First American Title Insurance Company (File #2061-3819652) and the 'Declaration of Covenants, Conditions, Easements and Restrictions' for Midway Business Park are available for review with the subdivision application file at the Planning Division.

BOARD OF COUNTY COMMISSIONERS
9-B East Jefferson Street / P. O. Box 1799 · Quincy, Florida 32353
OFFICE: (850) 875-8650 · FAX: (850) 875-8655 · www.GadsdenCountyFl.gov

#1

Midway Business Park Final Plat
FP 2019-01
LOCATION MAP

South side of Brickyard Road, west of Blue Star Highway and south of Interstate 10.



Tax Parcel Identification #'s - 4-16-1N-2W-0000-00140-0000,
4-16-1N-2W-0000-00140-0100,
4-15-1N-2W-0000-00233-0000 &
4-15-1N-2W-0000-00233-0200

#2

CARLTON FIELDS

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Darrin Taylor
(850) 425-3398 – Direct
dtaylor@carltonfields.com

July 12, 2019

Jill Jeglie, Senior Planner
Planning and Community Development Department
Gadsden County
Edward J. Butler Governmental Complex
9 East Jefferson Street, 2nd Floor
Quincy, Florida 32351

RE: Midway Business Park – Final Plat Application Submittal

Dear Jill:

Our Firm along with Melvin Engineering and Moore Bass Consulting are representing Anderson Columbia in the filing of the attached Final Plat Application. This application is for the Midway Business Park subdivision which is located at 132 Business Park Road in Midway adjacent the Interstate 10/US 90 interchange. Anderson has already received its preliminary plat development order and subdivision construction plan approvals from the County and is now prepared to file for final plat approval.

The Midway Business Park is a vacant commercial subdivision in the middle of the hot spot for Gadsden County's economic development strategy – the I-10/US 90 interchange. Anderson receives monthly, weekly and sometimes daily calls from businesses seeking to locate on the site. While all roads and utilities have been constructed, no new development can occur on-site until final plat approval from the County.

This Project is different from any other project in Gadsden County for the following reasons:

1. The Midway Business Park is part of the larger Gadsden Station Development of Regional Impact (DRI) which was approved by the County in 1987. This project predates the County's comprehensive plan and its land development regulations. For this reason some of your application requirements were previously addressed through the DRI approval; and

2. All that remains for Anderson to convey lots within this subdivision is the final plat approval. All of the infrastructure within the Midway Business Park was constructed many years ago and is in working condition. Recently Melvin Engineering inspected the infrastructure

Carlton Fields Jorden Burt, P.A.
Carlton Fields Jorden Burt, P.A. practices law in California through Carlton Fields Jorden Burt, LLP.

and certified that the infrastructure in place and it meets the relevant Code requirements for the County.

Since all infrastructure is in place and in good working condition, we are hoping the County's review of this final plat approval can be expedited including any required final infrastructure inspections. This would allow us to market the Project to prospective tenants in the spring of 2019.

Below is a detailed summary of what is included in the attached Final Plat Application:

1. An original mylar plat and the required copies of the plat;
2. The required Property Owner Association documents;
3. A very recently issued title opinion consistent with the Gadsden Land Development Code; and
4. An owner affidavit, required copies application, exhibits and fees.

Based on our pre-application meeting with you there are a number of items listed on the application that we understand do not apply to this project because all of the infrastructure and public utilities were installed and approved many years ago. The attached agreement also addresses this issue. In your review of this application if there is any information that you need to complete your review let us know.

The Midway Business Park has been under-utilized for years. We are hoping the County will be able to expedite this review since all infrastructure is already in place and in good working condition. Gadsden County's economic development staff consider this site one of the prime areas to direct future growth. The faster this final plat can be approved then the faster this vacant commercial subdivision can begin to add tenants. If you have any questions feel free to call me, Darrin Taylor at (850) 425-3398.

Sincerely,

Darrin F. Taylor

#2

Gadsden COUNTY
PLANNING AND COMMUNITY DEVELOPMENT

1-B East Jefferson Street, Post Office Box 1799, Quincy, FL 32353-1799
Phone: (850) 875-8663 Fax: (850) 875-7280
E-mail: planning@gadsdencountyfl.gov Web site: www.gadsdengov.net

APPLICATION FOR FINAL PLAT

This Final Plat application must be completed and submitted with all enclosures (See Subsections 6204 & 6205 of the Gadsden County Land Development Code). The application will then reviewed and referred to the Planning Commission for recommendation and then to the Gadsden County Board of County Commissioners for its review and approval. The Final Plat must be recorded and infrastructure completed and accepted prior to sale of lots.

NAME OF SUBDIVISION: Midway Business Park

PARCEL ID #: See Attached

1. PROPERTY OWNER(Print): Anderson Columbia Co., Inc.
   CONTACT PERSON (If Corporation): Brian Schreiber
   ADDRESS: PO Box 38
   CITY: Old Town STATE: Florida ZIP: 32680
   TELEPHONE: (386) 752-7585 FAX: (386) 965-5777
   E-MAIL ADDRESS: brian@andersoncolumbia.com

2. ENGINEER OF RECORD(Print): See Attached
   ADDRESS:
   CITY: STATE: ZIP:
   TELEPHONE: ( ) FAX: ( )
   E-MAIL ADDRESS:

3. If Owner cannot attend the Planning Commission and/or County Commissioners meetings:
   AUTHORIZED REPRESENTATIVE : Carlton Fields, Moore Bass and Melvin Engineering
   ADDRESS: See Attached
   CITY: STATE: ZIP:
   TELEPHONE: ( ) FAX: ( )
   E-MAIL ADDRESS:

4. DATE OF PRELIMINARY PLAT APPROVAL: October 8, 2018
   Number of lots proposed: 33 Density: N/A
   Ownership & Maintenance Entity of Right-of-Way: Dedicated to property owners
   Ownership & Maintenance Entity of Stormwater Facilities: Dedicated to property owners
   Ownership & Maintenance Entity of Open Space & Common Areas: Dedicated to property owners

5. The following items are needed to complete this application for review:

   a. X Application Fee $500.00. Please submit fee in cash, check or money order made payable to the Gadsden County Board of County Commissioners (BOCC). (Additional, Engineer/Survey Review Fee per page).

b. X Two copies of this application with supplemental material and four (4) 24" by 26" copies of the final subdivision plat which fully comply with all requirements of Chapter 177.091, F.S., containing standard notes as required by Sub. 6204.F of the Land Development Code and Chapter 177.091, Florida Statutes and the signature and seal of a Florida Licensed Surveyor; and, eleven (13) 11" by 17" copies of the plat for distribution to the Board.

c. X Title Opinion, deed or other relevant demonstration of ownership containing a legal description of the parent parcel.

d. X Copy of the Development Order with noted stipulations applied to the Preliminary Plat approved by the County Commission.

e. X Two copies of this application.

f. X Affidavit to Represent, if applicable.

g. N/A As-built drawings (if improvements are completed).

h. N/A Joinders in Dedication (if land is mortgaged) or Release of Mortgage.

i. N/A Executed stormwater maintenance agreement, if applicable. (Please check with the Planning & Community Development Department).

j. X Homeowner's Association documents finalized pursuant to Ch. 720, F.S.: corporate Charter and Articles of Incorporation (marked "FILED" by the Secretary of State) and recorded in the office of the Gadsden County Clerk of Court; Bylaws; and Declaration of Covenants, Conditions and Restrictions to include maintenance of common areas, roadways, right-of-ways, buffers and stormwater retention areas.

k. X Instruments indicating all necessary off-site easements or dedications acquired.

l.. X Title Opinion by an attorney licensed in Florida or a title insurance company submitted prior to County Commission hearing (title Opinion must be no less than 90 days old at time of plat recording) per Subsection 6010.

m. N/A A maintenance bond equal to 110% of the construction cost and signed bond loan agreement per Subsection 6204.B, if applicable.

n. X Tax receipts.

o. N/A Water and/or Sewer Utility Agreement (copy acceptable), if applicable.

p. N/A Verification of final completion of applicable NWFWMD permits.

q. N/A Gadsden County 911 Street Name Approval.

r. X Executed Deeds conveying right-of-way, conservation or common areas to the Homeowners Association or other entities.

s. N/A Other documentation (i.e. Traffic Signalization Agreement, Sidewalk/Bikeways Trust Fund Payment, if applicable, Wall/Landscape Agreement, Bill of Sale of Utilities, Special Easements, etc.) as listed.

t. N/A A maintenance bond equal to 110% of the construction cost and signed bond loan agreement per Subsection 6204.B.

_____ I AM THE OWNER,

X I AM THE LEGAL REPRESENTATIVE OF THE OWNER (Attach Authorization to Represent) of the property described which is the subject matter of this application. Under penalties of perjury, I declare that I have read said application and all drawings and data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief. I understand that by signing this document, I am giving the County or agent thereof the authority to duplicate, disseminate, and reproduce any and all items submitted as part of this request, whether copyrighted or not.

SIGNATURE OF APPLICANT _____ DATE 7/12/19

The foregoing instrument was acknowledged before me this 12 day of July 20 19, by Darrin Taylor who is personally known to me, or has produced _____ as identification and who did (did not) take an oath.

Signature of Notary: Susan Cartwright

Print Notary: Susan Cartwright

SEAL:

SUSAN CARTWRIGHT
Notary Public - State of Florida
Commission # GG 278192
My Comm. Expires Feb 1, 2023
Bonded through National Notary Assn.

MIDWAY BUSINESS PARK
PARCEL ID NUMBERS

4-15-1N-2W-0000-00233-0000

4-16-1N-2w-0000-00140-0000

4-16-1N-2W-0000-00140-0100

4-15-1N-2W-0000-00233-0200

4-15-1N-2W-0000-00300-0000

MIDWAY BUSINESS PARK

ENGINEER OF RECORD

Melvin Engineering
2541-1 Barrington Circle
Tallahassee FL 32308

AUTHORIZED REPRESENTATIVES

Darrin Taylor, Carlton Fields
215 S. Monroe Street, Suite 500
Tallahassee, FL 32301
(850) 425-3398
dtaylor@carltonfields.com

Moore Bass Consulting, Inc.
805 N. Gadsden Street
Tallahassee, FL 32303
(850) 222-5678
ebass@moorebass.com

Sean Martin, Melvin Engineering
2541-1 Barrington Circle
Tallahassee FL 32308
(850) 671-7221
seanmartin@melvineng.com

GADSDEN COUNTY
AUTHORIZATION TO REPRESENT

If the applicant is not the property owner an 'Authorization to Represent' is required.

This letter serves as notice that on this date: March 23, 20 18

I/We, City of Tallahassee
(Print name of property owner(s) and/or entity & authorized representative)

Hereby give authorization to,

Moore Bass Consulting, Inc.
(Print name of authorized representative or entity. Print the name of all individuals representing the entity)

805 North Gadsden Street, Tallahassee, FL 32303
Address *City* *Zip Code*

(850) 222-3367 ebass@moorebass.com
Telephone number *E-mail Address*

To apply for an Preliminary and Final Plat application and all necessary permits as part of the Gadsden County, Florida review process from the Gadsden County Building & Planning & Department for the property described below:

(Parcel identification number) *(E911 address)*

as agent for City of Tallahassee

Judith A. Donahoe, as agent for the City of Tallahassee

(Signature of property owner or entity & representative) *(Print name of property owner and/or entity)*

STATE OF FLORIDA, COUNTY OF GADSDEN

Sworn to and subscribed before me this 23rd day of March, 20 18, who is

Personally Known ✓ or Produced Identification _____

Robert B. Culverhouse

(Signature of Notary of Public – State of Florida) *(Name of notary – typed, printed or stamped)*

Notary Seal

ROBERT B CULVERHOUSE
MY COMMISSION # GG054611
EXPIRES February 03, 2021

GADSDEN COUNTY
AUTHORIZATION TO REPRESENT

If the applicant is not the property owner an 'Authorization to Represent' is required.

This letter serves as notice that on this date: March 9th, 2018

I/We, SMYRNA READY MIX CONCRETE, LLC
(Print name of property owner(s) and/or entity & authorized representative)

Hereby give authorization to,

MOORE BASS CONSULTING INC
(Print name of authorized representative or entity. Print the name of all individuals representing the entity)

805 NORTH GADSDEN ST. TALLAHASSEE FL 32303
Address *City* *Zip Code*

850 222-3367 ebass@moorebass.com
Telephone number *E-mail Address*

To apply for an PRELIMINARY AND FINAL PLAT application and all necessary permits as part of the Gadsden County, Florida review process from the Gadsden County Building & Planning & Department for the property described below:

4-15-1N-2W-0000-00233-0200 1800 BRICKYARD ROAD EAST
(Parcel Identification number) *(E911 address)*

x *(Signature of property owner or entity & representative)* Jeff Hollingshead *(Print name of property owner and/or entity)*

STATE OF FLORIDA, COUNTY OF GADSDEN

Sworn to and subscribed before me this 14 day of March, 2018, who is

Personally Known ✓ or Produced Identification _____

Cynthia L. Dutton *(Signature of Notary of Public – State of Florida)* Cynthia L. Dutton *(Name of notary – typed, printed or stamped)*

Notary Seal

CYNTHIA L. DUTTON
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

GADSDEN COUNTY
AUTHORIZATION TO REPRESENT

If the applicant is not the property owner an 'Authorization to Represent' is required.

This letter serves as notice that on this date: MARCH 9th, 2018

I/We, ANDERSON COLUMBIA CO. INC
(Print name of property owner(s) and/or entity & authorized representative)

Hereby give authorization to,

MOORE BASS CONSULTING INC
(Print name of authorized representative or entity. Print the name of all individuals representing the entity)

805 NORTH GADSDEN ST TALLAHASSEE, FL 32303
Address *City* *Zip Code*

850 222 3367 ebass@moorebass.com
Telephone number *E-mail Address*

To apply for an PRELIMINARY AND FINAL PLAT application and all necessary permits as part of the Gadsden County, Florida review process from the Gadsden County Building & Planning & Department for the property described below:

4-16-1N-2W-0000-0140-0000, 4-15-1N-2W-0000-00233-0000 780 BUSINESS PARK ROAD
(Parcel identification number) *(E911 address)*

VICE PRESIDENT BRIAN P SCHREIBER/VP/ANDERSON COLUMBIA CO, INC
(Signature of property owner or entity & representative) *(Print name of property owner and/or entity)*

STATE OF FLORIDA, COUNTY OF GADSDEN

Sworn to and subscribed before me this 9th day of March, 2018, who is

Personally Known ✓ or Produced Identification _____

Janice E. Kerce Janice E. Kerce
(Signature of Notary of Public – State of Florida) *(Name of notary – typed, printed or stamped)*

Notary Seal

NOTARY PUBLIC STATE OF FLORIDA
JANICE E KERCE
COMMISSION # FF 939645
EXPIRES Dec. 10, 2019
BONDED THROUGH
RLI INSURANCE COMPANY

GADSDEN COUNTY
AUTHORIZATION TO REPRESENT

If the applicant is not the property owner an 'Authorization to Represent' is required.

This letter serves as notice that on this date: March 7, 20 18

I/We, James A. Stiles, III, President, Midway Park, INC
(Print name of property owner(s) and/or entity & authorized representative)

Hereby give authorization to,

Moore Bass Consulting, Inc.
(Print name of authorized representative or entity. Print the name of all individuals representing the entity)

805 N. Gadsden Street — Tallahassee, FL 32303
Address — *City* — *Zip Code*

850-222-3367 — ebass@moorebass.com
Telephone number — *E-mail Address*

To apply for an Preliminary and Final Plat application and all necessary permits as part of the Gadsden County, Florida review process from the Gadsden County Building & Planning & Department for the property described below:

(Parcel identification number) — *(E911 address)*

X *(Signature of property owner or entity & representative)*

Midway Park, INC, James A. Stiles III, President
(Print name of property owner and/or entity)

STATE OF FLORIDA, COUNTY OF GADSDEN

Sworn to and subscribed before me this 7th day of March, 20 18, who is

Personally Known ✓ or Produced Identification NA

(Signature of Notary of Public – State of Florida)

Guyte P. McCord III
(Name of notary – typed, printed or stamped)

Notary Seal

GUYTE P. MCCORD III
Notary Public - State of Florida
Commission # GG 036114
My Comm. Expires Oct 5, 2020
Bonded through National Notary Assn.

GUYTE P. MCCORD III
Notary Public - State of Florida
Commission # GG 036114
My Comm. Expires Oct 5, 2020
Bonded through National Notary Assn.

#2

JOINDER OF WRITTEN CONSENT

Midway Park, Inc., as owner of the property identified in Exhibit 2 of the Midway Business Park Platting Agreement Between Gadsden County and the City of Midway ("Agreement"), which property comprises approximately 1.43 acres that is a portion of the loop road which is located within the jurisdiction of Midway, hereby joins in the execution of the Agreement for the purpose of providing its consent to the Agreement and to the platting of its property by Gadsden County. Midway Park, Inc. represents and warrants that it is the owner of the property; that it has the right and authority to join in the execution of the Agreement and to authorize the platting of its property; and that the joinder in the execution of the Agreement has been duly authorized by all necessary company action and does not contravene the company's governing documents or any law, rule, regulation, agreement, indenture, deed of trust, mortgage, loan agreement, writ, judgment, injunction, decree or other instrument or order binding on the company. Midway Park, Inc. further agrees to comply with and be bound by the terms of the Agreement and all applicable laws and regulations of Gadsden County and the State of Florida.

IN WITNESS WHEREOF, Midway Park, Inc. hereby joins in the execution of the Midway Business Park Platting Agreement Between Gadsden County and the City of Midway, effective as of, though not necessarily executed on, the date first written above.

MIDWAY PARK, INC., a Florida corporation

Beverly B. McCord
Witness Signature

Beverly B. McCord
Printed Name

Guy A McCord III
Witness Signature

Guyte McCord III
Printed Name

By: James A. Stiles
Name: JAMES A. STILES
Title: PRESIDENT

STATE OF FLORIDA
COUNTY OF Leon

The foregoing was acknowledged before me this 19th day of April, 2018, by JAMES A. STILES, as PRESIDENT of MIDWAY PARK, INC., on behalf of the company. Such person: (✓) is personally known to me; ( ) produced a current driver's license as identification; or ( ) produced N/A as identification.

Guy A McCord III
(Signature of Notary Public)

Guyte McCord III
(Typed or Printed Name of Notary Public)

(Notarial Seal)

GUYTE P. MCCORD III
Notary Public - State of Florida
Commission # GG 036114
My Comm. Expires Oct 5, 2020
Bonded through National Notary Assn.

DAVID H. MELVIN, INC.
Consulting Engineers

April 10, 2018

Attn: Ms. Jill Jeglie, Planner
Gadsden County Board of County Commissioners
9-B East Jefferson Street
Quincy, FL 32353

RE: Anderson Columbia - Gadsden Station Midway Business Park Subdivision

Dear Ms. Jeglie;

On April 4, 2018, Melvin Engineering staff inspected the Midway Business Park. The roads within the park were constructed in 2003. The roads and drainage systems all appear in good condition. Some traffic markings and signage are not present.

We hereby certify the subdivision roads and drainage system have been constructed in substantial accordance with the construction plans and specifications as prepared by our firm.

Please do not hesitate to contact me with any questions or if additional information is needed, 850-718-4201 or davidmelvin@melvineng.com.

Sincerely,

David H. Melvin, P.E. #38734
President

DAVID H. MELVIN
LICENSE
No. 38734
STATE OF
FLORIDA
PROFESSIONAL ENGINEER

Reply To: ☑ 4428 Lafayette Street • P. O. Box 840 • Marianna, Florida 32447 • (850) 482-3045
☐ 2541-1 Barrington Circle • Tallahassee, Florida 32308 • (850) 671-7221
www.melvineng.com • info@melvineng.com

PLAT BOOK ______ PAGE ______

Joinders in Dedication		
Name	Date	O.R./Pg.

MIDWAY BUSINESS PARK

A SUBDIVISION OF A PART OF SECTIONS 15 AND 16, TOWNSHIP 1 NORTH, RANGE 2 WEST, GADSDEN COUNTY, FLORIDA
AND LYING WITHIN THE CITY LIMITS OF MIDWAY, FLORIDA

DEDICATION

STATE OF FLORIDA
COUNTY OF GADSDEN

KNOW ALL PERSONS BY THESE PRESENTS THAT ANDERSON COLUMBIA CO., INC. (A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF FLORIDA), THE OWNER(S) FEE SIMPLE OF THE LAND SHOWN HEREON PLATTED AS MIDWAY BUSINESS PARK, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

A portion land of Sections 15 and 16, Township 1 North, Range 2 West, Gadsden County, Florida, being more particularly described as follows

COMMENCE at a concrete monument (#2400) marking the Southwest corner of said Section 15, thence N 01° 04' 43" W along the West line of said Section 15, 1309.65 feet to a concrete monument (#0349) marking the Southeast corner of the North Half of the Southeast Quarter of said Section 16 and the POINT OF BEGINNING. From said POINT OF BEGINNING thence S 89° 27' 35" W, 1321.24 feet to a concrete monument (#0340), thence S 89° 27' 33" W, 1321.26 feet to a concrete monument (#0340) lying on the West line of the Southeast Quarter of said Section 16, thence N 01° 12' 15" W along said West line, 1305.92 feet to a concrete monument (#0340) lying on the North line of said Southeast Quarter of Section 16, thence N 89° 23' 13" E along said North line, 1364.37 feet to a ¾" iron rod and cap (LB3155), thence N 01° 02' 34" W, 825.19 feet to a ¾" iron rod marking the Southerly Right-of-Way boundary of Brickyard Road, thence S 81° 05' 23" E along said Southerly Right-of-Way boundary, 37.27 feet to a ¾" iron rod marking said Southerly Right-of-Way boundary of Brickyard Road and also lying on a curve concave Northeasterly, having a radius of 2879.78 feet, thence Southeasterly along said curved Right-of-Way through a central angle of 25° 03' 22" for an arc length of 1259.36 feet (Chord S 84° 45' 26" E, 1249.35 feet) to an iron rod marking the Southwesterly Right-of-Way boundary of CSX Railroad, thence along said Southwesterly Right-of-Way boundary the following three courses: S 69° 41' 55" E, 1759.50 feet to a ¾" iron rod lying on a curve concave Southwesterly, having a radius of 2300.35 feet, thence Southeasterly along said curved Right-of-Way boundary through a central angle of 16° 01' 31" for an arc length of 559.30 feet (Chord S 61° 37' 06" E, 557.48 feet) to a ¾" iron rod, thence S 53° 40' 11" E, 237.73 feet to a 5/8" iron rod and cap (LB 6745), thence leaving said Southwesterly Right-of-Way boundary of CSX Railroad, S 00° 05' 57" E, 466.06 feet to a concrete monument ("S J P C"), thence N 69° 32' 49" E, 626.15 feet to a 5/8" iron rod and cap (LB 6745) lying on said Southwesterly Right-of-Way boundary of CSX Railroad, thence S 53° 40' 18" E along said Southwesterly Railroad Right-of-Way, 57.60 feet to a ¾" iron rod, thence leaving said Southwesterly Railroad Right-of-Way, S 00° 28' 29" E, 563.85 feet to a ¾" iron rod, thence S 89° 26' 46" W, 1668.50 feet to a 5/8" iron rod and cap ("PSM 5557") lying on a curve concave Northwesterly, having a radius of 292.00 feet, thence Southwesterly along said curve through a central angle of 51° 09' 44" for an arc length of 260.74 feet (Chord S 64° 32' 41" W, 252.16 feet) to a 5/8" iron rod and cap ("PSM 5557"), thence N 89° 54' 27" W, 263.90 feet to a 5/8" iron rod and cap ("PSM 5557") lying on a curve to the right, having a radius of 352.00 feet, thence Northwesterly along said curve through a central angle of 28° 02' 49" for an arc length of 172.31 feet (Chord N 75° 53' 02" W, 170.59 feet) to a 5/8" iron rod and cap ("PSM 5557"), thence N 61° 51' 38" W, 78.09 feet to a 5/8" iron rod and cap ("PSM 5557") lying on a curve concave Southwesterly, having a radius of 236.00 feet, thence Northwesterly along said curve through a central angle of 15° 10' 34" for an arc length of 62.51 feet (Chord N 69° 15' 37" W, 62.33 feet) to the POINT OF BEGINNING.
Containing 191.29 acres, more or less

SUBJECT TO Covenants and Restrictions as recorded in O.R. Book 848, page 1844 of the public records of Gadsden County, Florida

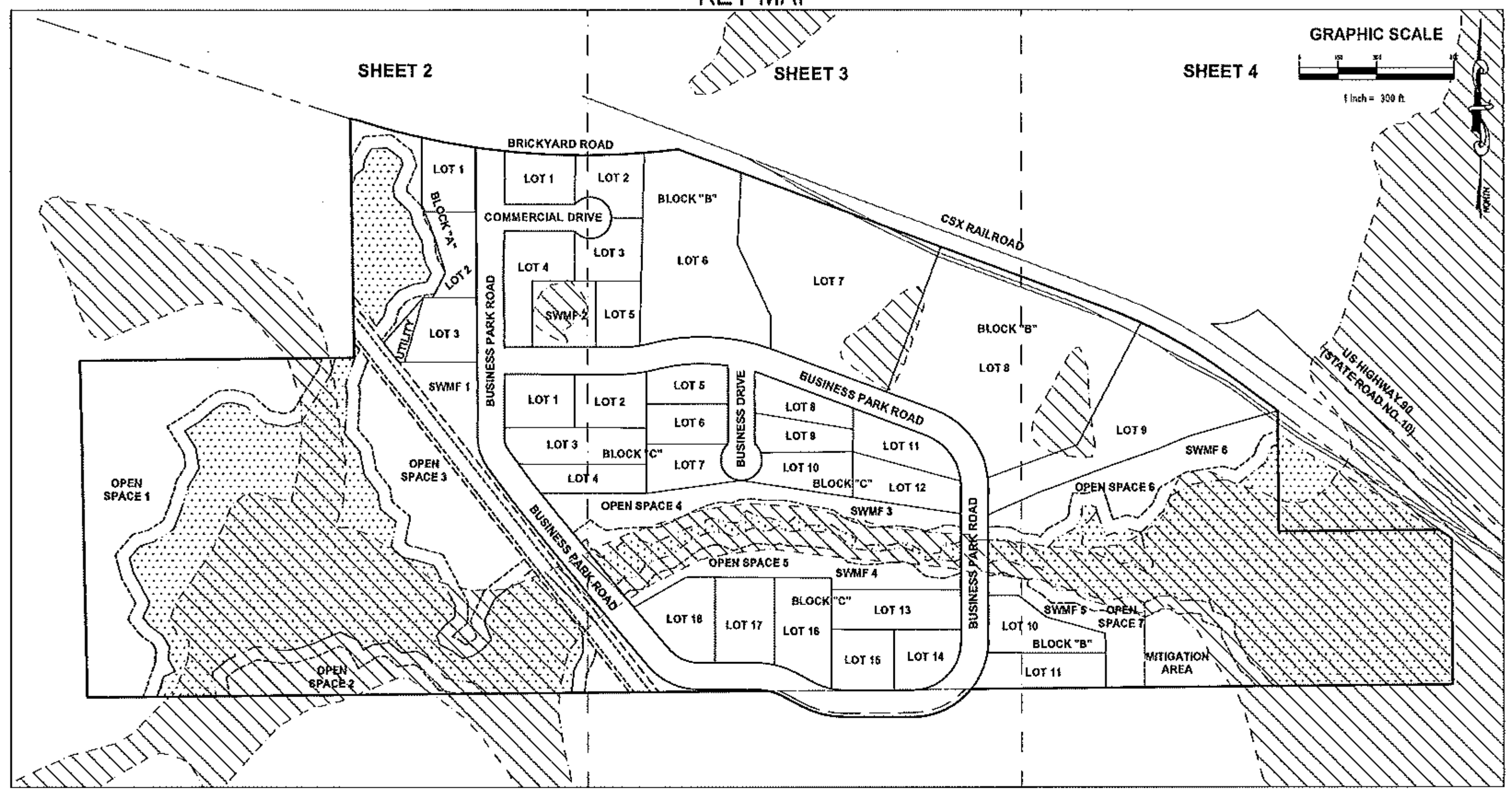
HAVING CAUSED SAID LAND TO BE DIVIDED AND SUBDIVIDED AS SHOWN HEREON, AND DO HEREBY DEDICATE TO THE PERPETUAL USE OF THE PUBLIC, EASEMENTS FOR UTILITIES, CABLE TELEVISION SERVICES AND OTHER PURPOSES INCIDENT THEREOF AS SHOWN AND DEPICTED HEREON. THE REVERSION OR REVERSIONS RESERVING HOWEVER, THERE OF SHOULD THE SAME BE RENOUNCED, DISCLAIMED, ABANDONED, OR THE USE THEREOF DISCONTINUED AS PRESCRIBED BY LAW BY APPROPRIATE OFFICIAL ACTION BY THE PROPER OFFICIAL HAVING CHARGE OR JURISDICTION THEREOF

THIS THE ______ DAY OF ______ A.D. 2019

______ SIGNATURE ______ WITNESS SIGNATURE

______ SIGNATURE ______ WITNESS SIGNATURE

KEY MAP



GENERAL NOTES:

1. DATE OF BOUNDARY SURVEY SEPTEMBER 19, 2017
2. BEARINGS ARE BASED ON A BEARING OF NORTH 00 DEGREES 05 MINUTES 57 SECONDS WEST AND IS THE NORTHERN MOST EAST LINE OF THE PARCEL RECORDED IN O.R. BOOK 330, PAGE 1771 & 1772, OF THE PUBLIC RECORDS OF GADSDEN COUNTY, FLORIDA
3. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF GADSDEN COUNTY, FLORIDA
4. TITLE OPINION LETTER FROM FIRST AMERICAN TITLE INSURANCE COMPANY, DATED JUNE 20, 2019
5. ALL PERMANENT CONTROL POINTS AND PERMANENT CONTROL MONUMENTS ARE MARKED AS SHOWN UNLESS OTHERWISE NOTED ON PLAT
6. LOTS SHALL NOT BE DIVIDED OR SUBDIVIDED WITHOUT COMPLYING WITH THE PLATTING PROCESS PURSUANT TO CHAPTER 177, FLORIDA STATUTES AND THE LEON COUNTY SUBDIVISION REGULATIONS
7. THE CONSTRUCTION OF PERMANENT STRUCTURES, EXCLUDING DRIVEWAYS, IS PROHIBITED WITHIN DRAINAGE AND UTILITY EASEMENTS
8. FIXED IMPROVEMENTS ON THIS PROPERTY HAVE NOT BEEN LOCATED
9. SECTION 177.091 (28) ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES, PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION
10. ALL UTILITY EASEMENTS ARE ALSO FOR USE BY CABLE TELEVISION SERVICES, AS PROVIDED FOR IN CHAPTER 177.09(28) OF THE FLORIDA STATUTES
11. THERE IS A 10' WIDE TALQUIN ELECTRIC COOPERATIVE, INC. UTILITY EASEMENT ADJACENT AND PARALLEL TO ALL ROAD RIGHT OF WAYS AND WITHIN THE OPEN SPACES AND STORMWATER MANAGEMENT AREAS BETWEEN LOTS, TO KEEP VEGETATION, TREE LIMBS CLEAR OF THE OVERHEAD ELECTRICAL DISTRIBUTION LINES WITHIN THE ROAD RIGHT OF WAYS NEXT TO THESE PROPERTIES
12. "UTILITY" LOT SHOWN HEREON BEING OWNED AND MAINTAINED BY CITY OF TALLAHASSEE FOR PURPOSE OF A GAS GATE STATION, AND IS NOT A DEVELOPABLE LOT WITHIN THE PLAT SHOWN HEREON

STANDARD ABBREVIATIONS

####	PROFESSIONAL LAND SURVEY CERTIFICATE
ACOE	ARMY CORPS OF ENGINEERS
CL	CENTERLINE
CH	CHORD BEARING AND DISTANCE
C.O.T.	CITY OF TALLAHASSEE
Δ=	DELTA OR CENTRAL ANGLE
E	EAST
FCM	FOUND 4"x4" CONCRETE MONUMENT
FDEP	FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FIP	FOUND IRON PIPE (AS LABELED)
FIR	FOUND IRON ROD (AS LABELED)
FIRC	FOUND IRON ROD W/ CAP (AS LABELED)
FNC	FOUND NAIL IN CAP (AS LABELED)
FND	FOUND
FPIP	FOUND PINCHED IRON PIPE (AS LABELED)
GPS	GLOBAL POSITIONING SYSTEM
H.O.A.	PRESERVE AT BUCK LAKE OWNERS ASSOCIATION, INC
I.D.	IDENTIFICATION
L=	ARC LENGTH
N	NORTH
O.R./PG.	OFFICIAL RECORDS BOOK AND PAGE
P.B./PG.	PLAT BOOK AND PAGE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
PCP	PERMANENT CONTROL POINT
PRM	PERMANENT REFERENCE MONUMENT
R.	RANGE
R=	RADIUS
R/W	RIGHT-OF-WAY
S	SOUTH
SCM	SET 4"x4" CONCRETE MONUMENT LB#7245
SEC	SECTION
SIRC	SET 1/2" IRON ROD W/ CAP LB#7245
SNC	SET NAIL IN 1" CAP LB#7245
SWMF	STORMWATER MANAGEMENT FACILITY
T.	TOWNSHIP
W	WEST
°	DEGREES
'	MINUTES/FEET
"	SECONDS/INCHES

CERTIFICATION OF APPROVAL BY THE GADSDEN COUNTY PLANNING AND COMMISSION

THIS PLAT CONFORMS TO PRELIMINARY PLAT APPROVAL PROVISIONS MADE BY THE GADSDEN COUNTY PLANNING AND COMMISSION ON THE ______ DAY OF ______ 2019, AND TO THE PROVISIONS OF THE SUBDIVISION REGULATIONS FOR GADSDEN COUNTY, FLORIDA

______ CHAIRMAN ______ COUNTY ENGINEER

CERTIFICATE OF APPROVAL BY THE GADSDEN BOARD OF COUNTY COMMISSIONERS

APPROVED BY THE GADSDEN BOARD OF COUNTY COMMISSIONERS THIS ______ DAY OF ______, 2019

______ CHAIRMAN ______ COUNTY ENGINEER

______ COUNTY HEALTH OFFICER

CERTIFICATE OF CLERK

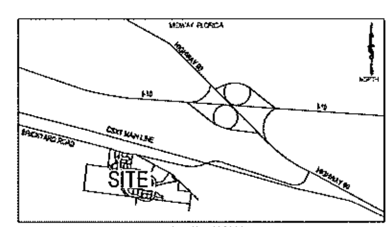
ACCEPTED FOR FILES AND RECORDS THIS ______ DAY OF ______, 2019, IN PLAT BOOK ______, PAGE ______, OF THE PUBLIC RECORDS GADSDEN COUNTY, FLORIDA

______ CLERK OF THE CIRCUIT COURT
GADSDEN COUNTY, FLORIDA

PLAT REVIEW APPROVAL

AS PER FLORIDA STATUTE CHAPTER 177.081, I HAVE REVIEWED THIS SUBDIVISION PLAT AND FOUND IT TO BE IN SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS STATED IN CHAPTER 177 OF THE FLORIDA STATUES

______ REVIEWING SURVEYOR ______ DATE



VICINITY MAP
NOT TO SCALE

ANDERSON COLUMBIA CO., INC.
a Florida limited liability corporation

By ______ Brian Schreiber, Secretary ______ WITNESS (PRINT NAME) ______ WITNESS (PRINT NAME)

ACKNOWLEDGMENT:

STATE OF FLORIDA
COUNTY OF GADSDEN

BEFORE ME THIS DAY, PERSONALLY APPEARED BRIAN SCHREIBER, AS SECRETARY OF ANDERSON COLUMBIA CO., INC. A FLORIDA CORPORATION, AND HAS ACKNOWLEDGED THAT HE EXECUTED THE FOREGOING DEDICATION FREELY AND VOLUNTARILY FOR THE PURPOSES THEREIN STATED, THIS ______ DAY OF ______, 2019, A.D. HE IS PERSONALLY KNOWN TO ME OR HAS PRODUCED ______ AS IDENTIFICATION AND DID (DID NOT) TAKE AN OATH

______ NOTARY PUBLIC, STATE OF FLORIDA ______ MY COMMISSION EXPIRES

SYMBOL LEGEND

- FOUND IRON ROD (AS LABELED)
- FOUND IRON PIPE
- FOUND CONCRETE MONUMENT (AS LABELED)
- SET 5/8" IRON ROD W/ CAP STAMPED "PSM 5557"
- SET 5/8" IRON ROD W/ CAP STAMPED "P.R.M. LB 6805"
- SET METAL CAP WITH PK-NAIL (PERMANENT CONTROL POINT)

MONUMENT LEGEND

- ALL PERMANENT REFERENCE MONUMENTS ARE MARKED WITH A 5/8" IRON ROD HAVING A PLASTIC CAP AS SHOWN UNLESS NOTED OTHERWISE
- ALL PERMANENT CONTROL POINTS ARE MARKED WITH A NAIL HAVING A METAL CAP AS SHOWN, UNLESS NOTED OTHERWISE
- ALL INTERIOR CORNERS ARE MARKED WITH A 5/8" IRON ROD HAVING A PLASTIC CAP AS SHOWN, UNLESS NOTED OTHERWISE

NOTICE:

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

HATCH LEGEND:

- OPEN SPACE, DEDICATED TO, OWNED AND MAINTAINED BY THE MIDWAY BUSINESS PARK PROPERTY OWNERS ASSOCIATION (POA)
- WETLANDS AS DELINEATED BY FLORIDA ENVIRONMENTAL AND LAND SERVICES (FELS) DEDICATED TO POA, REMAINED IN CONSERVATION
- APPROXIMATE FLOOD ZONE AS SCALED FROM FLOOD INSURANCE RATE MAP NO. 12039C 0351 C, DATED FEBRUARY 4, 2009

SYMBOL LEGEND

- FOUND NAIL AND CAP AS LABELED
- FOUND IRON ROD AS LABELED
- FOUND 4x4 CONCRETE MONUMENT AS LABELED
- SET PRM (PERMANENT REFERENCE MONUMENT) 4"x4" CONCRETE MONUMENT (#5557)
- SET PCP (PERMANENT CONTROL POINT) NAIL & CAP (#5557)
- SET 5/8" IRON ROD W/CAP (#5557)

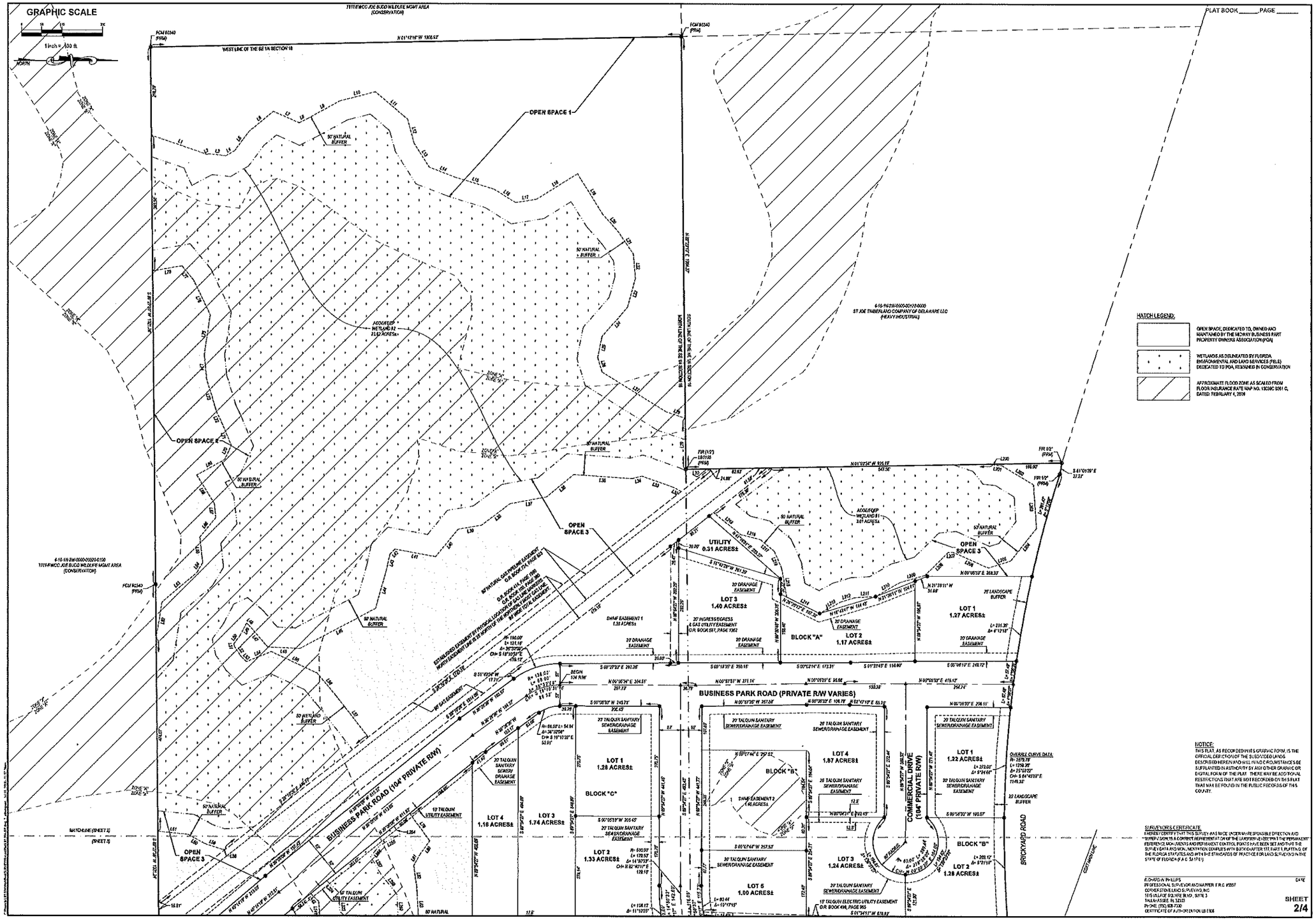
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION, IS A CORRECT REPRESENTATION OF THE LAND SURVEYED, THAT THE PERMANENT REFERENCE MONUMENTS AND PERMANENT CONTROL POINTS HAVE BEEN SET AND THAT THE SURVEY DATA AND MONUMENTATION COMPLIES WITH BOTH CHAPTER 177, PART 1, PLATTING, OF THE FLORIDA STATUTES AND WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF FLORIDA (F.A.C. 5J-17.01)

______ DATE
RICHARD W. PHILLIPS
PROFESSIONAL SURVEYOR AND MAPPER F.R.C. #5557
CORNERSTONE LAND SURVEYING, INC.
1615 VILLAGE SQUARE BLVD., SUITE 3
TALLAHASSEE, FL 32303
PHONE: (850) 668-7133
CERTIFICATE OF AUTHORIZATION LB 6808

SHEET
1/4

#2


GRAPHIC SCALE
1 inch = 100 ft.
NORTH
PLAT BOOK ____ PAGE ____
WEST LINE OF THE SE 1/4 SECTION 18
OPEN SPACE 1
OPEN SPACE 2
OPEN SPACE 3
50' NATURAL BUFFER
ACCDEFGEP WETLAND 32 2.52 ACRES±
ACCDEFGEP WETLAND 31 3.01 ACRES±
ST JOE TIMBERLAND COMPANY OF DELAWARE LLC (HEAVY INDUSTRIAL)
UTILITY 0.31 ACRES±
LOT 3 1.40 ACRES±
LOT 2 1.17 ACRES±
BLOCK "A"
LOT 1 1.27 ACRES±
BUSINESS PARK ROAD (PRIVATE R/W VARIES)
BUSINESS PARK ROAD (104' PRIVATE R/W)
LOT 1 1.28 ACRES±
BLOCK "C"
LOT 4 1.16 ACRES±
LOT 3 1.74 ACRES±
LOT 2 1.33 ACRES±
LOT 4 1.87 ACRES±
BLOCK "B"
LOT 3 1.24 ACRES±
LOT 5 1.00 ACRES±
LOT 1 1.22 ACRES±
LOT 2 1.28 ACRES±
COMMERCIAL DRIVE (104' PRIVATE R/W)
BRICKYARD ROAD
HATCH LEGEND:
OPEN SPACE, DEDICATED TO, OWNED AND MAINTAINED BY THE MIDWAY BUSINESS PARK PROPERTY OWNERS ASSOCIATION (POA)
WETLANDS AS DELINEATED BY FLORIDA ENVIRONMENTAL AND LAND SERVICES (FELS) DEDICATED TO POA, REMAINED IN CONSERVATION
APPROXIMATE FLOOD ZONE AS SCALED FROM FLOOD INSURANCE RATE MAP NO. 12039C 0061 G, DATED FEBRUARY 4, 2009
NOTICE:
THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN ALL CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION IS A CORRECT REPRESENTATION OF THE LAND SHOWN HEREON THAT THE PERMANENT REFERENCE MONUMENTS AND PERMANENT CONTROL POINTS HAVE BEEN SET AND THAT THE SURVEY DATA AND MONUMENTATION COMPLIES WITH BOOK CHAPTER 177, PART I, PLATTING, OF THE FLORIDA STATUTES AND WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF FLORIDA (F.A.C. 5J-17.051)
RICHARD W. PHILLIPS
PROFESSIONAL SURVEYOR AND MAPPER P.R.C. #2057
CORNERSTONE LAND SURVEYING, INC
1015 VILLAGE SQUARE BLVD., SUITE 3
TALLAHASSEE, FL 32312
PHONE: (850) 878-7100
CERTIFICATE OF AUTHORIZATION LB 8368
DATE
SHEET 2/4

#2

PLAT BOOK _____ PAGE _____

GRAPHIC SCALE

1 inch = 100 ft.

BUSINESS PARK ROAD (104' PRIVATE R/W)

BUSINESS DRIVE (104' PRIVATE R/W)

COMMERCIAL DRIVE (104' PRIVATE R/W)

BRICKYARD ROAD

CSXT MAIN LINE

OPEN SPACE 3

OPEN SPACE 4

OPEN SPACE 5

OPEN SPACE 6

OPEN SPACE 7

LOT 1 1.28 ACRES±

LOT 2 1.28 ACRES±

LOT 3 1.24 ACRES±

LOT 4 1.16 ACRES±

LOT 5 1.00 ACRES±

LOT 6 6.78 ACRES±

LOT 7 9.30 ACRES±

LOT 8 11.62 ACRES±

LOT 9 6.09 ACRES±

LOT 10 1.24 ACRES±

LOT 11 1.34 ACRES±

LOT 12 1.46 ACRES±

LOT 13 1.79 ACRES±

LOT 14 1.21 ACRES±

LOT 15 1.33 ACRES±

LOT 16 1.93 ACRES±

LOT 17 1.77 ACRES±

LOT 18 1.55 ACRES±

LOT 11 1.52 ACRES±

LOT 10 1.62 ACRES±

BLOCK "A"

BLOCK "B"

BLOCK "C"

HATCH LEGEND:

- OPEN SPACE, DEDICATED TO, OWNED AND MAINTAINED BY THE MIDWAY BUSINESS PARK PROPERTY OWNERS ASSOCIATION (POA)
- WETLANDS AS DELINEATED BY FLORIDA ENVIRONMENTAL AND LAND SERVICES (FELS) DEDICATED TO POA, REMAINED IN CONSERVATION
- APPROXIMATE FLOOD ZONE AS SCALED FROM FLOOD INSURANCE RATE MAP NO. 12039C 0361 G, DATED FEBRUARY 4, 2009

NOTICE:
THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

SURVEYOR'S CERTIFICATE:
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION IS A CORRECT REPRESENTATION OF THE LAND SURVEYED, THAT THE PERMANENT REFERENCE MONUMENTS AND PERMANENT CONTROL POINTS HAVE BEEN SET AND THAT THE SURVEY DATA AND MONUMENTATION COMPLIES WITH BOTH CHAPTER 177, PART I, PLATTING, OF THE FLORIDA STATUTES AND WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF FLORIDA (F.A.C. 5J-17.051)

RICHARD W. PHILLIPS
PROFESSIONAL SURVEYOR AND MAPPER F.R.C. #5857
CORNERSTONE LAND SURVEYING, INC.
1515 VILLAGE SQUARE BLVD., SUITE 3
TALLAHASSEE, FL 32309
PHONE: (850) 926-7330
CERTIFICATE OF AUTHORIZATION LB 6518

DATE

SHEET 3/4

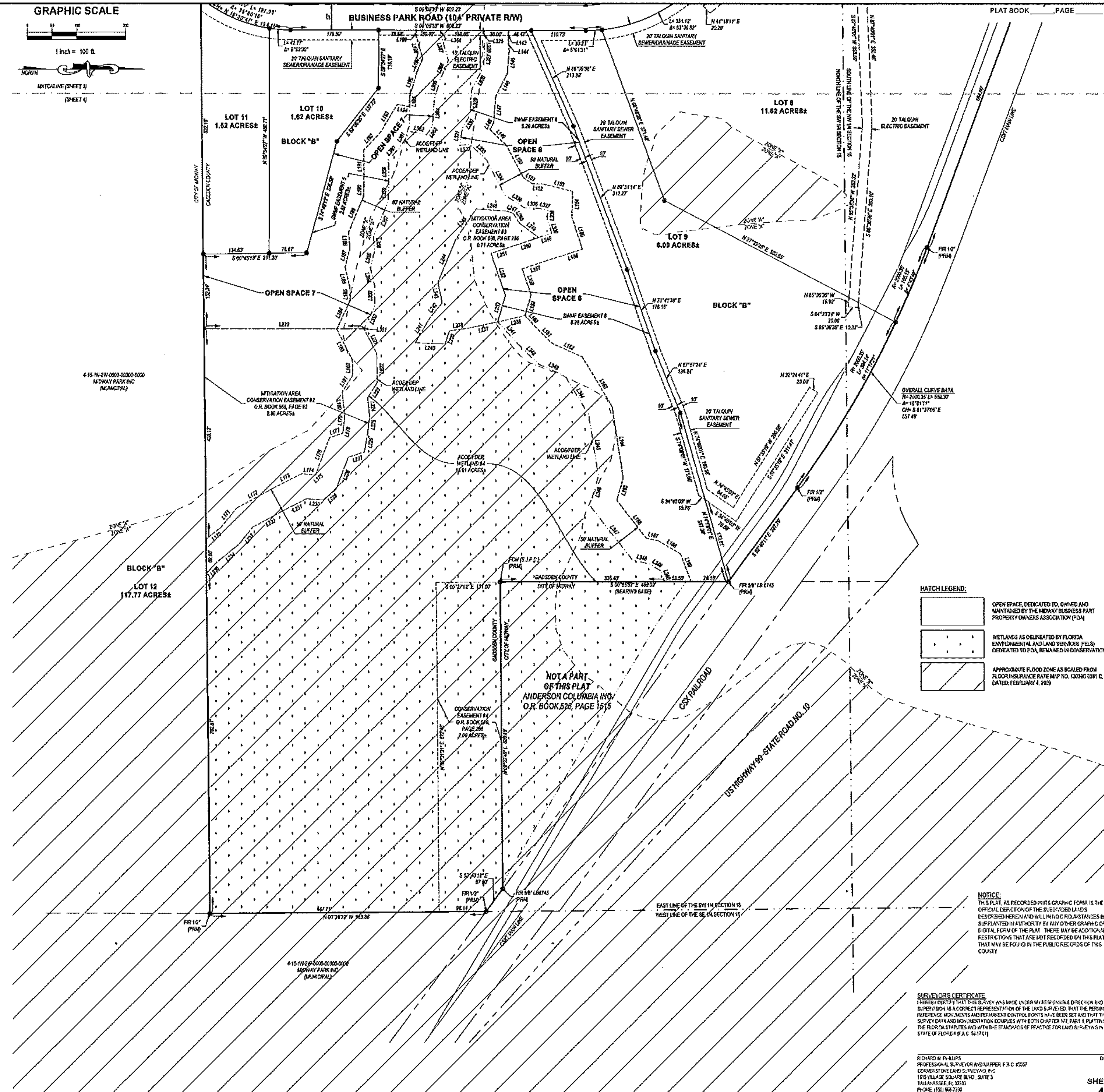
#2

LINE #	BEARING	DISTANCE
L1	N 19° 09' 45" E	144.30'
L2	N 27° 59' 26" W	3.15'
L3	N 05° 54' 44" E	44.46'
L4	N 30° 24' 28" W	24.50'
L5	N 53° 18' 54" W	50.63'
L6	N 30° 21' 12" W	77.45'
L7	N 24° 05' 06" E	49.59'
L8	N 26° 42' 01" W	25.66'
L9	N 29° 58' 22" W	88.37'
L10	N 14° 12' 05" W	90.57'
L11	N 43° 27' 25" E	103.38'
L12	N 74° 39' 06" E	41.63'
L13	N 53° 24' 00" E	43.94'
L14	N 21° 01' 57" E	65.37'
L15	N 17° 04' 01" E	101.87'
L16	N 31° 54' 45" E	41.88'
L17	N 05° 07' 22" W	31.53'
L18	N 31° 57' 52" W	119.37'
L19	N 57° 52' 45" E	117.47'
L20	N 45° 15' 13" E	57.54'
L21	N 55° 49' 13" E	65.42'
L22	N 65° 32' 17" E	60.27'
L23	S 74° 51' 50" E	73.31'
L24	S 46° 43' 56" E	95.12'
L25	S 76° 27' 32" E	53.25'
L26	N 72° 45' 47" E	37.33'
L27	N 31° 42' 44" E	195.86'
L28	N 15° 22' 47" E	48.61'
L29	N 89° 27' 13" E	125.81'
L30	N 01° 02' 34" W	59.64'
L31	S 36° 12' 26" E	89.74'
L32	S 26° 52' 57" W	25.60'
L33	S 16° 15' 42" W	78.44'
L34	S 14° 17' 18" E	24.73'
L35	S 63° 50' 27" W	144.81'
L36	S 39° 33' 26" E	66.27'
L37	S 10° 43' 17" E	91.02'
L38	S 35° 56' 23" E	66.50'
L39	S 09° 41' 20" E	57.61'
L40	S 53° 38' 14" E	87.82'
L41	S 12° 31' 01" W	125.81'
L42	S 45° 49' 15" E	17.24'
L43	S 77° 12' 52" E	45.68'
L44	S 73° 35' 57" E	96.61'
L45	S 27° 57' 15" E	313.12'
L46	S 02° 26' 03" W	79.75'
L47	S 49° 21' 17" W	73.82'
L48	S 39° 43' 09" W	7.49'
L49	S 61° 53' 56" E	33.87'
L50	S 53° 37' 31" E	25.87'
L51	N 77° 55' 29" E	7.02'
L52	N 56° 02' 40" E	33.81'
L53	N 43° 17' 57" E	16.42'
L54	N 21° 49' 56" W	66.37'
L55	N 24° 56' 47" E	175.28'
L56	N 50° 27' 37" E	68.97'
L57	N 52° 11' 24" E	131.01'
L58	S 04° 02' 55" E	7.73'
L59	S 15° 25' 37" W	45.67'
L60	S 29° 01' 13" W	45.25'
L61	S 05° 28' 12" W	74.41'
L62	N 80° 47' 52" W	91.07'
L63	N 40° 25' 38" W	112.52'
L64	N 59° 26' 33" W	27.97'
L65	S 83° 15' 46" W	63.06'
L66	N 50° 23' 47" W	62.29'
L67	S 83° 35' 37" W	35.43'
L68	S 56° 01' 47" W	81.57'
L69	N 29° 51' 00" W	78.91'
L70	N 84° 44' 17" W	38.47'
L71	S 67° 23' 17" W	59.64'
L72	S 64° 25' 37" W	30.37'
L73	S 72° 53' 13" W	65.28'
L74	S 24° 16' 26" W	61.19'
L75	N 81° 12' 45" W	95.11'
L76	S 64° 31' 58" W	54.23'
L77	S 50° 39' 36" W	45.96'
L78	S 09° 49' 38" E	72.61'
L79	N 53° 41' 27" E	53.52'
L80	S 54° 23' 42" E	43.47'
L81	S 60° 37' 03" E	32.25'
L82	N 61° 44' 25" E	52.24'
L83	N 81° 16' 35" E	87.23'
L84	N 89° 25' 11" E	65.82'
L85	N 06° 23' 57" E	90.74'
L86	N 62° 32' 53" E	57.66'
L87	N 66° 12' 51" E	64.62'
L88	N 76° 08' 39" E	47.62'
L89	S 73° 28' 41" E	13.13'
L90	S 86° 44' 31" E	21.24'
L91	N 65° 21' 32" E	34.14'
L92	N 64° 28' 36" E	43.67'
L93	S 83° 24' 30" E	48.06'
L94	N 85° 45' 31" E	35.98'
L95	S 86° 35' 53" E	41.64'

LINE #	BEARING	DISTANCE
L96	S 82° 19' 07" E	41.25'
L97	S 75° 27' 06" E	63.54'
L98	S 63° 14' 20" E	22.36'
L99	S 76° 27' 37" E	34.51'
L100	S 76° 37' 37" E	30.57'
L101	S 53° 55' 31" E	54.02'
L102	S 68° 45' 11" E	44.57'
L103	S 71° 37' 07" E	61.15'
L104	N 87° 47' 25" E	51.67'
L105	N 86° 51' 25" E	22.72'
L106	N 87° 56' 31" E	41.07'
L107	S 61° 29' 25" E	49.42'
L108	S 74° 45' 47" E	52.20'
L109	N 75° 30' 57" E	39.64'
L110	N 70° 01' 41" E	38.17'
L111	S 66° 42' 07" E	26.15'
L112	S 76° 03' 57" E	36.72'
L113	S 69° 32' 51" W	16.64'
L114	S 71° 56' 12" W	51.78'
L115	N 64° 00' 56" W	37.51'
L116	N 76° 09' 18" W	39.52'
L117	N 45° 17' 00" W	57.90'
L118	N 61° 47' 01" W	10.06'
L119	N 76° 20' 22" W	28.58'
L120	S 84° 33' 35" W	39.86'
L121	S 83° 50' 33" W	50.05'
L122	S 85° 37' 42" W	56.85'
L123	N 80° 37' 47" W	42.65'
L124	N 50° 39' 18" W	64.24'
L125	N 61° 28' 44" W	19.63'
L126	N 60° 21' 23" W	35.75'
L127	N 64° 45' 53" W	83.31'
L128	S 87° 49' 24" W	45.57'
L129	N 72° 45' 37" W	35.46'
L130	S 64° 17' 32" W	14.24'
L131	N 65° 43' 35" W	28.35'
L132	S 66° 12' 23" W	23.89'
L133	S 71° 32' 33" W	73.39'
L134	N 66° 27' 41" W	60.06'
L135	N 89° 19' 45" W	24.16'
L136	S 65° 53' 45" W	50.77'
L137	S 54° 37' 45" W	172.97'
L138	S 74° 30' 24" W	47.17'
L139	S 64° 00' 44" W	34.30'
L140	S 39° 41' 12" W	72.83'
L141	S 65° 32' 50" W	50.61'
L142	S 44° 31' 47" W	27.56'
L143	S 89° 17' 45" E	17.00'
L144	N 86° 59' 56" E	25.07'
L145	S 85° 38' 12" E	45.42'
L146	S 83° 02' 18" E	52.08'
L147	S 85° 55' 16" E	54.29'
L148	S 56° 50' 47" E	15.63'
L149	N 43° 28' 25" E	45.66'
L150	N 61° 59' 52" E	76.77'
L151	N 32° 48' 58" E	22.28'
L152	N 03° 09' 06" E	23.79'
L153	N 13° 49' 21" E	63.72'
L154	S 85° 38' 52" E	32.39'
L155	N 72° 19' 17" E	66.67'
L156	S 17° 47' 47" E	77.55'
L157	S 18° 39' 10" E	51.53'
L158	N 71° 00' 31" E	55.44'
L159	S 74° 13' 43" E	44.42'
L160	N 47° 42' 56" E	31.70'
L161	N 44° 30' 32" E	45.15'
L162	N 24° 05' 35" E	66.63'
L163	N 50° 01' 26" E	117.44'
L164	N 81° 02' 27" E	147.61'
L165	S 74° 04' 17" E	48.02'
L166	N 52° 03' 17" E	97.39'
L167	N 12° 33' 29" E	26.11'
L168	N 31° 00' 05" E	52.58'
L169	N 65° 04' 17" E	60.38'
L170	N 30° 13' 25" W	40.18'
L171	N 50° 56' 08" W	49.85'
L172	N 28° 30' 01" W	83.74'
L173	N 37° 10' 26" W	65.31'
L174	N 03° 56' 25" E	28.71'
L175	N 39° 51' 28" W	0.48'
L176	N 65° 03' 51" W	81.04'
L177	N 56° 06' 12" W	26.25'
L178	N 57° 45' 27" W	8.84'
L179	N 63° 12' 30" W	27.01'
L180	S 83° 32' 28" W	43.04'
L181	N 57° 28' 40" W	38.45'
L182	S 69° 24' 33" W	31.52'
L183	S 63° 18' 35" W	73.64'
L184	N 65° 01' 29" W	64.29'
L185	S 69° 20' 26" W	25.23'
L186	S 76° 52' 52" W	43.97'
L187	N 75° 35' 07" W	33.73'
L188	S 65° 32' 01" W	33.45'
L189	N 67° 25' 11" W	77.96'
L190	N 86° 47' 45" W	27.44'

LINE #	BEARING	DISTANCE
L191	S 89° 27' 51" W	67.97'
L192	N 46° 50' 50" W	48.41'
L193	N 50° 03' 01" W	67.61'
L194	N 13° 52' 13" E	24.51'
L195	N 86° 12' 23" W	21.22'
L196	N 73° 36' 01" W	53.07'
L197	N 66° 11' 25" W	27.32'
L198	S 73° 50' 26" W	48.68'
L199	N 86° 08' 05" W	31.37'
L200	N 51° 44' 46" E	3.23'
L201	N 06° 10' 10" E	21.00'
L202	N 35° 56' 49" E	51.14'
L203	N 85° 27' 59" E	127.27'
L204	S 51° 37' 47" E	121.61'
L205	S 17° 51' 12" E	58.05'
L206	S 23° 50' 22" W	90.09'
L207	S 05° 09' 27" E	12.24'
L208	S 44° 53' 26" E	73.53'
L209	S 36° 08' 03" E	64.36'
L210	S 30° 09' 55" E	68.43'
L211	S 03° 02' 35" E	52.37'
L212	S 17° 15' 51" E	35.69'
L213	S 28° 31' 34" E	58.03'
L214	S 26° 20' 13" W	90.66'
L215	S 60° 35' 33" W	71.78'
L216	S 66° 09' 01" W	44.23'
L217	S 47° 27' 15" W	45.07'
L218	S 14° 00' 45" W	49.96'
L219	S 38° 49' 55" W	66.17'
L220	N 00° 01' 46" E	325.86'
L221	N 63° 18' 55" E	59.21'
L222	N 60° 24' 30" E	57.69'
L223	S 57° 38' 47" E	35.62'
L224	N 63° 22' 26" E	37.23'
L225	S 83° 12' 35" E	33.69'
L226	S 60° 45' 21" E	40.35'
L227	S 15° 05' 12" E	34.87'
L228	S 69° 03' 51" E	70.21'
L229	S 30° 51' 29" E	33.61'
L230	S 03° 56' 25" W	34.67'
L231	S 27° 10' 26" E	50.62'
L232	S 28° 30' 01" E	73.25'
L233	S 53° 56' 06" E	45.06'
L234	S 39° 03' 25" E	59.67'
L235	S 47° 45' 39" E	28.57'
L236	S 13° 13' 52" E	37.27'
L237	S 11° 58' 36" E	63.73'
L238	S 08° 03' 55" E	26.75'
L239	S 70° 53' 47" E	28.45'
L240	S 02° 20' 51" W	61.00'
L241	N 59° 35' 24" W	38.45'
L242	N 50° 23' 47" W	39.89'
L243	S 76° 53' 01" W	43.88'
L244	N 07° 19' 37" W	50.75'
L245	N 56° 18' 11" W	75.12'
L246	N 04° 12' 41" E	64.45'
L247	N 20° 39' 25" E	12.77'
L248	N 56° 30' 27" E	22.64'
L249	N 36° 54' 27" E	49.49'
L250	S 18° 36' 10" E	60.56'
L251	S 18° 19' 45" E	41.61'
L252	N 71° 00' 31" E	90.31'
L253	S 74° 13' 43" E	56.52'
L254	N 53° 41' 27" E	24.56'
L255	S 29° 16' 51" E	57.76'
L256	S 50° 21' 07" E	34.08'
L257	N 59° 35' 46" E	51.87'
L258	N 51° 14' 12" E	81.71'
L259	N 87° 15' 35" E	61.24'
L260	S 70° 47' 15" E	47.25'
L261	N 65° 19' 55" E	142.87'
L262	N 70° 44' 36" E	55.46'
L263	N 61° 03' 13" E	51.52'
L264	S 73° 50' 03" E	59.02'
L265	S 85° 19' 00" E	55.09'
L266	N 05° 37' 37" E	17.68'
L267	N 86° 31' 57" E	23.45'
L268	S 64° 37' 55" E	56.84'
L269	S 60° 35' 06" E	37.21'
L270	S 67° 47' 30" E	47.37'
L271	S 54° 14' 13" E	19.17'
L272	N 55° 43' 47" E	51.16'
L273	S 65° 14' 04" E	31.97'
L274	S 33° 12' 21" E	25.14'
L275	N 81° 53' 31" E	39.54'
L276	S 83° 48' 14" E	41.43'
L277	N 67° 44' 43" E	15.63'
L278	S 53° 55' 01" E	32.62'
L279	S 66° 45' 11" E	45.15'
L280	S 55° 24' 07" E	34.13'
L281	S 26° 17' 37" W	24.71'
L282	S 82° 34' 45" E	37.96'
L283	N 86° 23' 47" E	36.77'
L284	N 86° 23' 47" E	36.77'
L285	S 79° 01' 54" E	18.13'

LINE #	BEARING	DISTANCE
L286	N 80° 09' 02" E	50.62'
L287	N 85° 54' 58" E	29.56'
L288	S 62° 06' 17" E	55.66'
L289	S 67° 16' 10" E	20.87'
L290	N 64° 38' 54" E	41.72'
L291	N 19° 43' 45" E	61.34'
L292	S 63° 03' 57" E	39.12'
L293	N 65° 09' 27" E	20.34'
L294	S 69° 32' 51" W	24.46'
L295	N 85° 48' 27" W	36.31'
L296	N 76° 53' 07" W	44.75'
L297	S 67° 12' 37" W	30.27'
L298	N 48° 32' 55" W	33.39'
L299	N 61° 43' 01" W	28.51'
L300	N 68° 04' 19" W	48.15'
L301	S 76° 07' 09" W	53.02'
L302	S 83° 50' 33" W	42.91'
L303	N 65° 31' 06" W	54.65'
L304	N 62° 35' 37" W	59.17'
L305	N 35° 41' 07" W	28.17'
L306	N 43° 04' 02" W	37.63'
L307	N 78° 12' 43" W	53.93'
L308	N 86° 17' 49" W	95.91'
L309	S 64° 47' 55" W	42.12'
L310	N 71° 55' 06" W	58.53'
L311	S 55° 00' 33" W	21.04'
L312	S 87° 42' 11" W	20.22'
L313	S 87° 42' 11" W	21.97'
L314	N 62° 41' 35" W	32.11'
L315	S 65° 47' 46" W	82.45'
L316	N 66° 27' 41" W	48.17'
L317	N 69° 18' 45" W	42.56'
L318	S 69° 53' 45" W	69.61'
L319	S 54° 33' 45" W	120.67'
L320	S 74° 30' 24" W	42.90'
L321	S 64° 00' 44" W	49.67'
L322	S 39° 41' 12" W	42.45'
L323	S 65° 32' 50" W	48.46'
L324	S 44° 31' 47" W	40.67'
L325	S 89° 17' 45" E	14.05'
L326	N 86° 59' 56" E	27.51'
L327	S 85° 38' 12" E	33.21'
L328	S 83° 02' 18" E	52.21'
L329	S 85° 55' 16" E	52.37'
L330	S 56° 50' 47" E	29.96'
L331	S 81° 31' 08" E	36.19'
L332	N 04° 57' 28" W	21.57'
L333	N 43° 28' 25" E	45.87'
L334	N 61° 57' 52" E	81.63'
L335	N 32° 48' 58" E	46.53'
L336	N 05° 09' 06" E	32.37'
L337	N 13° 46' 21" E	15.69'
L338	S 85° 38' 52" E	20.57'
L339	N 72° 19' 13" E	27.35'
L340	S 17° 40' 47" E	27.96'
L341	N 47° 42' 56" E	60.69'
L342	N 44° 30' 32" E	59.56'
L343	N 24° 05' 35" E	60.27'
L344	N 50° 01' 26" E	91.99'
L345	N 81° 02' 27" E	126.85'
L346	S 74° 04' 17" E	62.47'
L347	N 52° 03' 17" E	140.75'
L348	N 12° 33' 28" E	35.64'
L349	N 31° 00' 06" E	27.21'
L350	N 65° 04' 17" E	24.11'
L351	N 65° 59' 25" W	0.76'
L352	N 65° 01' 29" W	50.80'
L353	S 69° 20' 26" W	42.06'
L354	S 76° 52' 52" W	37.27'
L355	N 75° 35' 07" W	35.87'
L356	S 65° 32' 01" W	29.74'
L357	N 67° 25' 11" W	74.44'
L358	N 86° 43' 45" W	37.61'
L359	S 69° 27' 51" W	40.01'
L360	N 46° 57' 50" W	33.74'
L361	N 50° 03' 01" W	36.40'
L362	N 13° 12' 13" E	35.53'
L363	N 57° 28' 15" W	21.45'
L364	N 86° 12' 23" W	31.66'
L365	N 73° 36' 01" W	44.03'
L366	N 66° 11' 25" W	42.24'
L367	S 73° 53' 26" W	58.07'
L368	N 85° 08' 05" W	4.04'



#2

#3

RELEASE, WAIVER AND INDEMNITY AGREEMENT

This Release, Waiver and Indemnity Agreement is made as of _____ ____, 2019, by **MIDWAY BUSINESS PARK OWNERS ASSOCIATION, INC.**, a Florida corporation not for profit (the "**Association**") for the benefit of **GADSDEN COUNTY, FLORIDA** (the "**County**").

Recitals

(A) The Association is the entity maintaining and responsible for maintaining the Infrastructure, as defined below, and certain common facilities and in charge of various other aspects of Midway Business Park pursuant to that certain Declaration of Covenants, Conditions, Easements, and Restrictions for Midway Business Park made by Anderson-Columbia Co., Inc. dated _____ ___, 2019 and recorded _____ ___, 2019 in Official Records Book ___, page ___, of the public records of Gadsden County, Florida (the "**Declaration**").

(B) The Anderson-Columbia Co., Inc. (the "**Developer**") constructed or had constructed the roads, water, sewer, stormwater management and other facilities located in the Midway Business Park property subject to the Declaration (collectively, the "Infrastructure") many years ago under previous approvals from the County that have now expired. However, the Developer never submitted and the County never approved the final plat and the County never accepted the Infrastructure.

(C) Melvin Engineering has certified that the Infrastructure located in the Midway Business Park property subject to the Declaration have been constructed to meet the requirements of the Gadsden County Land Development Code that was in effect at the time of its construction. Melvin Engineering's certification is attached as EXHIBIT 1.

(D) The County has approved, but not accepted, the Infrastructure based upon the certification by Melvin Engineering that the Infrastructure as constructed meets the County's Code that was in effect when the Infrastructure was constructed on the condition that the Association, its successors and assigns, maintains and is responsible for the maintenance of the Infrastructure and other common facilities and provides this release, waiver and indemnity in favor of the County.

NOW, THEREFORE, the Association agrees as follows:

1. The recitals set forth above are accurate and hereby incorporated into the substantive body of this Agreement.

2. The Association, its successors and assigns, shall maintain and be responsible for the maintenance of the Infrastructure and other common facilities located in the Midway Business Park property which is the subject of the Declaration.

3. The Association, its successors and assigns, on behalf of itself and the Owners, as defined in the Declaration, hereby releases, waives and discharges any and all claims and causes of action they have or may have in the future against the County resulting from or relating to the Infrastructure and other common facilities located in the Midway Business Park property which is the subject of the Declaration or the County's approval of the Infrastructure, which is based upon the certification by Melvin Engineering.

4. The Association, its successors and assigns, on behalf of itself and the Owners, as defined in the Declaration, hereby agrees to indemnify and hold harmless the County from and against any all actions, causes of action, claims, loss, costs, damages, attorneys' fees, expenses and liability of every kind and nature arising out of or otherwise relating to the Infrastructure and other common facilities located in the Midway Business Park property which is the subject of the Declaration or the County's approval of the Infrastructure, including without limitation, any litigation related to the Infrastructure and any loss, costs, damages, attorneys' fees or expenses incurred in actions brought to enforce this Agreement.

5. The Association, its successors and assigns, on behalf of itself and the Owners, as defined in the Declaration, shall provide for the defense, at Association's expense, on behalf and for the protection of the County in all litigation or proceedings arising out of or otherwise relating to the Infrastructure and other common facilities located in the Midway Business Park property which is the subject of the Declaration or the County's approval of the Infrastructure.

IN WITNESS WHEREOF, this Agreement has been executed as of the date first above written.

MIDWAY BUSINESS PARK OWNERS ASSOCIATION, INC., a Florida corporation not for profit

By: _____
Name: BRIAN P SCHREIBER, its President

APPROVED AS TO FORM:

Nancy G. Linnan

Nancy G. Linnan, Attorney for Midway Business Park Owners Association, Inc.

_____

David J. Weiss, Gadsden County Attorney

116385961.v1

Exhibit 1

#4

DAVID H. MELVIN, INC.
Consulting Engineers

April 10, 2018

Attn: Ms. Jill Jeglie, Planner
Gadsden County Board of County Commissioners
9-B East Jefferson Street
Quincy, FL 32353

RE: Anderson Columbia - Gadsden Station Midway Business Park Subdivision

Dear Ms. Jeglie;

On April 4, 2018, Melvin Engineering staff inspected the Midway Business Park. The roads within the park were constructed in 2003. The roads and drainage systems all appear in good condition. Some traffic markings and signage are not present.

We hereby certify the subdivision roads and drainage system have been constructed in substantial accordance with the construction plans and specifications as prepared by our firm.

Please do not hesitate to contact me with any questions or if additional information is needed, 850-718-4201 or davidmelvin@melvineng.com.

Sincerely,

David H. Melvin, P.E. #38734
President

DAVID H. MELVIN
LICENSE
No. 38734
STATE OF
FLORIDA
PROFESSIONAL ENGINEER

Reply To: ☑ 4428 Lafayette Street • P. O. Box 840 • Marianna, Florida 32447 • (850) 482-3045
☐ 2541-1 Barrington Circle • Tallahassee, Florida 32308 • (850) 671-7221
www.melvineng.com • info@melvineng.com

GADSDEN COUNTY NICHOLAS THOMAS
Instrument: 190006621 Recorded: 08/08/2019 4:51 PM

Recording Fee: $61.00

OFFICIAL RECORDS: 1 of 7
Book: 865 Page: 1681

MIDWAY BUSINESS PARK PLATTING AGREEMENT BETWEEN GADSDEN COUNTY AND THE CITY OF MIDWAY

This Midway Business Park Platting Agreement ("Agreement") is entered into on the last date it is executed by and between Gadsden County, a political subdivision of the State of Florida ("Gadsden") and the City of Midway, a municipal corporation under Florida Statutes, ("Midway") in order to comply with a statutory requirement for platting land in two adjacent local governments; and

WHEREAS, in 1987 the Gadsden Station Development of Regional Impact (DRI), which includes Midway Business Park ("the Park") consisting of 213 acres of Industrial land use on the south side of Highway 90 and south of Brickyard Road, was adopted by Gadsden. The amended Park Master Plan was included within the DRI as Map H2 in the Gadsden DRI Development Order adopted in September, 2001, and is incorporated herein as **Composite Exhibit 1**. Anderson Columbia is the current owner/developer of the Park; and

WHEREAS, while **Composite Exhibit 1** depicts only the Park in Gadsden, language in the amendment to the DRI required the extension of the loop road shown in **Exhibit 2** to be constructed by Anderson Columbia on 1.43 acres within Midway at the same time as construction of the Gadsden roadway. The roadway has been constructed and in place for years; and

WHEREAS, Anderson Columbia has now received Gadsden's Conceptual approval of a plat of its property and has been advised by Gadsden that the 1.43 acres within Midway must be platted because it completes the roadway loop and assures both local governments that it will be privately maintained. Gadsden has also determined that the entire roadway should remain a private roadway and not be dedicated to the County, and

CERTIFIED A TRUE COPY
NICHOLAS THOMAS, CLERK OF CIRCUIT COURT
GADSDEN COUNTY FLORIDA
BY
DEPUTY CLERK

WHEREAS, since the platting process has commenced in Gadsden and is currently on hold pending the platting of the roadway, it would be faster and more efficient for Anderson Columbia to plat all of the property in Gadsden and the owners of the 1.43 acres in Midway are aware of this procedure and, by separate documentation, must file consents to inclusion of their properties within the Gadsden plat and receive corrected easements over the roadway currently built within the Park so that they can legally access their properties which include many more acres located in Midway; and

WHEREAS, pursuant to Section 177.071, Florida Statutes, Gadsden may only consider Anderson Columbia's application for plat approval including 1.43 acres within the jurisdiction of Midway if both governing bodies agree that a plat by Gadsden is mutually acceptable to both Midway and Gadsden; and

WHEREAS, it is in the public interest to take such action so platted lots will be available for sale and development in this area to foster economic development and to provide jobs to citizens of both local governments.

NOW THEREFORE, in consideration of the foregoing and the mutual covenants, promises, obligations, and benefits set forth herein, receipt of which is hereby acknowledged, Gadsden and Midway hereby agree as follows:

1. Midway agrees that the 1.43 acres shown in **Exhibit 2** within Midway may be included in both a Gadsden Preliminary and Final Plat. Further, Midway agrees to legally recognize the Gadsden plat, once final, over the 1.43 acres within its jurisdiction.

2. Gadsden agrees, upon the approval and execution of this Agreement by both parties, and written consents of the three owners of the 1.43 acres of property in Midway, to consider Anderson Columbia's completed applications for plat approval, including Anderson

Columbia's property in Gadsden and the 1.43 acres of property in Midway. Nothing herein shall obligate Gadsden to approve Anderson Columbia's plat applications and Gadsden shall only consider approval upon receipt of completed applications submitted with all required information and documentation pursuant to and in accordance with the Gadsden County Comprehensive Plan and Land Development Code.

3. This Agreement has been adopted by both Midway and Gadsden County on publically advertised governing body agendas and, following full execution, shall be recorded in Official Records of each local government.

4. This Agreement is entered into pursuant to Section 177.071, Florida Statutes, for the sole purpose of authorizing Gadsden to consider the plat application of Anderson Columbia which includes the 1.43 acres of private property that is a portion of the loop road and is located within the jurisdiction of Midway. Nothing herein shall alter the rights, responsibilities, duties, or obligations of the parties with respect to the property located within their respective jurisdictions. By entering into this Agreement, neither Gadsden nor Midway is accepting any interest in or maintenance responsibility for any portion of the loop road, which will be privately owned and maintained. This Agreement is solely for the benefit of Gadsden and Midway, and no right or cause of action shall accrue upon or by reason hereof, or for the benefit of any third party. Nothing in this Agreement, either express or implied, is intended or shall be construed to confer upon or give any person or entity, other than the parties hereto, any right, remedy, or claim under or by reason of this Agreement or any of the provisions or conditions hereof.

WITNESS WHEREOF, the parties hereto, through their duly authorized representatives, have executed this Platting Agreement as of the last date set forth below.

Attest

CITY COMMISSION OF MIDWAY

Frances Harrell
City Clerk

By its Mayor: Ronald Golston

Date: 2/9/17

Attest

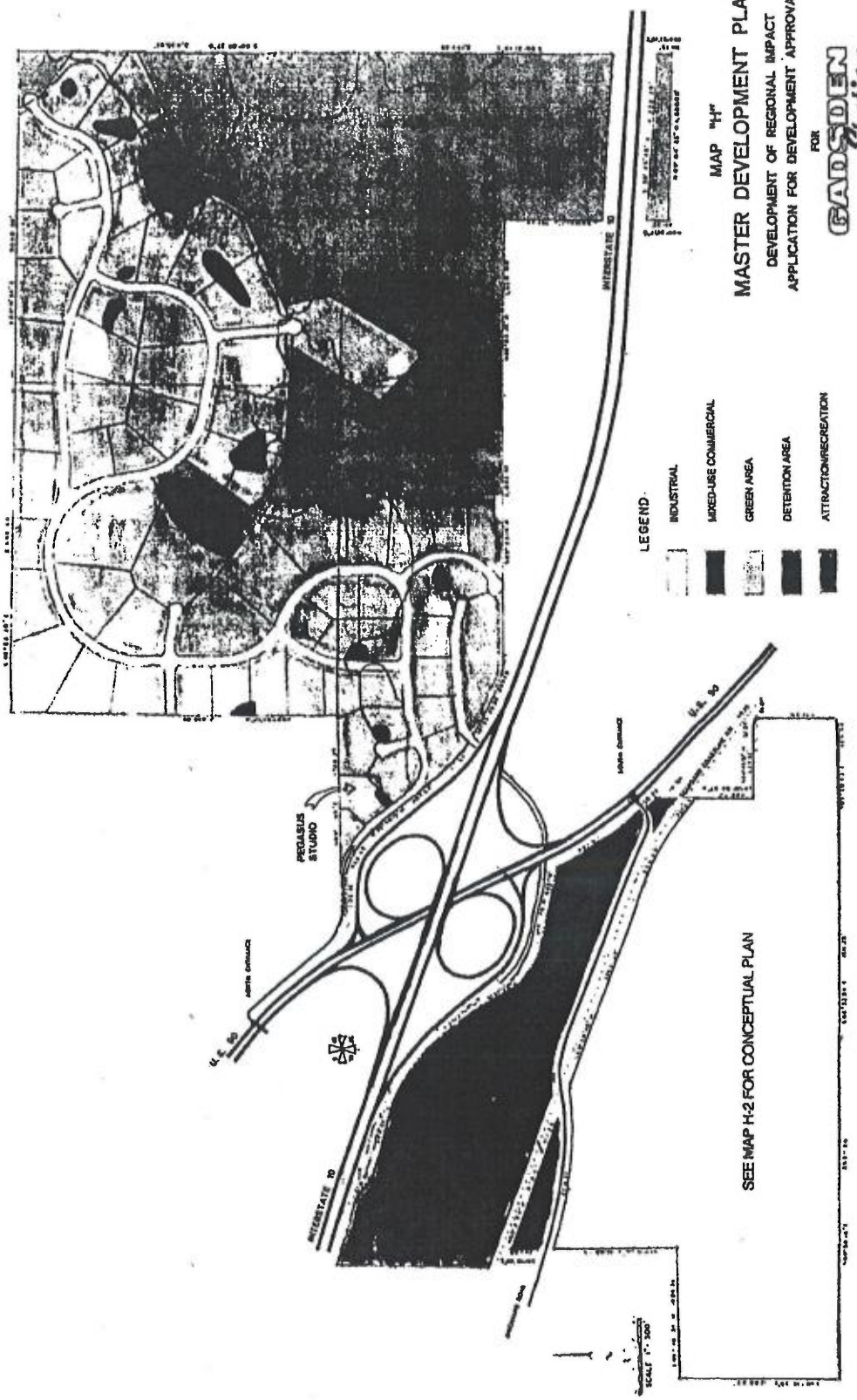
GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS

By its Chair: Anthony O. Viegbesie, Ph.D.

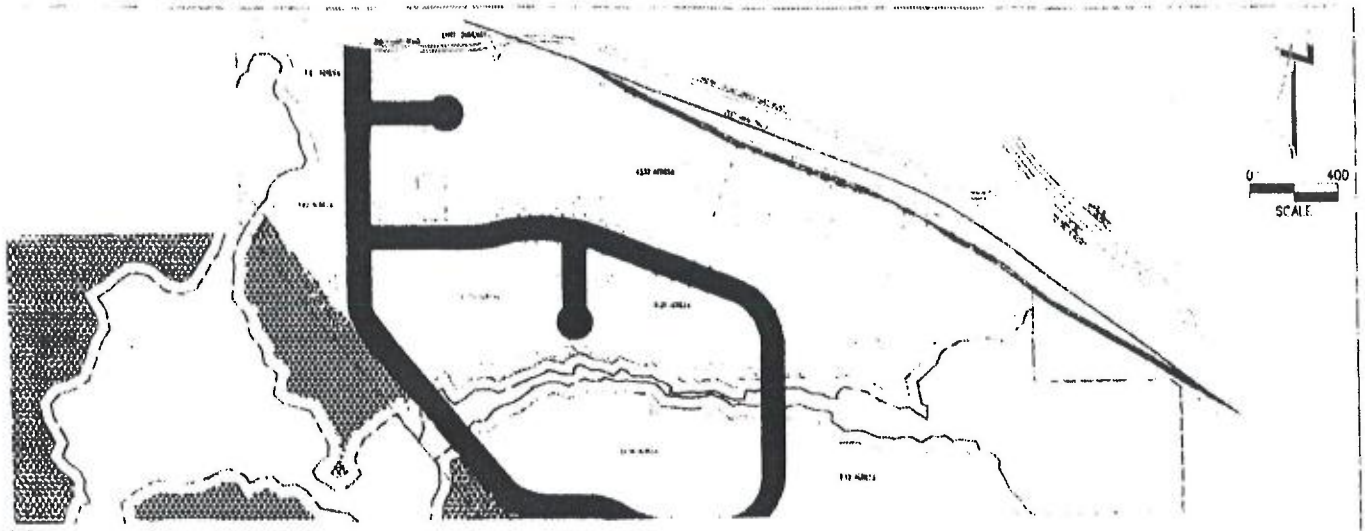
Date: May 15, 2018

Marcella Blocker
Nicholas Thomas Deputy Clerk
County Clerk

110601825 1



COMPOSITE EXHIBIT 1



LEGEND

WETLAND LINE
PROPERTY LINE
EXISTING GAS LINE EASEMENT
RAILROAD SIDETRACK 1
RAILROAD SIDETRACK 2
EXISTING CSX MAIN TRACK
EXISTING PAVEMENT
STORMWATER FACILITIES
ASPHALT PLANT LOCATION
WETLANDS
50' WETLAND BUFFER
RIGHT OF WAY FOR ROADWAY FUTURES
LIGHT INDUSTRIAL DEVELOPMENT AREA
HEAVY INDUSTRIAL DEVELOPMENT AREA
RETAIL & DEVELOPMENT AREA
UNDEVELOPED AREA

MASTER DEVELOPMENT PLAN

1" = 400'

SITE NARRATIVE

THE PROJECT IS LOCATED SOUTH OF BRICKYARD ROAD IN GADSDEN COUNTY, FLORIDA. IMPROVEMENTS CONSISTING OF AN INDUSTRIAL/BUSINESS PARK AND 74 FT WIDE ROADWAY WILL BE CONSTRUCTED ON 91.24 ACRES OF AN EXISTING 213.45 ACRE SITE. A 50 FOOT MINIMUM BUFFER AROUND ALL WETLANDS IS REQUIRED. LINES SHOWN ON THIS MAP ARE CONCEPTUAL AND MAY VARY SLIGHTLY UPON COMPLETION OF FINAL DESIGN AND PERMITTING.

WATER/SEWER NARRATIVE

INITIAL WATER USAGE'S FOR THE BUSINESS PARK WILL BE CONNECTED TO THE EXISTING TALLGRASS 12" WATER MAIN ON THE NORTH SIDE OF BRICKYARD ROAD.

[illegible] SEWER USAGE'S FOR THE BUSINESS PARK COMPLEX AND FUTURE MAYS [illegible] WILL BE CONNECTED TO THE TALLGRASS METRO PLANT WHICH IS LOCATED IN THE VICINITY OF BRICKYARD ROAD AND US HIGHWAY 90.

DATE	REVISIONS		DAVID H. MELVIN, INC. Consulting Engineers	MIDWAY BUSINESS PARK	ANDERSON-COLUMBIA MIDWAY, FLORIDA
			MARIANNA 850-482-5045 TALLAHASSEE 850-921-7931	MASTER DEVELOPMENT PLAN	AND COUNTY MAP 11"

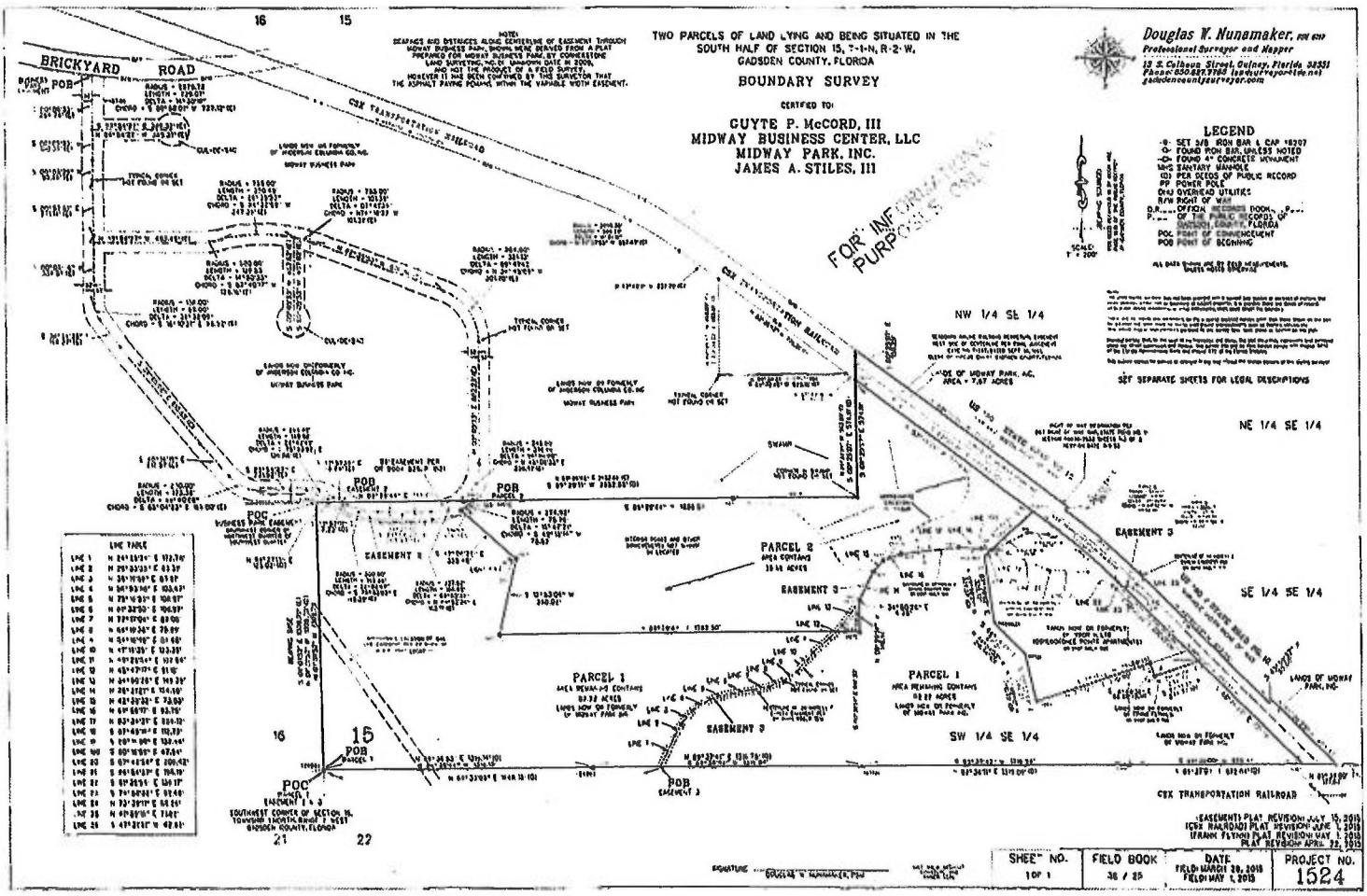

TWO PARCELS OF LAND LYING AND BEING SITUATED IN THE
SOUTH HALF OF SECTION 15, T-1-N, R-2-W,
GADSDEN COUNTY, FLORIDA
BOUNDARY SURVEY
CERTIFIED TO:
GUYTE P. McCORD, III
MIDWAY BUSINESS CENTER, LLC
MIDWAY PARK, INC.
JAMES A. STILES, III
Douglas W. Nunemaker
Professional Surveyor and Mapper
LEGEND
BRICKYARD ROAD
CSX TRANSPORTATION RAILROAD
NW 1/4 SE 1/4
NE 1/4 SE 1/4
SE 1/4 SE 1/4
SW 1/4 SE 1/4
PARCEL 1
PARCEL 2
EASEMENT 1
EASEMENT 2
EASEMENT 3
SEE SEPARATE SHEETS FOR LEGAL DESCRIPTIONS
FOR INFORMATIONAL PURPOSES ONLY
SHEET NO. 1 OF 1
FIELD BOOK 36 / 25
DATE FIELD: MARCH 20, 2013 FIELD: MAY 1, 2013
PROJECT NO. 1524

Exhibit 2

#5

Select Year: 2019 Go

The 2019 Florida Statutes

Title XII
MUNICIPALITIES

Chapter 177
LAND BOUNDARIES

View Entire Chapter

CHAPTER 177
LAND BOUNDARIES

PART I
PLATTING
(ss. 177.011-177.151)

PART II
COASTAL MAPPING
(ss. 177.25-177.40)

PART III
RESTORATION OF CORNERS
(ss. 177.501-177.510)

PART I
PLATTING

177.011 Purpose and scope of part I.
177.021 Legal status of recorded plats.
177.031 Definitions.
177.041 Boundary survey and title opinion or property information report required.
177.051 Name and replat of subdivision.
177.061 Qualification and statement required.
177.071 Approval of plat by governing bodies.
177.081 Dedication and approval.
177.085 Platted streets; reversionary clauses.
177.086 Installation of cul-de-sacs.
177.091 Plats made for recording.
177.101 Vacation and annulment of plats subdividing land.
177.111 Instructions for filing plat.
177.121 Misdemeanor to molest monument or deface or destroy map or plat.
177.131 Recordation of the Department of Transportation official right-of-way maps and other governmental right-of-way maps.
177.132 Preservation of unrecorded maps.
177.141 Affidavit confirming error on a recorded plat.
177.142 Renaming of subdivisions and streets on plats and maps.
177.151 State plane coordinate.

177.011 Purpose and scope of part I.—This part shall be deemed to establish consistent minimum requirements, and to create such additional powers in local governing bodies, as herein provided to regulate and control the platting of lands. This part establishes minimum requirements and does not exclude additional provisions or regulations by local ordinance, laws, or regulations.

History.—s. 1, ch. 71-339; s. 33, ch. 79-164.

177.021 Legal status of recorded plats.—The recording of any plats made in compliance with the provisions of this part shall serve to establish the identity of all lands shown on and being a part of such plats, and lands may thenceforth be conveyed by reference to such plat.

History.—s. 1, ch. 71-339; s. 1, ch. 98-20.

177.031 Definitions.—As used in this part:

(1) "Alley" means a right-of-way providing a secondary means of access and service to abutting property.

(2) "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.

(3) "Board" means any board appointed by a municipality, county commission, or state agency, such as the planning and zoning board, area planning board, or the governing board of a drainage district.

(4) "Governing body" means the board of county commissioners or the legal governing body of a county, municipality, town, or village of this state.

(5) "Cul-de-sac" means a street terminated at the end by a vehicular turnaround.

(6) "Developer" means the owners of record executing the dedication required by s. 177.081 and applying for approval of a plat of a subdivision pursuant to this part.

(7)(a) "Easement" means any strip of land created by a subdivider 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 of the servitude.

(b) "Public utility" includes any public or private utility, such as, but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, or telephone line, whether underground or overhead.

(8) "Survey data" means all information shown on the face of a plat that would delineate the physical boundaries of the subdivision and any parts thereof.

(9) "Improvements" may include, but are not limited to, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, permanent reference monuments (P.R.M.s), permanent control points (P.C.P.s), monuments, or any other improvement required by a governing body.

(10) "Professional surveyor and mapper" means a surveyor and mapper registered under chapter 472 who is in good standing with the Board of Professional Surveyors and Mappers.

(11) "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.

(12) "Municipality" means any incorporated city, town, or village.

(13) "P.C.P." means permanent control point and shall be considered a reference monument.

(a) "P.C.P.s" set in impervious surfaces must:

1. Be composed of a metal marker with a point of reference.

2. Have a metal cap or disk bearing either the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable and the letters "P.C.P."

(b) "P.C.P.s" set in pervious surfaces must:

1. Consist of a metal rod having a minimum length of 18 inches and a minimum cross-section area of material of 0.2 square inches. In certain materials, encasement in concrete is optional for stability of the rod. When used, the concrete shall have a minimum cross-section area of 12.25 square inches and be a minimum of 24 inches long.

#5

2. Be identified with a durable marker or cap with the point of reference marked thereon bearing either the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable and the letters "P.C.P."

(c) "P.C.P.s" must be detectable with conventional instruments for locating ferrous or magnetic objects.

(14) "Plat or replat" means 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.

(15) "P.R.M." means a permanent reference monument which must:

(a) Consist of a metal rod having a minimum length of 18 inches and a minimum cross-section area of material of 0.2 square inches. In certain materials, encasement in concrete is optional for stability of the rod. When used, the concrete shall have a minimum cross-section area of 12.25 square inches and be a minimum of 24 inches long.

(b) Be identified with a durable marker or cap with the point of reference marked thereon bearing either the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable and the letters "P.R.M."

(c) Be detectable with conventional instruments for locating ferrous or magnetic objects.

If the location of the "P.R.M." falls in a hard surface such as asphalt or concrete, alternate monumentation may be used that is durable and identifiable.

(16) "Right-of-way" means land dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress and egress, or other purpose by the public, certain designated individuals, or governing bodies.

(17) "Street" includes any access way such as a street, road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court, terrace, place, or cul-de-sac, and also includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, but shall not include those access ways such as easements and rights-of-way intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, drainage and sanitary sewers, and easements of ingress and egress.

(18) "Subdivision" means 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.

(19) "State plane coordinates" means the system of plane coordinates which has been established by the National Ocean Service for defining and stating the positions or locations of points on the surface of the earth within the state and shall hereinafter be known and designated as the "Florida State Plane Coordinate System." For the purpose of the use of this system, the zones established by the National Ocean Service in NOAA Manual NOS NGS 5, State Plane Coordinate System of 1983, shall be used, and the appropriate projection and zone designation shall be indicated and included in any description using the Florida State Plane Coordinate System.

(20) Surveying data:

(a) "Point of curvature," written "P.C.," means the point where a tangent circular curve begins.

(b) "Point of tangency," written "P.T.," means the point where a tangent circular curve ends and becomes tangent.

(c) "Point of compound curvature," written "P.C.C.," means the point where two circular curves have a common point of tangency, the curves lying on the same side of the common tangent.

(d) "Point of reverse curvature," written "P.R.C.," means the point where two circular curves have a common point of tangency, the curves lying on opposite sides of the common tangent.

(21) "Legal entity" means an entity that holds a certificate of authorization issued under chapter 472, whether the entity is a corporation, partnership, association, or person practicing under a fictitious name.

(22) "Monument" means a survey marker which must:

(a) Be composed of a durable material.

(b) Have a minimum length of 18 inches.

(c) Have a minimum cross-section area of material of 0.2 square inches.

(d) Be identified with a durable marker or cap bearing either the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable.

(e) Be detectable with conventional instruments for locating ferrous or magnetic objects.

If the location of the monument falls in a hard surface such as asphalt or concrete, alternate monumentation may be used that is durable and identifiable.

History.—s. 1, ch. 71-339; s. 2, ch. 72-29; s. 49, ch. 73-333; s. 6, ch. 82-179; s. 49, ch. 83-217; s. 42, ch. 91-45; s. 101, ch. 94-119; s. 1452, ch. 95-147; s. 2, ch. 98-20; s. 3, ch. 2004-366.

177.041 Boundary survey and title opinion or property information report required.—Every plat or replat of a subdivision submitted to the approving agency of the local governing body must be accompanied by:

(1) A boundary survey of the platted lands. However, a new boundary survey for a replat is required only when the replat affects any boundary of the previously platted property or when improvements which may affect the boundary of the previously platted property have been made on the lands to be replatted. The boundary survey must be performed and prepared under the responsible direction and supervision of a professional surveyor and mapper preceding the initial submittal of the plat to the local governing body. This subsection does not restrict a legal entity from employing one professional surveyor and mapper to perform and prepare the boundary survey and another professional surveyor and mapper to prepare the plat.

(2) A title opinion of an attorney at law licensed in Florida or a property information report showing that record title to the land as described and shown on the plat is in the name of the person, persons, corporation, or entity executing the dedication. The title opinion or property information report must also show all mortgages not satisfied or released of record nor otherwise terminated by law.

History.—s. 1, ch. 71-339; s. 1, ch. 72-77; s. 1, ch. 88-48; s. 3, ch. 98-20; s. 1, ch. 99-288; s. 1, ch. 2017-132.

177.051 Name and replat of subdivision.—

(1) Every subdivision shall be given a name by which it shall be legally known. For the purpose of this section, that name is the "primary name." The primary name shall not be the same or in any way so similar to any name appearing on any recorded plat in the same county as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is further divided as an additional unit or section by the same developer or the developer's successors in title. In that case, the additional unit, section, or phase shall be given the primary name followed by the unit, section, or phase number. Words such as "the," "replat," or "a" may not be used as the first word of the primary name. Every subdivision's name shall have legible lettering of the same size and type, including the words "section," "unit," or "phase." If the word "replat" is not part of the primary name, then it may be of a different size and type. The primary name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision name.

(2) Any change in a plat, except as provided in s. 177.141, shall be labeled a "replat," and a replat must conform with this part. After the effective date of this act, the terms "amended plat," "revised plat," "corrected plat," and "resubdivision" may not be used to describe the process by which a plat is changed.

History.—s. 1, ch. 71-339; s. 935, ch. 95-147; s. 4, ch. 98-20.

177.061 Qualification and statement required.—Every plat offered for recording pursuant to the provisions of this part must be prepared by a professional surveyor and mapper. The plat must be signed and sealed by that professional surveyor and mapper, who must state on the plat that the plat was prepared under his or her direction and supervision and that the plat complies with all of the survey requirements of this part. Every plat must also contain the printed name and registration number of the professional surveyor and mapper directly below the statement required by this section, along with the printed name, address, and certificate of authorization number

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of the legal entity, if any. A professional surveyor and mapper practicing independently of a legal entity must include his or her address.

History.—s. 1, ch. 71-339; s. 102, ch. 94-119; s. 1453, ch. 95-147; s. 5, ch. 98-20.

177.071 Approval of plat by governing bodies.—

(1) Before a plat is offered for recording, it must be approved by the appropriate governing body, and evidence of such approval must be placed on the plat. If not approved, the governing body must return the plat to the professional surveyor and mapper or the legal entity offering the plat for recordation. For the purposes of this part:

(a) When the plat to be submitted for approval is located wholly within the boundaries of a municipality, the governing body of the municipality has exclusive jurisdiction to approve the plat.

(b) When a plat lies wholly within the unincorporated areas of a county, the governing body of the county has exclusive jurisdiction to approve the plat.

(c) When a plat lies within the boundaries of more than one governing body, two plats must be prepared and each governing body has exclusive jurisdiction to approve the plat within its boundaries, unless the governing bodies having said jurisdiction agree that one plat is mutually acceptable.

(2) Any provision in a county charter, or in an ordinance of any charter county or consolidated government chartered under s. 6(e), Art. VIII of the State Constitution, which provision is inconsistent with anything contained in this section shall prevail in such charter county or consolidated government to the extent of any such inconsistency.

History.—s. 1, ch. 71-339; s. 1, ch. 76-110; s. 1, ch. 77-152; s. 1, ch. 77-278; s. 103, ch. 94-119; s. 1, ch. 95-176; s. 6, ch. 98-20.

177.081 Dedication and approval.—

(1) Prior to approval by the appropriate governing body, the plat shall be reviewed for conformity to this chapter by a professional surveyor and mapper either employed by or under contract to the local governing body, the costs of which shall be borne by the legal entity offering the plat for recordation, and evidence of such review must be placed on such plat.

(2) Every plat of a subdivision filed for record must contain a dedication by the owner or owners of record. The dedication must be executed by all persons, corporations, or entities whose signature would be required to convey record fee simple title to the lands being dedicated in the same manner in which deeds are required to be executed. All mortgagees having a record interest in the lands subdivided shall execute, in the same manner in which deeds are required to be executed, either the dedication contained on the plat or a separate instrument joining in and ratifying the plat and all dedications and reservations thereon.

(3) When a tract or parcel of land has been subdivided and a plat thereof bearing the dedication executed by the owners of record and mortgagees having a record interest in the lands subdivided, and when the approval of the governing body has been secured and recorded in compliance with this part, all streets, alleys, easements, rights-of-way, and public areas shown on such plat, unless otherwise stated, shall be deemed to have been dedicated to the public for the uses and purposes thereon stated. However, nothing herein shall be construed as creating an obligation upon any governing body to perform any act of construction or maintenance within such dedicated areas except when the obligation is voluntarily assumed by the governing body.

History.—s. 1, ch. 71-339; s. 2, ch. 79-86; s. 7, ch. 98-20; s. 2, ch. 99-288.

177.085 Platted streets; reversionary clauses.—

(1) When any owner of land subdivides the land and dedicates streets, other roadways, alleys or similar strips on the map or plat, and the dedication contains a provision that the reversionary interest in the street, roadway, alley or other similar strip is reserved unto the dedicator or his or her heirs, successors, assigns, or legal representative, or similar language, and thereafter conveys abutting lots or tracts, the conveyance shall carry the reversionary interest in the abutting street to the centerline or other appropriate boundary, unless the owner clearly provides otherwise in the conveyance.

(2) As to all plats of subdivided lots heretofore recorded in the public records of each county, the holder of any interest in any reversionary rights in streets in such plats, other than the owners of abutting lots, shall have 1 year from July 1, 1972, to institute suit in a court of competent jurisdiction in this state to establish or enforce the right, and failure to institute the action within the time shall bar any right, title or interest, and all right of forfeiture or reversion shall thereupon cease and determine, and become unenforceable.

History.—ss. 1, 2, ch. 72-257; s. 50, ch. 73-333; s. 936, ch. 95-147.

177.086 Installation of cul-de-sacs.—In the event a municipality or county installs a cul-de-sac on a street or road under its jurisdiction and thereby discontinues use of any existing street or road right-of-way, such discontinuance shall not operate to abandon or vacate the unused right-of-way unless the governing body of the municipality or county adopts a resolution or ordinance, as appropriate, vacating the unused right-of-way.

History.—s. 73, ch. 87-243.

177.091 Plats made for recording.—Every plat of a subdivision offered for recording shall conform to the following:

(1) It must be:

(a) An original drawing made with black permanent drawing ink; or

(b) A nonadhered scaled print on a stable base film made by photographic processes from a film scribing tested for residual hypo testing solution to assure permanency.

Marginal lines, standard certificates and approval forms shall be printed on the plat with a permanent black drawing ink. A print or photographic copy of the original drawing must be submitted with the original drawing.

(2) The size of each sheet shall be determined by the local governing body and shall be drawn with a marginal line, or printed when permitted by local ordinance, completely around each sheet and placed so as to leave at least a ½-inch margin on each of three sides and a 3-inch margin on the left side of the plat for binding purposes.

(3) When more than one sheet must be used to accurately portray the lands subdivided, an index or key map must be included and each sheet must show the particular number of that sheet and the total number of sheets included, as well as clearly labeled matchlines to show where other sheets match or adjoin.

(4) In all cases, the letter size and scale used shall be of sufficient size to show all detail. The scale shall be both stated and graphically illustrated by a graphic scale drawn on every sheet showing any portion of the lands subdivided.

(5) The name of the plat shall be shown in bold legible letters, as stated in s. 177.051. The name of the subdivision shall be shown on each sheet included. The name of the professional surveyor and mapper or legal entity, along with the street and mailing address, must be shown on each sheet included.

(6) A prominent "north arrow" shall be drawn on every sheet included showing any portion of the lands subdivided. The bearing or azimuth reference shall be clearly stated on the face of the plat in the notes or legend, and, in all cases, the bearings used shall be referenced to some well established and monumented line.

(7) Permanent reference monuments must be placed at each corner or change in direction on the boundary of the lands being platted and may not be more than 1,400 feet apart. Where such corners are in an inaccessible place, "P.R.M.s" shall be set on a nearby offset within the boundary of the plat and such offset shall be so noted on the plat. Where corners are found to coincide with a previously set "P.R.M.," the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity on the previously set "P.R.M." shall be shown on the new plat or, if unnumbered, shall so state. Permanent reference monuments shall be set before the recording of the plat. The "P.R.M.s" shall be shown on the plat by an appropriate symbol or designation.

(8) Permanent control points shall be set on the centerline of the right-of-way at the intersection and terminus of all streets, at each change of direction, and no more than 1,000 feet apart. Such "P.C.P.s" shall be shown on the plat by an appropriate symbol or designation. In those counties or municipalities that do not require subdivision improvements and do not accept bonds or escrow accounts to construct improvements, "P.C.P.s" may be set prior to the recording of the plat and must be set within 1 year of the date the plat was recorded. In the counties or

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municipalities that require subdivision improvements and have the means of insuring the construction of said improvements, such as bonding requirements, "P.C.P.s" must be set prior to the expiration of the bond or other surety. If the professional surveyor and mapper or legal entity of record is no longer in practice or is not available due to relocation, or when the contractual relationship between the subdivider and professional surveyor and mapper or legal entity has been terminated, the subdivider shall contract with a professional surveyor and mapper or legal entity in good standing to place the "P.C.P.s" within the time allotted.

(9) Monuments shall be set at all lot corners, points of intersection, and changes of direction of lines within the subdivision which do not require a "P.R.M." or a "P.C.P."; however, a monument need not be set if a monument already exists at such corner, point, or change of direction or when a monument cannot be set due to a physical obstruction. In those counties or municipalities that do not require subdivision improvements and do not accept bonds or escrow accounts to construct improvements, monuments may be set prior to the recording of the plat and must be set at the lot corners before the transfer of the lot. In those counties or municipalities that require subdivision improvements and have the means of ensuring the construction of those improvements, such as bonding requirements, monuments shall be set prior to the expiration of the bond or other surety. If the professional surveyor and mapper or legal entity of record is no longer in practice or is not available due to relocation, or when the contractual relationship between the subdivider and professional surveyor and mapper or legal entity has been terminated, the subdivider shall contract with a professional surveyor and mapper or legal entity in good standing who shall be allowed to place the monuments within the time allotted.

(10) The section, township, and range shall appear immediately under the name of the plat on each sheet included, along with the name of the city, town, village, county, and state in which the land being platted is situated.

(11) Each plat shall show a description of the lands subdivided, and the description shall be the same in the title certification. The description must be so complete that from it, without reference to the plat, the starting point and boundary can be determined.

(12) The dedications and approvals required by ss. 177.071 and 177.081 must be shown.

(13) The circuit court clerk's certificate and the professional surveyor and mapper's seal and statement required by s. 177.061 shall be shown.

(14) All section lines and quarter section lines occurring within the subdivision shall be indicated by lines drawn upon the map or plat, with appropriate words and figures. If the description is by metes and bounds, all information called for, such as the point of commencement, course bearings and distances, and the point of beginning, shall be indicated. If the platted lands are in a land grant or are not included in the subdivision of government surveys, then the boundaries are to be defined by metes and bounds and courses.

(15) Location, width, and names of all streets, waterways, or other rights-of-way shall be shown, as applicable.

(16) Location and width of proposed easements and existing easements identified in the title opinion or property information report required by s. 177.041(2) must be shown on the plat or in the notes or legend, and their intended use shall be clearly stated. Where easements are not coincident with property lines, they must be labeled with bearings and distances and tied to the principal lot, tract, or right-of-way.

(17) All contiguous properties shall be identified by subdivision title, plat book, and page, or, if unplatted, land shall be so designated. If the subdivision platted is a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made; the fact of its being a replat shall be stated as a subtitle under the name of the plat on each sheet included. The subtitle must state the name of the subdivision being replatted and the appropriate recording reference.

(18) All lots shall be numbered either by progressive numbers or, if in blocks, progressively numbered in each block, and the blocks progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout the several additions.

(19) Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street easement, and all other areas shown on the plat. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a witness line showing complete data, with distances along all lines extended beyond the enclosure to the irregular boundary shown with as much

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certainty as can be determined or as "more or less," if variable. Lot, block, street, and all other dimensions except to irregular boundaries, shall be shown to a minimum of hundredths of feet. All measurements shall refer to horizontal plane and in accordance with the definition of the U.S. Survey foot or meter adopted by the National Institute of Standards and Technology. All measurements shall use the 39.37 ÷ 12 = 3.28083333333 equation for conversion from a U.S. foot to meters.

(20) Curvilinear lot lines shall show the radii, arc distances, and central angles. Radial lines will be so designated. Direction of nonradial lines shall be indicated.

(21) Sufficient angles, bearings, or azimuth to show direction of all lines shall be shown, and all bearings, angles, or azimuth shall be shown to the nearest second of arc.

(22) The centerlines of all streets shall be shown as follows: noncurved lines: distances together with either angles, bearings, or azimuths; curved lines: arc distances, central angles, and radii, together with chord and chord bearing or azimuths.

(23) Park and recreation parcels as applicable shall be so designated.

(24) All interior excepted parcels as described in the description of the lands being subdivided shall be clearly indicated and labeled "Not a part of this plat."

(25) The purpose of all areas dedicated must be clearly indicated or stated on the plat.

(26) When it is not possible to show line or curve data information on the map, a tabular form may be used. The tabular data must appear on the sheet to which it applies.

(27) The plat shall include in a prominent place the following statements: "NOTICE: This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county."

(28) All platted utility easements shall provide that such easements shall also be easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This section shall not apply to those private easements granted to or obtained by a particular electric, telephone, gas, or other public utility. Such construction, installation, maintenance, and operation shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission.

(29) A legend of all symbols and abbreviations shall be shown.

History.—s. 1, ch. 71-339; s. 51, ch. 73-333; s. 1, ch. 87-266; s. 3, ch. 87-349; s. 1, ch. 90-320; s. 104, ch. 94-119; s. 1454, ch. 95-147; s. 8, ch. 98-20; s. 6, ch. 99-259; s. 3, ch. 99-288; s. 2, ch. 2017-132.

177.101 Vacation and annulment of plats subdividing land.—

(1) Whenever it is discovered, after the plat has been recorded in the public records, that the developer has previously caused the lands embraced in the second plat to be differently subdivided under and by virtue of another plat of the same identical lands, and the first plat was also filed of public record at an earlier date, and no conveyances of lots by reference to the first plat so filed appears of record in such county, the governing body of the county is authorized and directed to and shall, by resolution, vacate and annul the first plat of such lands appearing of record upon the application of the developer of such lands under the first plat or upon application of the owners of all the lots shown and designated upon the second and subsequent plat of such lands, and the circuit court clerk of the county shall thereupon make proper notation of the annulment of such plat upon the face of such annulled plat.

(2) Whenever it is discovered that after the filing of a plat subdividing a parcel of land located in the county, the developer of the lands therein and thereby subdivided did cause such lands embraced in said plat, or a part thereof, to be again and subsequently differently subdivided under another plat of the same and identical lands or a part thereof, which said second plat was also filed at a later date; and it is further made to appear to the governing body of the county that the filing and recording of the second plat would not materially affect the right

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of convenient access to lots previously conveyed under the first plat, the governing body of the county is authorized by resolution to vacate and annul so much of the first plat of such lands appearing of record as are included in the second plat, upon application of the owners and developer of such lands under the first plat or their successors, grantees, or assignees, and the circuit court clerk of the county shall thereupon make proper notation of the action of the governing body upon the face of the first plat. The approval of a replat by the governing body of a local government, which encompasses lands embraced in all or part of a prior plat filed of public record shall, upon recordation of the replat, automatically and simultaneously vacate and annul all of the prior plat encompassed by the replat.

(3) The governing bodies of the counties of the state may adopt resolutions vacating plats in whole or in part of subdivisions in said counties, returning the property covered by such plats either in whole or in part into acreage. Before such resolution of vacating any plat either in whole or in part shall be entered by the governing body of a county, it must be shown that the persons making application for said vacation own the fee simple title to the whole or that part of the tract covered by the plat sought to be vacated, and it must be further shown that the vacation by the governing body of the county will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

(4) Persons making application for vacations of plats either in whole or in part shall give notice of their intention to apply to the governing body of the county to vacate said plat by publishing legal notice in a newspaper of general circulation in the county in which the tract or parcel of land is located, in not less than two weekly issues of said paper, and must attach to the petition for vacation the proof of such publication, together with certificates showing that all state and county taxes have been paid. For the purpose of the tax collector's certification that state, county, and municipal taxes have been paid, the taxes shall be deemed to have been paid if, in addition to any partial payment under s. 194.171, the owner of the platted lands sought to be vacated shall post a cash bond, approved by the tax collector of the county where the land is located and by the Department of Revenue, conditioned to pay the full amount of any judgment entered pursuant to s. 194.192 adverse to the person making partial payment, including all costs, interest, and penalties. The circuit court shall fix the amount of said bond by order, after considering the reasonable timeframe for such litigation and all other relevant factors; and a certified copy of such approval, order, and cash bond shall be attached to the application. If such tract or parcel of land is within the corporate limits of any incorporated city or town, the governing body of the county shall be furnished with a certified copy of a resolution of the town council or city commission, as the case may be, showing that it has already by suitable resolution vacated such plat or subdivision or such part thereof sought to be vacated.

(5) Every such resolution by the governing body shall have the effect of vacating all streets and alleys which have not become highways necessary for use by the traveling public. Such vacation shall not become effective until a certified copy of such resolution has been filed in the offices of the circuit court clerk and duly recorded in the public records of said county.

(6) All resolutions vacating plats by the governing body of a county prior to September 1, 1971, are hereby validated, ratified, and confirmed. Such resolutions shall have the same effect as if the plat had been vacated after September 1, 1971.

History.—s. 1, ch. 71-339; s. 1, ch. 79-86; s. 32, ch. 87-224; s. 9, ch. 98-20.

177.111 Instructions for filing plat.—After the approval by the appropriate governing body required by s. 177.071, the plat shall be recorded by the circuit court clerk or other recording officer upon submission thereto of such approved plat. The circuit court clerk or other recording officer shall maintain in his or her office a book of the proper size for such papers so that they shall not be folded, to be kept in the vault. A print or photographic copy must be filed in a similar book and kept in his or her office for the use of the public. The clerk shall make available to the public a full size copy of the record plat at a reasonable fee.

History.—s. 1, ch. 71-339; s. 1, ch. 76-110; s. 937, ch. 95-147; s. 7, ch. 99-259.

177.121 Misdemeanor to molest monument or deface or destroy map or plat.—It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for any person to molest any monuments

established according to this part or to deface or destroy any map or plat placed on public record.

History.—s. 1A, ch. 71-339; s. 10, ch. 98-20.

177.131 Recordation of the Department of Transportation official right-of-way maps and other governmental right-of-way maps.—

(1) The circuit court clerk of a county shall record in the public land records of the county any map prepared and adopted by the Department of Transportation or any other governmental entity as its official right-of-way map after the same has been approved by the appropriate governmental authority. The clerk shall use special plat books provided by the appropriate governmental authority for such maps, which shall be kept with other plat books. The clerk shall make available to the public a full size copy of the right-of-way maps at a reasonable fee.

(2) Sections 177.011-177.121 of this part are not applicable to this section. Upon request of the clerk, the Department of Transportation shall furnish without charge a reproducible copy of its right-of-way maps.

History.—s. 1, ch. 71-339; s. 11, ch. 98-20.

177.132 Preservation of unrecorded maps.—

(1) The clerk of the circuit court of a county may receive and copy, as unrecorded maps, otherwise unrecorded plats and maps, including sales maps, which describe or illustrate the boundaries and subdivision of parcels of land, but which do not necessarily indicate proper metes and bounds or otherwise comply with the recording requirements of this part. The receipt and copying of such documents shall not affect or impair the title to the property in any manner, nor shall it be construed as actual or constructive notice, but shall be for informational purposes only and shall not be referred to for the purpose of conveying property or for circumventing the lawful regulation and control of subdividing lands by local governing bodies. The clerk may maintain a separate book or other filing process provided by the county for this purpose. The clerk shall make reproductions of these copies available to the public at a reasonable fee.

(2) Sections 177.021-177.121 of this part shall not apply to this section.

History.—s. 2, ch. 76-110; s. 12, ch. 98-20.

177.141 Affidavit confirming error on a recorded plat.—In the event an error or omission in the data shown on any plat duly recorded under the provisions of this part is detected by subsequent examination or revealed by a retracement of the original survey of the lands shown on such recorded plat, the professional surveyor and mapper or legal entity responsible for the survey and the preparation of the plat as recorded may file an affidavit confirming that such error or omission was made. If applicable, the affidavit must state that the professional surveyor and mapper or legal entity has made a resurvey of the subject property in the recorded subdivision within the last 10 days and that no evidence existed on the ground that would conflict with the corrections as stated in the affidavit. The affidavit shall describe the nature and extent of such error or omission and the appropriate correction that in the affiant's professional opinion should be substituted for the erroneous data shown on the plat or added to the data on the plat. When such an affidavit is filed, it is the duty of the circuit court clerk to record the affidavit, and he or she must place in the margin of the recorded plat a notation that the affidavit has been filed, the date of filing, and the official book and page where it is recorded. The notation must also be placed on all copies of the plat used for reproduction purposes. The affidavit shall have no effect upon the validity of the plat.

History.—s. 1, ch. 71-339; s. 7, ch. 82-179; s. 105, ch. 94-119; s. 1455, ch. 95-147; s. 13, ch. 98-20.

177.142 Renaming of subdivisions and streets on plats and maps.—If the local governing body determines that a subdivision, street, or other name appearing on a recorded plat or map or an unrecorded map maintained by the clerk of the circuit court pursuant to s. 177.132 constitutes an ethnic or racial slur, the local governing body is authorized to change that name by ordinance. The clerk of the circuit court of the county shall place in the margin of the plat or map a notation that an ordinance has been passed changing the name, the date of the name change, and the book and page in the public records where the ordinance is recorded.

History.—s. 2, ch. 95-176.

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177.151 State plane coordinate.—

(1) Coordinates may be used to define or designate the position of points on the surface of the earth within the state for land descriptions and subdivision purposes, provided the initial point in the description shall be tied to the nearest government corner or other recorded and well established corner. The state plane coordinates of a point on the earth's surface, to be used in expressing the position or location of such point in the appropriate projection and zone system, shall consist of two distances, expressed in meters or feet and decimals of the same. One position, to be known as the "Northing," shall give the position in a north and south direction; the other, to be known as the "Easting," shall give the position in an east and west direction. These coordinates shall be made to depend upon and conform to the origins and projections on the Florida State Plane Coordinate System and the geodetic control stations of the National Ocean Service within the state, as those origins and projections have been determined by such service. When any tract of land to be defined by a single description extends from one into the other of the above projections or zones, the positions of all points on its boundary may be referred to either of the zones or projections, with the zone and projection being used specifically named in the description.

(2) The position of points on the Florida State Plane Coordinate System shall be as marked on the ground by geodetic control stations established in conformity with standards adopted by the National Ocean Service for first-order and second-order work, the geodetic positions of which have been rigidly adjusted on the North American Datum of 1983, as readjusted in 1990, and the coordinates of which have been computed on the Florida State Plane Coordinate System. Any such station may be used for establishing a survey connection with the Florida State Plane Coordinate System.

History.—s. 1, ch. 71-339; s. 161, ch. 92-152; s. 106, ch. 94-119; s. 14, ch. 98-20.

PART II
COASTAL MAPPING

177.25 Short title.
177.26 Declaration of policy.
177.27 Definitions.
177.28 Legal significance of the mean high-water line.
177.29 Powers and duties of the department.
177.35 Standards and procedures; applicability.
177.36 Work to be performed only by authorized personnel.
177.37 Notification to department.
177.38 Standards for establishment of local tidal datums.
177.39 Determination of mean high-water line or mean low-water line.
177.40 Admissibility of maps and surveys.

177.25 Short title.—This part shall be cited as the "Florida Coastal Mapping Act of 1974."

History.—s. 1, ch. 74-56.

177.26 Declaration of policy.—The Legislature recognizes the desirability of confirmation of the mean high-water line, as recognized in the State Constitution and defined in s. 177.27(15) as the boundary between state sovereignty land and uplands subject to private ownership, as well as the necessity for uniform standards and procedures with respect to the establishment of local tidal datums and the determination of the mean high-water and mean low-water lines, and therefore directs that uniform standards and procedures be developed.

History.—s. 2, ch. 74-56; s. 2, ch. 91-56.

177.27 Definitions.—The following words, phrases, or terms used herein, unless the context otherwise indicates, shall have the following meanings:

(1) "Apparent shoreline" means the line drawn on a map or chart in lieu of the mean high-water line or mean low-water line in areas where either or both may be obscured by marsh or mangrove, cypress, or other types of

Agenda Item #7

AGENDA ITEM #7

Gadsden County Planning Commissioners

Agenda Request

Date of Meeting: August 22, 2019

To: Honorable Chairperson and Members of the Commission

From: Jill A. Jeglie, Senior Planner II

Through: Suzanne Lex, Growth Management Director

Subject: **Public Hearing (Legislative)** – Consideration of a recommendation to adopt revisions and to the Capital Improvements Schedule of the Capital Improvements Element for Fiscal Years 2019/20- 2023/24 (LSPA-2019-02).

Statement of Issue:

The Planning Commission, as the local planning agency, is requested to make a recommendation to the Board of County Commissioners to 1 adopt the annual update of the Capital Improvements Schedule (CIS) (Table 8.3) for Fiscal Years (FY) 2019/20 – 2023/24 of the Capital Improvements Element (CIE). In addition, the Planning Commission is requested to make recommendations on revisions to the Capital Improvements Element (CIE) of the Comprehensive Plan (Attachments #1 and #2).

Background:

The Board of County Commissioners is required to adopt a CIS annually pursuant to 163.3177(3)(b) F.S. The CIS includes the list of the capital projects that *only impact level of service capacity.* The CIS must include a list of the publicly funded projects, project costs, and funding sources that impact capacity (level of service (LOS)) over the five (5) year planning horizon. Projects not directly related to level of service capacity such as roadway pavement/resurfacing, park maintenance, etc. are not included in the CIS.

Amendments to the CIE are proposed to be amended refer to updated level of service policies in the applicable elements of the Comprehensive Plan as well as to remove outdated cites to the Florida Administrative Code.

Analysis:

Capital Improvements Schedule (CIS):

The CIS includes only those projects that impact capacity also referred to as level of service (LOS). The information included in the CIS comes from the Five Year Work Programs of the applicable agency or County Department. The transportation projects are those included in the Capital Regional Transportation Planning Agency (CRTPA) (Metropolitan Planning Organization) Five Year Transportation Improvements Program. The Parks project list is provided by the County Facilities Department and includes those projects anticipated to receive county or grant funding. School projects are those listed in the Gadsden County School District's five year work plan.

The statutory requirements are as follows:

Pursuant to §163.3177(3)(a)(4&5) of F.S. the CIE shall include and require that:

> 4. A schedule of capital improvements which includes any publicly funded projects of federal, state, or local government, and which may include privately funded projects for which the local government has no fiscal responsibility. Projects necessary to ensure that any adopted level-of-service standards are achieved and maintained for the 5-year period must be identified as either funded or unfunded and given a level of priority for funding.
> 5. The schedule must include transportation improvements included in the applicable metropolitan planning organization's transportation improvement program adopted pursuant to s. 339.175(8) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must be coordinated with the applicable metropolitan planning organization's long-range transportation plan adopted pursuant to s. 339.175(7).
> (b) The capital improvements element must be reviewed by the local government on an annual basis. Modifications to update the 5-year capital improvement schedule may be accomplished by ordinance and may not be deemed to be amendments to the local comprehensive plan.

The CIS is to be updated and adopted by ordinance pursuant to §163.3177(3)(b) F.S., as follows:

> (b) The capital improvements element must be reviewed by the local government on an annual basis. Modifications to update the 5-year capital improvement schedule may be accomplished by ordinance and may not be deemed to be amendments to the local comprehensive plan.

Capital Improvements Element (CIE)

Amendments are proposed to applicable polices and to Table 8.1 of the CIE to remove outdated references to deleted Florida Administrative Code and to reflect the current Level of Service (LOS) standards adopted in the applicable policies of the updated Comprehensive Plan elements (Attachments #1 & 2). Upon recommendation of the Board, the amended CIE will be transmitted to the Florida Department of Economic Opportunity for review prior to adoption by the County.

Options:

1. Recommend that the Board adopt the Capital Improvements Schedule of the Capital Improvements Element of the Comprehensive Plan.

2. Recommend that the Board transmit the Capital Improvements Element to the Florida Department of Economic Opportunity.

3. Recommend that the Board not adopt the Capital Improvements Schedule of the Capital Improvements Element of the Comprehensive Plan.

4. Recommend that the Board not transmit the Capital Improvements Element of the Comprehensive Plan.

5. Planning Commission Direction.

Planning Recommendation:

Options #1 and #2.

Attachments:

1. Strike Ad Version of the CIE
2. Clean Version of the CIE
3. Florida Statutes pertaining to the Capital Improvements Element.

CAPITAL IMPROVEMENTS ELEMENT

PURPOSE: This element is intended to be a guide for the capital improvements program for the County; to provide financial policies to guide the provision of public facilities and infrastructure improvements, and to insure that public facilities and infrastructure are funded and constructed concurrent with the needs of development as required by Chapter 163.3177,(3), Florida Statutes, Part II.

GOAL 8A: Establish fiscal procedures and undertake actions necessary for the timely and efficient provision of adequate facilities for existing and future populations.

Objective 8.1: Review public facility needs each year and analyze potential revenue sources to balance the Capital Improvements Plan.

Policy 8.1.1: The County shall update the Capital Improvements Element and add a new fifth year to the Schedule of Capital Improvements prior to December 1 of each year.

Policy 8.1.2: The County shall evaluate capital facility needs relative to: level of service deficiencies; repair and replacement of obsolete or worn-out facilities; and, the need for new facilities to accommodate growth.

Policy 8.1.3: The County shall include all projects of relatively large scale and -cost ($25,000 or greater), as capital improvements projects for inclusion within the Capital Improvements Schedule when such project is needed to maintain or increase an adopted level of service standard.

Policy 8.1.4: The County shall consider level of service standard deficiencies as priority needs and shall include funding to correct such deficiencies.

Policy 8.1.5: The County Administrator shall coordinate the evaluation and ranking of projects proposed for inclusion in the Capital Improvements Schedule.

Policy 8.1.6: The following criteria shall be used in order of importance to evaluate and rank the need for proposed capital improvement projects for inclusion in the Capital Improvements Schedule:

A. The project is necessary to eliminate public health and safety hazards;

B. The project is needed to maintain the adopted level of service;

C. The project is necessary to correct capacity deficiencies based on the adopted level of service;

D. The project is financially feasible;

E. The project is necessary to accommodate new or additional growth;

F. The project represents a logical extension of facilities or services;

G. The project will meet or further the goals, objectives and policies of the Comprehensive Plan;

H. The availability of State, Federal or private financial assistance in defraying or sharing costs;

I. The extent to which the project is necessary to meet regulatory requirements of other units of government;

J. Consideration of state agencies and the Northwest Florida Water Management District plan; and,

K. The extent in which the project will increase the economic base and quality of life of residents.

Policy 8.1.7: County expenditures for public facilities in high flood hazard areas shall be consistent with this Comprehensive Plan and County Flood Regulations.

Objective 8.2: Coordinate land use decisions and fiscal resources with the Capital Improvements Schedule to maintain the adopted Level of Service Standards.

Policy 8.2.1: The adopted level of service standards are identified in this Plan and in Tables 8.1 ~~and 8.2~~ of this element.

Table 8.1 Level of Service Standards (LOS)

Service	Level of Service Standards
Transportation	See Policy 2.2.3 of the Transportation Element. ~~LOS C - Non-state 2 lane roads, Rural & Multi-Lane Roads in transitioning urban areas~~ ~~LOS B - Interstate 10~~
Parks and Recreation	See Policy 6.3.6, Policy 6.3.7 and Policy 6.3.8 of the Recreation and Open Space Element. ~~Neighborhood Parks: Two (2) acres per 5,000 population~~ ~~Community Parks: Twenty (20) acres per 10,000 population~~ ~~Water Access Points: Near major road crossings on the Ochlokonee River and at new subdivisions on or existing ramp access locations on Lake Talquin.~~
Public Schools	See Policy 10.6.1 of the Public Schools Facility Element. ~~Table CIE - 8.2~~
Potable Water	See Policy 4B.1.3 and Policy 4B.1.4 of the Potable Water Sub Element of the Infrastructure Element. ~~By central water or the issuance of an individual or general water use permit through by the North Florida Water Management District.~~
Sanitary Sewer	See Policy 4A.1.4 and Policy 4A.1.5 of the Sanitary Sewer Sub Element of the Infrastructure Element. ~~By central sewer or the issuance of an onsite sewage disposal (septic tank) permit pursuant to 64E-6, F.A.C.~~
Stormwater	See Policy 4C.1.1 and Policy 4C.1.2 of the Stormwater Management Sub Element of the Infrastructure Element ~~Retention Pond Standards: Water quality standards as specified in Rule Chapters 62-25, FAC and Rule 62-346 F.A.C.~~ ~~Detention Pond Standards: Stormwater rate control standards shall restrict post- development runoff rates to pre-development rates for the 25- year design storm. All stormwater management facilities shall be designed to pass the 100-year design storm.~~

Policy 8.2.2: The County hereby adopts the Gadsden County Capital Improvements Schedule as shown in Table 8.3 detailing the projects to be the total project cost, year, project description and funding source.

Policy 8.2.3: In providing capital improvements, the County shall limit the maximum ratio of outstanding general obligation indebtedness to no greater than 15 percent of the

property tax base, except School Board debt which shall be regulated by the Gadsden County School Board.

Policy 8.2.4: Efforts shall continue to be made to secure grants or private funds whenever available to finance the provision of capital improvements.

Policy 8.2.5: The County shall use the following guidelines to assure that the objectives and policies established in this Plan are met and that the Capital Improvements Schedule remains feasible. In the event that a revenue source identified in the Capital Improvements Schedule is not available to fund a project when needed, the following guidelines specify how the County shall make adjustments:

A. Undertake a plan amendment that lowers the adopted level of service standard for the facility or service for which funding cannot be obtained.

B. Undertake a plan amendment that would adjust Capital Improvement Schedule.

C. Undertake a plan amendment that would delay projects until funding can be guaranteed.

D. Not issuing development orders that would continue to cause a deficiency based on adopted level of service standards.

E. Transfer funds from the funded but not deficient public facility in order to fund an identified deficient public facility or service.

The following restrictions shall apply to the guidelines listed in subsections a through e above:

1. Projects cannot be removed, delayed, or deferred from the Capital Improvements Schedule unless level of service standards are maintained;

2. Projects other than roads and mass transit cannot be eliminated, deferred, or delayed once relied upon for purposes of maintain level of service standards; and

3. Development orders or permits that will result in a reduction in the level of service below the adopted standard shall not be issued.

OBJECTIVE 8.3: Future development will bear a proportionate share of the cost of facility improvements necessitated by development in order to maintain adopted level-of-service standards.

Policy 8.3.1: Require that developers support the pro rata share of costs necessary to finance public facility improvements necessary to maintain the adopted levels of service for a proposed development.

OBJECTIVE 8.4: Continue to implement the Concurrency Management System consistent with Chapter 163.3180 Concurrency, Florida Statutes.

Policy 8.4.1: The issuance of a development order is conditioned upon the availability of public facilities to include: sanitary sewer, drainage, solid waste, and potable water as well as roads, parks and schools that are required to serve the proposed development pursuant to Chapter 163.3180(1), Florida Statutes.

Policy 8.4.2: The County shall monitor land use decisions through the concurrency management system and the development permitting process to ensure that the adopted levels of service for public facilities are sustained concurrent with the impact of development.

Policy 8.4.3: All public facilities shall be in place and available to serve new development, prior to the issuance of a certificate of occupancy as required by §163.3180(2), F.S.

Objective 8.5: Manage the timing of residential development approvals and their functional equivalent to ensure adequate school capacity is available consistent with the adopted level of service standards for public school concurrency.

Policy 8.5.1: Ensure that adequate school capacity is available consistent with adopted level of service standards for public school concurrency in Policy 10.6.1 and consistent with the adopted Interlocal Agreement as adopted in the Public School Facilities Element ~~and listed in Table 8.2~~.

~~**Table 8.2 Public School Level of Service Standards**~~

~~TYPE OF SCHOOL FACILITY~~	~~LEVEL OF SERVICE~~
~~Elementary~~	~~100% of Florida Inventory of School Houses permanent capacity~~
~~Middle~~	~~100% of Florida Inventory of School Houses permanent capacity~~
~~K-8~~	~~100% of Florida Inventory of School Houses~~

	~~permanent capacity~~
~~High~~	~~100% of Florida Inventory of School Houses permanent capacity~~
~~Special purpose~~	~~100% of Florida Inventory of School Houses permanent capacity~~

Policy 8.5.2: The County and School Board will coordinate during updates or amendments to the Comprehensive Plan and updates or amendments for public school facilities including those which result in school facility capital investments that result in the increase of capacity of an existing school or the construction or replacement of an existing school at an existing or new site.

Policy 8.5.3: The County shall participate with the School Board in the preparation of the annual update to the Gadsden County School Board Five Year District Facilities Work Program and education plant survey prepared pursuant to Section 1013.35 Florida Statutes.

Policy 8.5.4: The County hereby incorporates by reference the most currently adopted Gadsden County School Board Five Year District Facilities Work Plan.

Exhibit 'A'

Table 8.3 Capital Improvements Schedule Gadsden County FY ~~2018/19 –~~ 2019/2022/23-2023/24

FDOT LOS (CAPACITY) PROJECTS	TOTAL PROJECT COST	~~2018/19~~	2019/20	2020/21	2021/22	2022/2023	2023/2024	FUNDING SOURCE'
Quincy Municipal Airport (FM #4203724) Aviation Preservation Project – Construction of perimeter taxiway.	$550,000				$550,000			FDOT – CAP DDR
Quincy Municipal Airport (FM #4203725)– Construction of perimeter Taxiway B South.	$550,000					$550,000		FDOT – CAP DDR
Quincy Municipal Airport (FM #4223053) – Construction of T-hanger & taxi.	$650,000		$250,000					FDOT – CAP DPTO
Quincy Municipal Airport (FM #4256116) – Remarking of T-hanger & taxi.	$350,000		$350,000					FDOT DPTO $129,078 DDR $220,922

FDOT LOS (CAPACITY) PROJECTS	TOTAL PROJECT COST	~~2018/19~~	2019/20	2020/21	2021/22	2022/2023	2023/2024	FUNDING SOURCE
Quincy Municipal Airport (4256118) - Land Acquisition/Hanger	$900,000		$900,000					FDOT – CAP DPTO
Quincy Municipal Airport (4256119) Environmnetal/Desgn Constr Hangers & Taxiway	$800,000						$800,00	FDOT - CAP DDR
~~CR 159 over Attapulgus Creek Bridge (4286241)~~	~~$3,812,000~~		~~$305,000~~			~~$3,507,000~~		~~CRTPA (ACBZ)~~
CR 65A Juniper Cr RD over Juniper Creek Bridge - Replacement(4350821)	$2,515,729 ~~$1,772,967~~		$1,706,200 ~~$1,508,000~~					CRTPA (ACBZ)
CR 159 Salem Rd over Swamp Creek Bridge – Replacement (4393741)	$4,657,996 ~~$4,072,954~~		$70,000 ~~$55.000~~		$3,770,456 ~~$3,259,000~~			CRTPA (ACBZ)
SR 8(I-10) over Flat Creek Bridge #500082 (FM #4429141) – Bridge repair funding	$1,335,407			$1,220,424				CRTPA – CST DIH $11,487 CST BRRP $1,208,937
CR 270A Flat Creek RD over SR 8(I-10), Bridge #500092 (FM #4439301) – Bridge Repair Funding	$952,545		$882,322					CRTPA – CST DIH $9,353 CST BRRP $872,969
~~SR 10 (US 90) @ River Birch RD/Water Management DR – Intersection (4382721)~~	~~$159,817~~	~~$159,817~~						~~CRTPA (HSP~~
~~SR 10 (US 90) @ Lanier Rd (4382722) – Intersection~~	~~$210,164~~							~~CRTPA (HSP~~
Gadsden CO Safe Routes to Schools – Multiple Locations (4413~~471 &~~ 472)	$290,945 ~~$384,000~~	~~$93,000~~		$290,945 ~~$291,000~~				CRTPA CST~~(~~ SR2T~~)~~
Havana Middle School Sidewalk Extension (4381271)	$262,866 ~~$215,266~~				$215,366			CRTPA ~~(~~-CST TALU~~)~~
Ralph Strong Rd from Crossroads School	$862,4277	~~$78,000~~		$783,661				CRTPA – ~~(~~CST SR2T ~~)~~

FDOT LOS (CAPACITY) PROJECTS	TOTAL PROJECT COST	~~2018/19~~	2019/20	2020/21	2021/22	2022/2023	2023/2024	FUNDING SOURCE'
(4403851) Sidewalks								
Adams St from MLK Jr Blvd to Clark Street (Quincy) (4369921)	$536,265	~~$392,603~~	$94,475					CRTPA ~~(CSTALT, ACTU,~~ TALU~~,ACTA)~~
CR 274 Atlanta ST from Ben Bostick RD to MLK BLVD (4407241)	$1,141,763 ~~$2,143,384~~					$892,412 ~~$1,869,984~~		CRTPA CST TALT $603,684 CDT TALU $288,728 ~~(TALT, TALU)~~
Commuter Trans. Assistance Managed by Big Bend Transit Operating Funding (4203101)	$248,116		$30,000	$20,000	$20,000	$17,116	$20,000	CRTPA OPS DDR $53,558 OPS LF $5;3,558
Commuter Trans. Assistance Managed by Big Bend Transit Operating Funding (4203131)	$219,700		$32,582	$10,000	$20,000	$20,000	$17,118	CRTPA OPS DDR $49,850 OPS LF $49,850
Commuter Trans. Assistance Managed by Big Bend Transit Operating Funding (4222621)	$286,978		$10.000	$20,000	$18,600	$20,000	$20,000	CRTPA OPS DDR $44,300 OPS LF $44,300
Gadsden County JPAS for Traffic Signals (4367411)	$712,295 ~~$424,942~~	~~$80,040~~	$82,441	$84,914	$87,461	$90,086	$92,335	CRTPA OPS DITS $423,411 OPS DDR $13,829~~CRTPA (FDOT DITS, DDR)~~
Transportation Total	**$17,823,082** **~~$14,594,036~~**	**~~$803,460~~**	**$4,408,020** **~~$2,044,916~~**	**$2,429,944** **~~$1,159,575~~**	**$4,681,883** **~~$3,561,827~~**	**$1,589,614** **~~$5,467,070~~**	**$949,453**	

SCHOOL FACILITIES	TOTAL PROJECT COST	~~2018/19~~	2019/20	2020/21	2021/22	2022/2023	2023/2024	FUNDING SOURCE
Stewart Street Elementary (New K-8 School)*	$30,021,600			$10,007,200	$10,007,200	$10,007,200		Special Facilities Fund Payment

School TotalSteward Street School	$30,021,600 $3,505,425		$1,168,475	$10,007,200 1,168,475	$10,007,200 $1,168,475	$10,007,200		Special Facilities Fund Payment

COUNTY PARK FACILITIES	TOTAL PROJECT COST	2018/19	2019/20	2020/21	2021/22	2022/2023	2023/2024	FUNDING SOURCE
E. Gadsden Sports & Recreation Complex @St. Hebron (Fantana Trail)	$9,000,000 $200,000	$200,000	$400,000$ 200,000	$750,000 $200,000	$750,000 $200,000	$850,000 $200,000	$850,000	Capital – Parks Fund 344 - FRDAP
Pat Thomas Park, Playground Renovation	$50,000	$50,000	$50,000					Capital – Parks Fund 344 - FRDAP
Pat Thomas Park Expansion, Hopkins Landing Rd, (Camping & RV)	$180,000	$80,000	$80,000	$100,000				Capital – Parks Fund 344 - FRDAP
Robertsville	$50,000					$50,000		Capital – Parks Fund 344
Shiloh Park	$50,000			$50,000				Capital – Parks Fund 344
St. John Park	$50,000				$50,000			Capital – Parks Fund 344
County Parks Total	**$9,380,000 $3,130,000**	**$130,00**	**$530,000$200,000**	**$900,000 $200,000**	**$800,000 $200,000**	**$900,000 $200,000**	**$850,000**	

Source: Gadsden County Budget FY2018-19-2020 Gadsden County Budget Analyst, Facilities & Parks Divisions; Gadsden County, CRTPA Transportation Improvement Program (TIP) FY–2019/20-2023/242018/19-2022-2023. FDOT District 3 2020-2419-23 Five Year Work Program. Gadsden County School District 2018/1917/18-2023/242 Work Plan.

*The Gadsden County School Board's anticipated construction of a new PreK-8 school to consolidate at minimum 3 schools. (St. John and Gretna Elementary are on the market for sale. The Carter Parramore sie will be razed to make way for the new Pre-8 Stewart St. School. The old Stewart St site will be utilized for storage and ancillary administration.)

CAPITAL IMPROVEMENTS ELEMENT

PURPOSE: This element is intended to be a guide for the capital improvements program for the County; to provide financial policies to guide the provision of public facilities and infrastructure improvements, and to insure that public facilities and infrastructure are funded and constructed concurrent with the needs of development as required by Chapter 163.3177,(3), Florida Statutes, Part II.

GOAL 8A: Establish fiscal procedures and undertake actions necessary for the timely and efficient provision of adequate facilities for existing and future populations.

Objective 8.1: Review public facility needs each year and analyze potential revenue sources to balance the Capital Improvements Plan.

Policy 8.1.1: The County shall update the Capital Improvements Element and add a new fifth year to the Schedule of Capital Improvements prior to December 1 of each year.

Policy 8.1.2: The County shall evaluate capital facility needs relative to: level of service deficiencies; repair and replacement of obsolete or worn-out facilities; and, the need for new facilities to accommodate growth.

Policy 8.1.3: The County shall include all projects of relatively large scale and cost ($25,000 or greater), as capital improvements projects for inclusion within the Capital Improvements Schedule when such project is needed to maintain or increase an adopted level of service standard.

Policy 8.1.4: The County shall consider level of service standard deficiencies as priority needs and shall include funding to correct such deficiencies.

Policy 8.1.5: The County Administrator shall coordinate the evaluation and ranking of projects proposed for inclusion in the Capital Improvements Schedule.

Policy 8.1.6: The following criteria shall be used in order of importance to evaluate and rank the need for proposed capital improvement projects for inclusion in the Capital Improvements Schedule:

A. The project is necessary to eliminate public health and safety hazards;

B. The project is needed to maintain the adopted level of service;

C. The project is necessary to correct capacity deficiencies based on the adopted level of service;

D. The project is financially feasible;

E. The project is necessary to accommodate new or additional growth;

F. The project represents a logical extension of facilities or services;

G. The project will meet or further the goals, objectives and policies of the Comprehensive Plan;

H. The availability of State, Federal or private financial assistance in defraying or sharing costs;

I. The extent to which the project is necessary to meet regulatory requirements of other units of government;

J. Consideration of state agencies and the Northwest Florida Water Management District plan; and,

K. The extent in which the project will increase the economic base and quality of life of residents.

Policy 8.1.7: County expenditures for public facilities in high flood hazard areas shall be consistent with this Comprehensive Plan and County Flood Regulations.

Objective 8.2: Coordinate land use decisions and fiscal resources with the Capital Improvements Schedule to maintain the adopted Level of Service Standards.

Policy 8.2.1: The adopted level of service standards are identified in this Plan and in Tables 8.1 of this element.

Table 8.1 Level of Service Standards (LOS)

Service	Level of Service Standards
Transportation	See Policy 2.2.3 of the Transportation Element.
Parks and Recreation	See Policy 6.3.6, Policy 6.3.7 and Policy 6.3.8 of the Recreation and Open Space Element.
Public Schools	See Policy 10.6.1 of the Public Schools Facility Element.
Potable Water	See Policy 4B.1.3 and Policy 4B.1.4 of the Potable Water Sub Element of the Infrastructure Element.
Sanitary Sewer	See Policy 4A.1.4 and Policy 4A.1.5 of the Sanitary Sewer Sub Element of the Infrastructure Element.
Stormwater	See Policy 4C.1.1 and Policy 4C.1.2 of the Stormwater Management Sub Element of the Infrastructure Element

Policy 8.2.2: The County hereby adopts the Gadsden County Capital Improvements Schedule as shown in Table 8.3 detailing the projects to be the total project cost, year, project description and funding source.

Policy 8.2.3: In providing capital improvements, the County shall limit the maximum ratio of outstanding general obligation indebtedness to no greater than 15 percent of the property tax base, except School Board debt which shall be regulated by the Gadsden County School Board.

Policy 8.2.4: Efforts shall continue to be made to secure grants or private funds whenever available to finance the provision of capital improvements.

Policy 8.2.5: The County shall use the following guidelines to assure that the objectives and policies established in this Plan are met and that the Capital Improvements Schedule remains feasible. In the event that a revenue source identified in the Capital Improvements Schedule is not available to fund a project when needed, the following guidelines specify how the County shall make adjustments:

A. Undertake a plan amendment that lowers the adopted level of service standard for the facility or service for which funding cannot be obtained.

B. Undertake a plan amendment that would adjust Capital Improvement Schedule.

C. Undertake a plan amendment that would delay projects until funding can be guaranteed.

D. Not issuing development orders that would continue to cause a deficiency based on adopted level of service standards.

E. Transfer funds from the funded but not deficient public facility in order to fund an identified deficient public facility or service.

The following restrictions shall apply to the guidelines listed in subsections a through e above:

1. Projects cannot be removed, delayed, or deferred from the Capital Improvements Schedule unless level of service standards are maintained;

2. Projects other than roads and mass transit cannot be eliminated, deferred, or delayed once relied upon for purposes of maintain level of service standards; and

3. Development orders or permits that will result in a reduction in the level of service below the adopted standard shall not be issued.

OBJECTIVE 8.3: Future development will bear a proportionate share of the cost of facility improvements necessitated by development in order to maintain adopted level-of-service standards.

Policy 8.3.1: Require that developers support the pro rata share of costs necessary to finance public facility improvements necessary to maintain the adopted levels of service for a proposed development.

OBJECTIVE 8.4: Continue to implement the Concurrency Management System consistent with Chapter 163.3180 Concurrency, Florida Statutes.

Policy 8.4.1: The issuance of a development order is conditioned upon the availability of public facilities to include: sanitary sewer, drainage, solid waste, and potable water as well as roads, parks and schools that are required to serve the proposed development pursuant to Chapter 163.3180(1), Florida Statutes.

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Policy 8.4.3: All public facilities shall be in place and available to serve new development, prior to the issuance of a certificate of occupancy as required by §163.3180(2), F.S.

Objective 8.5: Manage the timing of residential development approvals and their functional equivalent to ensure adequate school capacity is available consistent with the adopted level of service standards for public school concurrency.

Policy 8.5.1: Ensure that adequate school capacity is available consistent with adopted level of service standards for public school concurrency in Policy 10.6.1 and consistent with the adopted Interlocal Agreement as adopted in the Public School Facilities Element.

Policy 8.5.2: The County and School Board will coordinate during updates or amendments to the Comprehensive Plan and updates or amendments for public school facilities including those which result in school facility capital investments that result in the increase of capacity of an existing school or the construction or replacement of an existing school at an existing or new site.

Policy 8.5.3: The County shall participate with the School Board in the preparation of the annual update to the Gadsden County School Board Five Year District Facilities Work Program and education plant survey prepared pursuant to Section 1013.35 Florida Statutes.

Policy 8.5.4: The County hereby incorporates by reference the most currently adopted Gadsden County School Board Five Year District Facilities Work Plan.

Exhibit 'A'

Table 8.3 Capital Improvements Schedule Gadsden County FY 2019/20-2023/24

FDOT LOS (CAPACITY) PROJECTS	TOTAL PROJECT COST	2019/20	2020/21	2021/22	2022/2023	2023/2024	FUNDING SOURCE*
Quincy Municipal Airport (FM #4203724) Aviation Preservation Project – Construction of perimeter taxiway.	$550,000			$550,000			FDOT – CAP DDR
Quincy Municipal Airport (FM #4203725)– Construction of perimeter Taxiway B South.	$550,000				$550,000		FDOT – CAP DDR

FDOT LOS (CAPACITY) PROJECTS	TOTAL PROJECT COST	2019/20	2020/21	2021/22	2022/2023	2023/2024	FUNDING SOURCE*
Quincy Municipal Airport (FM #4223053) – Construction of T-hanger & taxi.	$650,000	$250,000					FDOT – CAP DPTO
Quincy Municipal Airport (FM #4256116) – Remarking of T-hanger & taxi.	$350,000	$350,000					FDOT DPTO $129,078 DDR $220,922
Quincy Municipal Airport (4256118) - Land Acquisition/Hanger	$900,000	$900,000					FDOT – CAP DPTO
Quincy Municipal Airport (4256119) Environmental/Design CONSTR Hangers & Taxiway	$800,000					$800,000	FDOT - CAP DDR
CR 65A Juniper Cr RD over Juniper Creek Bridge - Replacement(4350821)	$2,515,729	$1,706,200					CRTPA (ACBZ)
CR 159 Salem Rd over Swamp Creek Bridge – Replacement (4393741)	$4,657,996	$70,000		$3,770,456			CRTPA (ACBZ)
SR 8(1-10) over Flat Creek Bridge #500082 (FM #4429141) – Bridge repair funding	$1,335,407		$1,220,424				CRTPA – CST DIH $11,487 CST BRRP $1,208,937
CR 270A Flat Creek RD over SR 8(I-10), Bridge #500092 (FM #4439301) – Bridge Repair Funding	$952,545	$882,322					CRTPA – CST DIH $9,353 CST BRRP $872,969
Gadsden CO Safe Routes to Schools – Multiple Locations (4413 472)	$290,945		$290,945				CRTPA CST SR2T
Havana Middle School Sidewalk Extension (4381271)	$262,866			$215,366			CRTPA CST TALU
Ralph Strong Rd from Crossroads School (4403851) Sidewalks	$862,477		$783,661				CRTPA – CST SR2T

FDOT LOS (CAPACITY) PROJECTS	TOTAL PROJECT COST	2019/20	2020/21	2021/22	2022/2023	2023/2024	FUNDING SOURCE*
Adams St from MLK Jr Blvd to Clark Street (Quincy) (4369921)	$536,265	$94,475					CRTPA CS TALU
CR 274 Atlanta ST from Ben Bostick RD to MLK BLVD (4407241)	$1,141,763				$892,412		CRTPA CST TALT $603,684 CDT TALU $288,728
Commuter Trans. Assistance Managed by Big Bend Transit Operating Funding (4203101)	$248,116	$30,000	$20,000	$20,000	$17,116	$20,000	CRTPA OPS DDR $53,558 OPS LF $5;3,558
Commuter Trans. Assistance Managed by Big Bend Transit Operating Funding (4203131)	$219,700	$32,582	$10,000	$20,000	$20,000	$17,118	CRTPA OPS DDR $49,850 OPS LF $49,850
Commuter Trans. Assistance Managed by Big Bend Transit Operating Funding (4222621)	$286,978	$10.000	$20,000	$18,600	$20,000	$20,000	CRTPA OPS DDR $44,300 OPS LF $44,300
Gadsden County JPAS for Traffic Signals (4367411)	$712,295	$82,441	$84,914	$87,461	$90,086	$92,335	CRTPA OPS DITS $423,411 OPS DDR $13,829
Transportation Total	**$17,823,082**	**$4,408,020**	**$2,429,944**	**$4,681,883**	**$1,589,614**	**$949,453**	

SCHOOL FACILITIES	TOTAL PROJECT COST	2019/20	2020/21	2021/22	2022/2023	2023/2024	FUNDING SOURCE
Stewart Street Elementary (New K-8 School)*	$30,021,600		$10,007,200	$10,007,200	$10,007,200		Special Facilities Fund Payment
School Totals	**$30,021,600**		**$10,007,200**	**$10,007,200**	**$10,007,200**		
COUNTY PARK FACILITIES	**TOTAL PROJECT COST**	**2019/20**	**2020/21**	**2021/22**	**2022/2023**	**2023/2024**	**FUNDING SOURCE**
E. Gadsden Sports & Recreation Complex	$9,000,000	$400,000	$750,000	$750,000	$850,000	$850,000	Capital – Parks Fund 344

@St. Hebron							
Pat Thomas Park, Playground Renovation	$50,000	$50,000					Capital – Parks Fund 344
Pat Thomas Park Expansion, Hopkins Landing Rd, (Camping & RV)	$180,000	$80,000	$100,000				Capital – Parks Fund 344
Robertsville	$50,000				$50,000		Capital – Parks Fund 344
Shiloh Park	$50,000		$50,000				Capital – Parks Fund 344
St. John Park	$50,000			$50,000			Capital – Parks Fund 344
County Park Facilities Total	**$9,380,000**	**$530,000**	**$900,000**	**$800,000**	**$900,000**	**$850,000**	

Source: Gadsden County Facilities, Parks & Recreation Divisions; Gadsden County, CRTPA Transportation Improvement Program (TIP) FY2019/20-2023/24;FDOT District 3 2020-24- Five Year Work Program. Gadsden County School District 2018/19-2023/24 Work Plan.

*The Gadsden County School Board's anticipated construction of a new PreK-8 school to consolidate at a minimum 3 schools. (St. John and Gretna Elementary are on the market for sale. The Carter Parramore site will be razed to make way for the new Pre-8 Stewart St. School. The old Stewart St site will be utilized for storage and ancillary administration.)

Florida Statutes

Title XI
COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS

Chapter 163
INTERGOVERNMENTAL PROGRAMS

PART II

GROWTH POLICY; COUNTY AND MUNICIPAL PLANNING; LAND DEVELOPMENT REGULATION

§163.3164 Community Planning Act; definitions.—As used in this act

(7) "Capital improvement" means physical assets constructed or purchased to provide, improve, or replace a public facility and which are typically large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multiyear financing. For the purposes of this part, physical assets that have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements.

§163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(3)(a) The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient use of such facilities and set forth:
1. A component that outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component that outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.
2. Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities.
3. Standards to ensure the availability of public facilities and the adequacy of those facilities to meet established acceptable levels of service.
4. A schedule of capital improvements which includes any publicly funded projects of federal, state, or local government, and which may include privately funded projects for which the local government has no fiscal responsibility. Projects necessary to ensure that any adopted level-of-service standards are achieved and maintained for the 5-year period must be identified as either funded or unfunded and given a level of priority for funding.
5. The schedule must include transportation improvements included in the applicable metropolitan planning organization's transportation improvement program adopted pursuant to s. 339.175(8) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must be coordinated with the applicable metropolitan planning organization's long-range transportation plan adopted pursuant to s. 339.175(7).
(b) The capital improvements element must be reviewed by the local government on an annual basis. Modifications to update the 5-year capital improvement schedule may be accomplished by ordinance and may not be deemed to be amendments to the local comprehensive plan.

Agenda Item #8

Gadsden County Planning Commission
Agenda Request

Date of Meeting: August 22, 2019

To: Honorable Chairperson and Members of the Planning Commission

Through: Suzanne Lex, AICP, Growth Management Director

From: Jill Jeglie, AICP, Senior Planner II, Planning Division

Subject: Public Hearing (Legislative) (LDR 2019-05) – Amendments to Section 5700, Signs, of the Gadsden County Land Development Code.

Statement of Issue:

This item requests consideration of amendments to Section 5700, Signs, of the Gadsden County Land Development Code (LDC) to allow E.

Background:

On November 15, 2016, the County sign regulations were revised to allow and regulate 'electronic message centers or boards' (EMC). EMC are allowed on ground signs on properties along and oriented to collector or arterial designated roadways in the appropriate future land use category. Section 5700 does not allow EMC on wall signs.

The Planning Division submits for consideration to the Planning Commission whether or not EMC wall signs would be allowed, and if permissible under what criteria.

Analysis:

Subsection 5707.P of the LDC allows EMC "as part of an on-site ground sign otherwise permitted under this Section" on properties located within the Commercial, Heavy Industrial, Light Industrial and Urban Service Area Future Land Use or on properties containing lawful non-residential or nonconforming uses in the Public, Urban Service Area, Rural Residential and Agriculture Future Land Use districts. EMC are restricted to properties located along and oriented to roadways designated as collector or arterials.

Wall signs are regulated under Sub. 5707 as follows:

> *C. Maximum Number and Placement of Signs. Only one (1) ground sign and one (1) wall, wall mural, mansard, marquee, canopy, projecting, or roof sign shall be allowed for each premise. Lots that have frontage on more than one street may utilize up to the maximum sign surface area allowed for each frontage. Transfers of allowable area may be made provided the maximum allowable area per street frontage is not exceeded by more than fifty percent (50%). Allowable signage may be placed at any location on the*

premises, subject to the requirements and restrictions of the Florida Building Code and this Code.

D. Special Maximum Surface Area Requirements for Wall Signs, Wall Mural Signs and Mansard Signs. Where a wall, wall mural or mansard sign is the only type of sign used, the maximum surface area shall be determined by the distance from the sign to the right-of-way line of the abutting street. Area is the height times the width of the attached sign. For signs comprised of several component icons or lettering, area shall be the maximum height times overall length of the combined components.

Distance from Sign to Abutting Street	*Maximum Surface Area of Sign*
Less than 25 Ft.	*100 Sq. Ft.*
25 Ft. - 100 Ft.	*200 Sq. Ft.*
100 Ft. - 400 Ft.	*250 Sq. Ft.*
Over 400 Ft.	*300 Sq. Ft.*

Statutory Reference:

§163.3174(4)(c), Florida Statutes, states the Local Planning Agency (Planning Commission) has the general responsibility to hear revisions to the Code and find that the amendments are consistency with the adopted comprehensive plan. Specifically, the local planning agency shall:

"*Review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the governing body as to the consistency of the proposal with the adopted comprehensive plan, or element or portion thereof, when the local planning agency is serving as the land development regulation commission or the local government requires review by both the local planning agency and the land development regulation commission.*"

Staff Recommendation:

Options include:

1. Find that the amendments to the Land Development Code are consistent with the Goals, Objectives, and Policies of the Comprehensive Plan and recommend that the BOCC adopt the changes to Section 5700 of the Land Development Code.

2. Find that the amendments to the Land Development Code are inconsistent with the Goals, Objectives, and Policies of the Comprehensive Plan and recommend that the BOCC does not adopt the changes to Section 5700 of the Land Development Code.

premises, subject to the requirements and restrictions of the Florida Building Code and this Code.

D. Special Maximum Surface Area Requirements for Wall Signs, Wall Mural Signs and Mansard Signs. Where a wall, wall mural or mansard sign is the only type of sign used, the maximum surface area shall be determined by the distance from the sign to the right-of-way line of the abutting street. Area is the height times the width of the attached sign. For signs comprised of several component icons or lettering, area shall be the maximum height times overall length of the combined components.

Distance from Sign to Abutting Street	*Maximum Surface Area of Sign*
Less than 25 Ft.	*100 Sq. Ft.*
25 Ft. - 100 Ft.	*200 Sq. Ft.*
100 Ft. - 400 Ft.	*250 Sq. Ft.*
Over 400 Ft.	*300 Sq. Ft.*

Statutory Reference:

§163.3174(4)(c), Florida Statutes, states the Local Planning Agency (Planning Commission) has the general responsibility to hear revisions to the Code and find that the amendments are consistency with the adopted comprehensive plan. Specifically, the local planning agency shall:

"Review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the governing body as to the consistency of the proposal with the adopted comprehensive plan, or element or portion thereof, when the local planning agency is serving as the land development regulation commission or the local government requires review by both the local planning agency and the land development regulation commission."

Staff Recommendation:

Options include:

1. Find that the amendments to the Land Development Code are consistent with the Goals, Objectives, and Policies of the Comprehensive Plan and recommend that the BOCC adopt the changes to Section 5700 of the Land Development Code.

2. Find that the amendments to the Land Development Code are inconsistent with the Goals, Objectives, and Policies of the Comprehensive Plan and recommend that the BOCC does not adopt the changes to Section 5700 of the Land Development Code.

3. Recommend that the BOCC adopt the proposed amendments with changes, and find that such changes are consistent with the Goals, Objectives, and Policies of the Comprehensive Plan.

Recommendation:

Option 1 or 3. At a minimum, amendments to the LDC which revise the regulations that are based on the content of the message contained on signs should be recommended in accordance with the Supreme Court decision.

Attachments:

1. Strike Ad Version, Section 5700
2. Clean Version,Section 5700

SECTION 5700. SIGNS.

Subsection 5701. Purpose and intent. The purpose and intent of this subsection is to establish regulations for the systematic control of signs and advertising displays within the unincorporated areas of Gadsden County. These standards are designed to protect and promote the general health, safety and welfare of the public in a manner consistent with the following objectives.

A. To foster a good visual environment and enhance the economic well-being of the county as a place in which to live, visit and conduct business.

B. To contribute to the safe movement of traffic by controlling the excessive height, area and bulk of signs as well as certain types and lighting of signs which can distract the attention of pedestrians and motorists so as to constitute hazards to the traffic safety.

C. To encourage creativity and allow the sufficient conveyance of a message in a manner which promotes traffic safety and avoids visual blight.

D. To control the use of signs determined to be detrimental to the aesthetic sense and welfare to the County.

E. To regulate signs in a manner so as not to interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians.

F. To encourage signs compatible to the area in which they are located and consistent with the category of use to which they pertain.

(Ord. # 2001-001, 5-15-01; Ord. # 2003-006, 8-19-03)

Subsection 5702. Procedures.

A. Application. An application, supplied by Gadsden County, for a development order shall be made with the Planning Official, or designee. The application shall be reviewed for compliance with this Section. Upon a demonstration of compliance with this Section and a payment of the adopted fee, a development order may be issued.

B. Content Neutrality. The approval or disapproval of a sign shall not be based on the content of the message contained or the viewpoint expressed on the sign.

C. All signs shall comply with the applicable provisions of the Florida Building Code and the related National Electrical Code;

(Ord. # 2001-001, 5-15-01; Ord. #2016-05, 9-06-16)

Subsection 5703. Exemptions.

A. Permanent Signs. The following types of signs are exempt from obtaining a development order, but are not otherwise exempt from the requirements of this Code:

1. Unlit Permanent signs that do not exceed thirty-two (32) square feet.

2. Wall mural signs.

3. Cleaning or painting, or comparable general maintenance or repair of a sign that does not alter any regulated feature of such sign.

4. Signs of a non-commercial nature and in the public interest, erected by or on the order of a public officer or public agency, such as directional signs, traffic signs, regulatory signs, warning signs, hospital signs and informational signs.

5. Window signs placed on the interior of any window.

(Ord. # 2001-001, 5-15-01; Ord. # 2003-006, 8-19-03)

B. Temporary Signs. Temporary signs that do not exceed thirty-two (32) square feet, and temporary banner signs that do not exceed one hundred (100) square feet. Temporary signs must be removed within ten (10) days after the purpose of the sign has been met.

(Ord. # 2001-001, 5-15-01; Ord. # 2003-006, 8-19-03)

Subsection 5704. Prohibited Signs. The following listed signs and sign types are prohibited:

A. Animated Signs. Except for electronic message centers as described in Subsection 5707.P.

B. No sign, temporary or otherwise, shall be affixed to a tree or utility pole, except for signs erected on property warning the public against hunting, fishing, or trespassing on the property.

C. Signs within the clear sight triangle or "clear vision zone" pursuant to Subsection 5609.

D. Signs located on publicly-owned land or easements or inside street rights-of-way, except signs of a non-commercial nature and in the public interest erected by or on the order of a public officer or public agency such as directional signs, traffic signs, regulatory sings, warning signs, hospital sings

and informational signs~~those displayed by or under the direction of a duly constituted governing body~~.

E. Obsolete signs. Obsolete signs shall be removed within sixty (60) days after notice by the Planning Official. Obsolete signs shall include signs that can be documented as having no commercial or informational content for a period of one (1) year, or that advertise non-existent businesses or entities.

F. Signs that obstruct, conceal, hide or otherwise obscure from view any official traffic or government sign, signal or device.

G. Signs that create transportation or structural safety hazards.

H. Signs that emit sound, vapor, smoke, odor, particles, or gaseous matter.

I. Signs in waterbodies, unless authorized by the applicable governmental agency.

J. Three-dimensional objects that are used as signs.

K. Notwithstanding any other provision of this Code, no sign shall be subject to any limitation based on the content of the message contained on such sign.

L. Signs that are not expressly permitted.

(Ord. # 2003-006, 8-19-03)

Subsection 5705. Billboard Prohibition. No billboards will be permitted in the County. Billboards that were in existence prior to May 15, 2001 shall be grandfathered, subject to Subsections 5704.E and 5708.

(Ord. # 2001-001, 5-15-01)

Subsection 5706. General Standards.

A. Content. The approval or disapproval of development order for the erection of a sign shall not be based on the content of the message contained on such signs.

B. Location Standards. All signs shall meet the following:

1. The sign will not conceal or obstruct adjacent land uses or other signs.

2. The sign will not conflict with the principal permitted use of the site or adjoining sites.

3. The sign will not interfere with, obstruct vision of, or distract motorists,

bicyclists, or pedestrians.

4. The sign will be installed and maintained in a safe manner.

C. Measurements of sign face area and height.

1. Sign face calculations. The sign face is the area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed. The supporting structure or bracing of a sign shall not be counted as a part of the sign face area unless such structure or bracing is made a part of the sign's message. Where a sign has two (2) display faces touching back-to-back, the area of only one (1) face shall be considered the sign face area. Where a sign has more than one (1) display face, all areas which can be viewed simultaneously shall be considered as a sign face area.

2. Sign height:

a) The height of a ground sign shall be measured from the curb level, or ground level at the edge of pavement if there is no curb, to the top of the sign.

b) The height of a projecting sign shall be measured from the top of the sign face to the ground level at the edge of pavement.

C. Sign illumination.

1. Light spill over.

a) Any spotlight provided for illumination shall be shielded such that the light source cannot be seen from abutting properties or approaching traffic.

b) Lighting on any illuminated signs adjacent to Rural Residential property on the future land use map shall be shaded and directed at the sign base in order to limit illumination on residential property. Only white light is permitted within five-hundred (500) feet of parcels designated as Rural Residential on the Future Land Use Map.

2. Types of illuminated signs include, but are not limited to, the following:

a) Reflective;

b) Internal;

c) Back-lit; and

d) Spot-lit.

3. Lighting, including neon tubing or other similar devices other than indirect lighting, may be used in sign design or to outline any building. Neon tubing or other special lighting effects when used in sign design or building outlining is restricted to two (2) linear feet of neon tubing or the like for each foot of frontage. Display of neon tubing or other special lighting effects will be limited to the maximum of two parallel lines of tubing. Neon tube lighting shall not pulse, flash, or otherwise deviate from an on or off switched condition.

D. Number of signs.

1. One (1) on-premises ground sign per parcel is permitted.

2. When a parcel is located at the intersection of more than one (1) arterial or collector road, and uses pedestrian and/or vehicular access from these roads, one (1) additional ground sign shall be allowed for each arterial or collector road to which it has access.

3. Parcels with more than five-hundred (500) linear feet of road frontage on a single roadway shall be allowed one (1) additional ground sign. There shall be a minimum separation distance of at least three-hundred (300) linear feet between the two signs.

4. Additional signs may be permitted in accordance with and subject to the standards in Subsection 5707.

E. Sign Alteration. A development order shall be required for any sign alteration that includes, but is not limited to the following: The addition of surface area, the changing outline of surface area, the changing of the location of the light source or the relocation of the sign display from one position to another. When sign message is changed or the business name is changed without altering the total sign or when a maintenance or repair is done on a sign or its structure, these activities shall not be considered an alteration.

F. Obstruction of the Clear Sight Triangle or Public Ways.

1. No sign shall be erected within the Clear Sight Triangle as established pursuant to Subsection 5609. In addition, the vertical clearance shall be as follows:

a) Pedestrian Way - Signs extending or hanging over any public or private sidewalk or pedestrian way shall not be less than nine feet (9') above the surface of such way.

b) Vehicular Way - Signs extending or hanging over any public or private vehicular way shall not be less than fifteen feet (15') above the surface of such way.

(Ord. # 2001-001, 5-15-01; Ord. # 2003-006, 8-19-03)

Subsection 5707. Detailed Standards. The following shall apply to permanent on-site signs.

A. Future Land Use Category. Except where specifically provided, these signs shall be allowed in all Future Land Use categories except for the Rural Residential and Agricultural categories. Signs shall be permitted in the Rural Residential or Agriculture future land use categories only for the purpose of lawful non-residential or non-conforming uses.

B. Aggregate Surface Area of All Signs.

1. Shall not exceed two (2) square feet of area for each foot of building frontage occupied by the business or use displaying the signs, or one (1) square foot of area for each foot of frontage of property occupied by the building whichever is greater.

2. Maximum aggregate surface area allowed for each frontage: Two hundred (200) square feet.

C. Maximum Number and Placement of Signs. Only one (1) ground sign and one (1) wall, wall mural, mansard, marquee, canopy, projecting, or roof sign shall be allowed for each premise. Lots that have frontage on more than one street may utilize up to the maximum sign surface area allowed for each frontage. Transfers of allowable area may be made provided the maximum allowable area per street frontage is not exceeded by more than fifty percent (50%). Allowable signage may be placed at any location on the premises, subject to the requirements and restrictions of the Florida Building Code and this Code.

D. Special Maximum Surface Area Requirements for Wall Signs, Wall Mural Signs and Mansard Signs. Where a wall, wall mural or mansard sign is the only type of sign used, the maximum surface area shall be determined by the distance from the sign to the right-of-way line of the abutting street. Area is the height times the width of the attached sign. For signs comprised of several component icons or lettering, area shall be the maximum height times overall length of the combined components.

Distance from Sign to Abutting Street	Maximum Surface Area of Sign
Less than 25 Ft.	100 Sq. Ft.
25 Ft. - 100 Ft.	200 Sq. Ft.

100 Ft. - 400 Ft.	250 Sq. Ft.
Over 400 Ft.	300 Sq. Ft.

E. Maximum Height and Setbacks for Ground Signs.

1. Maximum heights shall be:

   a) Twenty-five (25) feet for signs located on arterial roads.

   b) Eighteen (18) feet for signs located on collector roads.

   c) Twelve (12) feet for signs located in the Neighborhood Commercial Future Land Use category.

   d) Twelve (12) feet for lawful non-residential or non-conforming uses in the Rural Residential Future Land Use category.

   e) Twelve (12) feet for lawful non-residential or non-conforming uses in any Agriculture Future Land Use category.

   f) Sixty-five (65) feet for signs located on property within six-hundred and sixty (660) feet of any Interstate-10 interchange. All signs along Interstate-10 are subject to the Highway Beautification Act and any Florida Department of Transportation permitting processes.

2. Minimum setbacks shall be five (5) feet from any property line or easement, whichever provides the greater setback.

F. Wall Sign Projection. The face of wall signs may not project more than twelve inches (12") from the building wall to which they are attached (excluding raised letters or design provided maximum does not exceed fifteen inches (15").

G. Mansard Signs. Unless otherwise specified, the mansard roof portion of a structure may be used for the mounting of a sign, provided such sign shall not extend above the highest point of the mansard roof line upon which the sign is mounted.

H. Marquee or Awning Signs and Canopy Signs.

1. Signs or sign structures located on a marquee or canopy awning shall be affixed flat to the surface and shall not be greater than two feet (2') in vertical dimension above the marquee and shall not extend horizontally beyond the marquee or canopy.

2. An identification sign may extend vertically below the marquee or canopy,

but may not exceed the dimensions of one foot (1') by six feet (6'), or exceed the width of the marquee or canopy, whichever is less, or extend less than nine feet (9') from the walking surface below or thirteen feet (13') from driving surface.

3. Graphics on awnings may not exceed twenty-five percent (25%) of the awning surface area.

I. Portable Signs. All portable signs shall be subject to the following limitations:

1. Each developed lot or parcel shall be limited to one special portable sign which shall advertise only the use(s) on that site.

2. Portable signs shall not exceed thirty-two square feet (32')~~in~~) in total area and shall not exceed six feet (6') in total height.

3. Portable signs shall maintain a minimum setback of five feet (5') from all rights-of-way and shall not encroach into the Clear Sight Triangle.

4. Portable signs shall not be placed within a defined driveway, access aisle, required loading zone, parking place, or drainage retention area.

5. Portable signs which are improperly maintained so as to be unsafe, illegible, or which advertise uses or businesses no longer in existence shall be removed by the property owner within thirty (30) days upon written notice by the Building Official, or designee.

6. Portable signs shall not occupy that area beneath a ground sign reserved for clear visibility.

7. Portable signs may be illuminated, but shall not scroll, flash, or otherwise be animated.

8. Portable signs shall be allowed on a property no longer than six (6) months.

J. Projecting Signs. All projecting signs shall be subject to the following limitations:

1. Projection Limitations: Eight feet (8') beyond the surface of the portion of the building to which it is attached or designed.

2. Surface area and height limitations:

Building Size	Area Limits	Maximum Height to Sign Base
1 Story	12 Sq. Ft.	12 Ft.
2 Story	12 Sq. Ft.	12 Ft.

3 Story	32 Sq. Ft.	20 Ft.
4 Story	42 Sq. Ft.	20 Ft.

K. Roof Signs. All roof signs shall be subject to the following limitations:

1. Only on-site signs shall be allowed (i.e. no offsite advertising).

2. No part of any roof sign or roof sign structure shall project beyond the outline of the building wall.

3. Signs on multiple occupancy buildings shall be uniform in setback and height.

L. Shopping Center Signs: For each shopping center, signs bearing the name and identification of the shopping center and of the establishments on the premises shall be allowed, subject to the following requirements:

1. Maximum number of signs: One (1) ground sign for the first five hundred (500) linear feet of frontage adjacent to a street and one (1) additional ground sign for each additional five hundred (500) linear feet of frontage or major fraction thereof.

2. Maximum surface area for each shopping center ground sign shall be based on the gross leasable area (GLA) within the shopping center as follows:

   a) Neighborhood shopping center at least twenty thousand (20,000) but less than one hundred thousand (100,000) square feet GLA: One hundred seventy-five (175) square feet.

   b) Community shopping center at least one hundred thousand (100,000) but less than two hundred thousand (200,000) square feet GLA: Two hundred (200) square feet.

   c) Regional shopping center at least two hundred thousand (200,000) square feet GLA: Three hundred (300) square feet.

M. Signs for Establishments in the Shopping Center.

1. Each establishment located within the shopping center shall be allowed: One (1) sign not to exceed two and one-half (2 ½) square feet of surface area for each linear foot of store frontage with a maximum surface area of two hundred (200) square feet; and one (1) hanging marquee sign not to exceed the dimensions of one foot (1') by six feet (6') and not to exceed the width of the canopy, whichever is less.

2. Shopping center identification signs shall not be located on the rear or sides of a shopping center when such display would orient the sign to a residential neighborhood.

N. Residential Signs. One (1) permanent sign may be located at each entrance to a subdivision, multiple family residential development or manufactured housing park provided the following requirements are met:

1. Such sign shall contain only the name of the subdivision, development, or park and shall not contain promotional or sales material.

2. The sign shall not create a physical or visual hazard for motorists entering or leaving the subdivision.

3. An acceptable legal entity shall be provided by the developer or its assigns, to assure the maintenance of the subdivision sign.

4. The sign shall not exceed ten feet (10') in height.

5. The sign shall not exceed forty (40) square feet in area.

6. The sign shall be located outside of any right-of-way.

O. Signs in Multiple Occupancy Buildings. Where a single building or a complex of buildings on a separate parcel of land that contains two (2) or more separate establishments, the following shall apply:

1. Building signs for individual establishments within multiple occupancy buildings:

a) Individual establishments with subdivisions of space by means of walls or partitions: One (1) sign not to exceed two and one-half (2 ½) square feet of surface area for each linear foot of establishment frontage with a maximum surface area of two hundred (200) square feet; and one (1) hanging marquee sign not to exceed the dimensions of one foot (1') by six foot (6') and not to exceed the width of the canopy, whichever is less.

b) All individual establishments with no subdivision of space by means of walls or partitions: One (1) wall sign. The building sign area for each individual establishment shall be a percentage of the frontage of the entire undivided area based on the number of establishments. Two (2) establishments shall not exceed sixty percent (60%) of the building frontage; three (3) establishments shall not exceed forty-five percent (45%) of the building frontage; four (4) or more establishments shall not exceed thirty-three percent (33%) of the building frontage.

2. Ground signs for multiple occupancy buildings: Such buildings shall be permitted one (1) ground sign with surface area not to exceed one (1) square foot per foot of property frontage of the building or two (2) square feet per foot of building frontage whichever is greater, with a maximum of one hundred fifty (150) square feet. Transfers of allowable area may be made provided the maximum allowable area per street frontage is not exceeded by more than fifty percent (50%).

3. Exception: Where more than one building exists on a separate parcel of land and each building is provided separate and distinct parking facilities and entrances to the property from other properties or roads, each building shall be permitted one (1) ground sign with surface area not to exceed one (1) square foot per foot of property frontage of the building, or two (2) square feet per foot of building frontage, whichever is greater, with a maximum of one hundred fifty (150) square feet.

P. Electronic Message Centers. An Electronic Message Center or board is allowed as part of an on-site ground or wall sign otherwise permitted under this Section, subject to the conditions below:

1. Signs on the entire property must be brought into compliance with Section 5700.

2. Only one (1) Electronic Message Center sign is permitted per parcel or lot.

~~2.~~3. Electronic Message Center wall signs shall not exceed an area of thirty-two square feet.

~~3.~~4. The message or copy shall not change or move more often than every 8 seconds. It shall change instantaneously, without rolling, fading, or the illusion of movement, and shall not flash or vary in brightness except to change at sunrise or sunset.

~~4.~~5. Electronic Message Center signs shall be constructed with a photocell to compensate for all conditions, day or nighttime hours, and shall adjust the display's brightness to a level that is not in excess of 0.3 foot candles above ambient light levels.

~~5.~~6. The sign manufacturer shall certify that at least thirty (30) minutes past sunset, and with the electronic display either turned off, showing all black copy, or blocked, a foot candle meter will be used to record the area ambient light level. An ambient reading will be taken with the meter aimed directly at the electronic display at a distance of one hundred (100) feet. To establish the illumination level, the electronic

E. Maximum Height and Setbacks for Ground Signs.

1. Maximum heights shall be:

a) Twenty-five (25) feet for signs located on arterial roads.

b) Eighteen (18) feet for signs located on collector roads.

c) Twelve (12) feet for signs located in the Neighborhood Commercial Future Land Use category.

d) Twelve (12) feet for lawful non-residential or non-conforming uses in the Rural Residential Future Land Use category.

e) Twelve (12) feet for lawful non-residential or non-conforming uses in any Agriculture Future Land Use category.

f) Sixty-five (65) feet for signs located on property within six-hundred and sixty (660) feet of any Interstate-10 interchange. All signs along Interstate-10 are subject to the Highway Beautification Act and any Florida Department of Transportation permitting processes.

2. Minimum setbacks shall be five (5) feet from any property line or easement, whichever provides the greater setback.

F. Wall Sign Projection. The face of wall signs may not project more than twelve inches (12") from the building wall to which they are attached (excluding raised letters or design provided maximum does not exceed fifteen inches (15").

G. Mansard Signs. Unless otherwise specified, the mansard roof portion of a structure may be used for the mounting of a sign, provided such sign shall not extend above the highest point of the mansard roof line upon which the sign is mounted.

H. Marquee or Awning Signs and Canopy Signs.

1. Signs or sign structures located on a marquee or canopy awning shall be affixed flat to the surface and shall not be greater than two feet (2') in vertical dimension above the marquee and shall not extend horizontally beyond the marquee or canopy.

2. An identification sign may extend vertically below the marquee or canopy, but may not exceed the dimensions of one foot (1') by six feet (6'), or exceed the width of the marquee or canopy, whichever is less, or extend

display will be turned on to show all white copy and a second reading taken.

~~6.~~7. The sign owner shall provide upon installation written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password protected software.

~~7.~~8. Electronic Message Center signs shall be allowed only along and oriented to roadways that are classified as collector or arterial roadways: 1) on properties within the Commercial, Heavy Industrial, Light Industrial and Urban Service Area Future Land Use; ~~and~~ 2) on properties containing lawful non-residential or nonconforming uses in the Public, Urban Service Area, Rural Residential and Agriculture Future Land Use Districts; or on a wall sign facing other non-residential development or designated properties.

~~8.~~9. Off-site signs may not use Electronic Message Centers.

~~9.~~10. All Electronic Message Center Signs shall be constructed and operated so that the message center defaults to a dark screen when not displaying a message.

~~10.~~11. To protect the special character, beauty, and ambiance of the waterfront areas, Electronic Message Centers are prohibited within 100 feet of any jurisdictional wetland line.

~~11.~~12. The Electronic Message Center shall be located no closer than five feet (5') from any right-of-way and no closer than one hundred (100') feet from any other property line.

(Ord. # 2001-001, 5-15-01; Ord. #2003-006, 8-19-03; Ord. #2016-014, 9-06-16; Ord. #2016-15, 11-15-16)

SECTION 5700. SIGNS.

Subsection 5701. Purpose and intent. The purpose and intent of this subsection is to establish regulations for the systematic control of signs and advertising displays within the unincorporated areas of Gadsden County. These standards are designed to protect and promote the general health, safety and welfare of the public in a manner consistent with the following objectives.

A. To foster a good visual environment and enhance the economic well-being of the county as a place in which to live, visit and conduct business.

B. To contribute to the safe movement of traffic by controlling the excessive height, area and bulk of signs as well as certain types and lighting of signs which can distract the attention of pedestrians and motorists so as to constitute hazards to the traffic safety.

C. To encourage creativity and allow the sufficient conveyance of a message in a manner which promotes traffic safety and avoids visual blight.

D. To control the use of signs determined to be detrimental to the aesthetic sense and welfare to the County.

E. To regulate signs in a manner so as not to interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians.

F. To encourage signs compatible to the area in which they are located and consistent with the category of use to which they pertain.

(Ord. # 2001-001, 5-15-01; Ord. # 2003-006, 8-19-03)

Subsection 5702. Procedures.

A. Application. An application, supplied by Gadsden County, for a development order shall be made with the Planning Official, or designee. The application shall be reviewed for compliance with this Section. Upon a demonstration of compliance with this Section and a payment of the adopted fee, a development order may be issued.

B. Content Neutrality. The approval or disapproval of a sign shall not be based on the content of the message contained or the viewpoint expressed on the sign.

C. All signs shall comply with the applicable provisions of the Florida Building Code and the related National Electrical Code;

(Ord. # 2001-001, 5-15-01; Ord. #2016-05, 9-06-16)

Subsection 5703. Exemptions.

A. Permanent Signs. The following types of signs are exempt from obtaining a development order, but are not otherwise exempt from the requirements of this Code:

1. Unlit Permanent signs that do not exceed thirty-two (32) square feet.

2. Wall mural signs.

3. Cleaning or painting, or comparable general maintenance or repair of a sign that does not alter any regulated feature of such sign.

4. Signs of a non-commercial nature and in the public interest, erected by or on the order of a public officer or public agency, such as directional signs, traffic signs, regulatory signs, warning signs, hospital signs and informational signs.

5. Window signs placed on the interior of any window.

(Ord. # 2001-001, 5-15-01; Ord. # 2003-006, 8-19-03)

B. Temporary Signs. Temporary signs that do not exceed thirty-two (32) square feet, and temporary banner signs that do not exceed one hundred (100) square feet. Temporary signs must be removed within ten (10) days after the purpose of the sign has been met.

(Ord. # 2001-001, 5-15-01; Ord. # 2003-006, 8-19-03)

Subsection 5704. Prohibited Signs. The following listed signs and sign types are prohibited:

A. Animated Signs. Except for electronic message centers as described in Subsection 5707.P.

B. No sign, temporary or otherwise, shall be affixed to a tree or utility pole, except for signs erected on property warning the public against hunting, fishing, or trespassing on the property.

C. Signs within the clear sight triangle or "clear vision zone" pursuant to Subsection 5609.

D. Signs located on publicly-owned land or easements or inside street rights-of-way, except signs of a non-commercial nature and in the public interest erected by or on the order of a public officer or public agency such as directional signs, traffic signs, regulatory sings, warning signs, hospital sings and informational signs.

E. Obsolete signs. Obsolete signs shall be removed within sixty (60) days after notice by the Planning Official. Obsolete signs shall include signs that can be documented as having no commercial or informational content for a period of one (1) year, or that advertise non-existent businesses or entities.

F. Signs that obstruct, conceal, hide or otherwise obscure from view any official traffic or government sign, signal or device.

G. Signs that create transportation or structural safety hazards.

H. Signs that emit sound, vapor, smoke, odor, particles, or gaseous matter.

I. Signs in waterbodies, unless authorized by the applicable governmental agency.

J. Three-dimensional objects that are used as signs.

K. Notwithstanding any other provision of this Code, no sign shall be subject to any limitation based on the content of the message contained on such sign.

L. Signs that are not expressly permitted.

(Ord. # 2003-006, 8-19-03)

Subsection 5705. Billboard Prohibition. No billboards will be permitted in the County. Billboards that were in existence prior to May 15, 2001 shall be grandfathered, subject to Subsections 5704.E and 5708.

(Ord. # 2001-001, 5-15-01)

Subsection 5706. General Standards.

A. Content. The approval or disapproval of development order for the erection of a sign shall not be based on the content of the message contained on such signs.

B. Location Standards. All signs shall meet the following:

1. The sign will not conceal or obstruct adjacent land uses or other signs.

2. The sign will not conflict with the principal permitted use of the site or adjoining sites.

3. The sign will not interfere with, obstruct vision of, or distract motorists, bicyclists, or pedestrians.

4. The sign will be installed and maintained in a safe manner.

C. Measurements of sign face area and height.

1. Sign face calculations. The sign face is the area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed. The supporting structure or bracing of a sign shall not be counted as a part of the sign face area unless such structure or bracing is made a part of the sign's message. Where a sign has two (2) display faces touching back-to-back, the area of only one (1) face shall be considered the sign face area. Where a sign has more than one (1) display face, all areas which can be viewed simultaneously shall be considered as a sign face area.

2. Sign height:

a) The height of a ground sign shall be measured from the curb level, or ground level at the edge of pavement if there is no curb, to the top of the sign.

b) The height of a projecting sign shall be measured from the top of the sign face to the ground level at the edge of pavement.

C. Sign illumination.

1. Light spill over.

a) Any spotlight provided for illumination shall be shielded such that the light source cannot be seen from abutting properties or approaching traffic.

b) Lighting on any illuminated signs adjacent to Rural Residential property on the future land use map shall be shaded and directed at the sign base in order to limit illumination on residential property. Only white light is permitted within five-hundred (500) feet of parcels designated as Rural Residential on the Future Land Use Map.

2. Types of illuminated signs include, but are not limited to, the following:

a) Reflective;

b) Internal;

c) Back-lit; and

d) Spot-lit.

3. Lighting, including neon tubing or other similar devices other than indirect lighting, may be used in sign design or to outline any building. Neon tubing or other special lighting effects when used in sign design or building outlining is restricted to two (2) linear feet of neon tubing or the like for each foot of frontage. Display of neon tubing or other special lighting effects will be limited to the maximum of two parallel lines of tubing. Neon tube lighting shall not pulse, flash, or otherwise deviate from an on or off switched condition.

D. Number of signs.

1. One (1) on-premises ground sign per parcel is permitted.

2. When a parcel is located at the intersection of more than one (1) arterial or collector road, and uses pedestrian and/or vehicular access from these roads, one (1) additional ground sign shall be allowed for each arterial or collector road to which it has access.

3. Parcels with more than five-hundred (500) linear feet of road frontage on a single roadway shall be allowed one (1) additional ground sign. There shall be a minimum separation distance of at least three-hundred (300) linear feet between the two signs.

4. Additional signs may be permitted in accordance with and subject to the standards in Subsection 5707.

E. Sign Alteration. A development order shall be required for any sign alteration that includes, but is not limited to the following: The addition of surface area, the changing outline of surface area, the changing of the location of the light source or the relocation of the sign display from one position to another. When sign message is changed or the business name is changed without altering the total sign or when a maintenance or repair is done on a sign or its structure, these activities shall not be considered an alteration.

F. Obstruction of the Clear Sight Triangle or Public Ways.

1. No sign shall be erected within the Clear Sight Triangle as established pursuant to Subsection 5609. In addition, the vertical clearance shall be as follows:

a) Pedestrian Way - Signs extending or hanging over any public or private sidewalk or pedestrian way shall not be less than nine feet (9') above the surface of such way.

b) Vehicular Way - Signs extending or hanging over any public or private

vehicular way shall not be less than fifteen feet (15') above the surface of such way.

(Ord. # 2001-001, 5-15-01; Ord. # 2003-006, 8-19-03)

Subsection 5707. Detailed Standards. The following shall apply to permanent on-site signs.

A. Future Land Use Category. Except where specifically provided, these signs shall be allowed in all Future Land Use categories except for the Rural Residential and Agricultural categories. Signs shall be permitted in the Rural Residential or Agriculture future land use categories only for the purpose of lawful non-residential or non-conforming uses.

B. Aggregate Surface Area of All Signs.

1. Shall not exceed two (2) square feet of area for each foot of building frontage occupied by the business or use displaying the signs, or one (1) square foot of area for each foot of frontage of property occupied by the building whichever is greater.

2. Maximum aggregate surface area allowed for each frontage: Two hundred (200) square feet.

C. Maximum Number and Placement of Signs. Only one (1) ground sign and one (1) wall, wall mural, mansard, marquee, canopy, projecting, or roof sign shall be allowed for each premise. Lots that have frontage on more than one street may utilize up to the maximum sign surface area allowed for each frontage. Transfers of allowable area may be made provided the maximum allowable area per street frontage is not exceeded by more than fifty percent (50%). Allowable signage may be placed at any location on the premises, subject to the requirements and restrictions of the Florida Building Code and this Code.

D. Special Maximum Surface Area Requirements for Wall Signs, Wall Mural Signs and Mansard Signs. Where a wall, wall mural or mansard sign is the only type of sign used, the maximum surface area shall be determined by the distance from the sign to the right-of-way line of the abutting street. Area is the height times the width of the attached sign. For signs comprised of several component icons or lettering, area shall be the maximum height times overall length of the combined components.

Distance from Sign to Abutting Street	Maximum Surface Area of Sign
Less than 25 Ft.	100 Sq. Ft.
25 Ft. - 100 Ft.	200 Sq. Ft.
100 Ft. - 400 Ft.	250 Sq. Ft.
Over 400 Ft.	300 Sq. Ft.

less than nine feet (9') from the walking surface below or thirteen feet (13') from driving surface.

3. Graphics on awnings may not exceed twenty-five percent (25%) of the awning surface area.

I. Portable Signs. All portable signs shall be subject to the following limitations:

1. Each developed lot or parcel shall be limited to one special portable sign which shall advertise only the use(s) on that site.

2. Portable signs shall not exceed thirty-two square feet (32') in total area and shall not exceed six feet (6') in total height.

3. Portable signs shall maintain a minimum setback of five feet (5') from all rights-of-way and shall not encroach into the Clear Sight Triangle.

4. Portable signs shall not be placed within a defined driveway, access aisle, required loading zone, parking place, or drainage retention area.

5. Portable signs which are improperly maintained so as to be unsafe, illegible, or which advertise uses or businesses no longer in existence shall be removed by the property owner within thirty (30) days upon written notice by the Building Official, or designee.

6. Portable signs shall not occupy that area beneath a ground sign reserved for clear visibility.

7. Portable signs may be illuminated, but shall not scroll, flash, or otherwise be animated.

8. Portable signs shall be allowed on a property no longer than six (6) months.

J. Projecting Signs. All projecting signs shall be subject to the following limitations:

1. Projection Limitations: Eight feet (8') beyond the surface of the portion of the building to which it is attached or designed.

2. Surface area and height limitations:

Building Size	Area Limits	Maximum Height to Sign Base
1 Story	12 Sq. Ft.	12 Ft.
2 Story	12 Sq. Ft.	12 Ft.
3 Story	32 Sq. Ft.	20 Ft.
4 Story	42 Sq. Ft.	20 Ft.

K. Roof Signs. All roof signs shall be subject to the following limitations:

1. Only on-site signs shall be allowed (i.e. no offsite advertising).

2. No part of any roof sign or roof sign structure shall project beyond the outline of the building wall.

3. Signs on multiple occupancy buildings shall be uniform in setback and height.

L. Shopping Center Signs: For each shopping center, signs bearing the name and identification of the shopping center and of the establishments on the premises shall be allowed, subject to the following requirements:

1. Maximum number of signs: One (1) ground sign for the first five hundred (500) linear feet of frontage adjacent to a street and one (1) additional ground sign for each additional five hundred (500) linear feet of frontage or major fraction thereof.

2. Maximum surface area for each shopping center ground sign shall be based on the gross leasable area (GLA) within the shopping center as follows:

   a) Neighborhood shopping center at least twenty thousand (20,000) but less than one hundred thousand (100,000) square feet GLA: One hundred seventy-five (175) square feet.

   b) Community shopping center at least one hundred thousand (100,000) but less than two hundred thousand (200,000) square feet GLA: Two hundred (200) square feet.

   c) Regional shopping center at least two hundred thousand (200,000) square feet GLA: Three hundred (300) square feet.

M. Signs for Establishments in the Shopping Center.

1. Each establishment located within the shopping center shall be allowed: One (1) sign not to exceed two and one-half (2 ½) square feet of surface area for each linear foot of store frontage with a maximum surface area of two hundred (200) square feet; and one (1) hanging marquee sign not to exceed the dimensions of one foot (1') by six feet (6') and not to exceed the width of the canopy, whichever is less.

2. Shopping center identification signs shall not be located on the rear or sides of a shopping center when such display would orient the sign to a

residential neighborhood.

N. Residential Signs. One (1) permanent sign may be located at each entrance to a subdivision, multiple family residential development or manufactured housing park provided the following requirements are met:

1. Such sign shall contain only the name of the subdivision, development, or park and shall not contain promotional or sales material.

2. The sign shall not create a physical or visual hazard for motorists entering or leaving the subdivision.

3. An acceptable legal entity shall be provided by the developer or its assigns, to assure the maintenance of the subdivision sign.

4. The sign shall not exceed ten feet (10') in height.

5. The sign shall not exceed forty (40) square feet in area.

6. The sign shall be located outside of any right-of-way.

O. Signs in Multiple Occupancy Buildings. Where a single building or a complex of buildings on a separate parcel of land that contains two (2) or more separate establishments, the following shall apply:

1. Building signs for individual establishments within multiple occupancy buildings:

   a) Individual establishments with subdivisions of space by means of walls or partitions: One (1) sign not to exceed two and one-half (2 ½) square feet of surface area for each linear foot of establishment frontage with a maximum surface area of two hundred (200) square feet; and one (1) hanging marquee sign not to exceed the dimensions of one foot (1') by six foot (6') and not to exceed the width of the canopy, whichever is less.

   b) All individual establishments with no subdivision of space by means of walls or partitions: One (1) wall sign. The building sign area for each individual establishment shall be a percentage of the frontage of the entire undivided area based on the number of establishments. Two (2) establishments shall not exceed sixty percent (60%) of the building frontage; three (3) establishments shall not exceed forty-five percent (45%) of the building frontage; four (4) or more establishments shall not exceed thirty-three percent (33%) of the building frontage.

2. Ground signs for multiple occupancy buildings: Such buildings shall be

permitted one (1) ground sign with surface area not to exceed one (1) square foot per foot of property frontage of the building or two (2) square feet per foot of building frontage whichever is greater, with a maximum of one hundred fifty (150) square feet. Transfers of allowable area may be made provided the maximum allowable area per street frontage is not exceeded by more than fifty percent (50%).

3. Exception: Where more than one building exists on a separate parcel of land and each building is provided separate and distinct parking facilities and entrances to the property from other properties or roads, each building shall be permitted one (1) ground sign with surface area not to exceed one (1) square foot per foot of property frontage of the building, or two (2) square feet per foot of building frontage, whichever is greater, with a maximum of one hundred fifty (150) square feet.

P. Electronic Message Centers. An Electronic Message Center or board is allowed as part of an on-site ground or wall sign otherwise permitted under this Section, subject to the conditions below:

1. Signs on the entire property must be brought into compliance with Section 5700.

2. Only one (1) Electronic Message Center sign is permitted per parcel or lot.

3. Electronic Message Center wall signs shall not exceed an area of thirty-two square feet.

4. The message or copy shall not change or move more often than every 8 seconds. It shall change instantaneously, without rolling, fading, or the illusion of movement, and shall not flash or vary in brightness except to change at sunrise or sunset.

5. Electronic Message Center signs shall be constructed with a photocell to compensate for all conditions, day or nighttime hours, and shall adjust the display's brightness to a level that is not in excess of 0.3 foot candles above ambient light levels.

6. The sign manufacturer shall certify that at least thirty (30) minutes past sunset, and with the electronic display either turned off, showing all black copy, or blocked, a foot candle meter will be used to record the area ambient light level. An ambient reading will be taken with the meter aimed directly at the electronic display at a distance of one hundred (100) feet. To establish the illumination level, the electronic display will be turned on to show all white copy and a second reading taken.

7. The sign owner shall provide upon installation written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password protected software.

8. Electronic Message Center signs shall be allowed only along and oriented to roadways that are classified as collector or arterial roadways: 1) on properties within the Commercial, Heavy Industrial, Light Industrial and Urban Service Area Future Land Use: 2) on properties containing lawful non-residential or nonconforming uses in the Public, Urban Service Area, Rural Residential and Agriculture Future Land Use Districts; or on a wall sign facing other non-residential development or designated properties.

9. Off-site signs may not use Electronic Message Centers.

10. All Electronic Message Center Signs shall be constructed and operated so that the message center defaults to a dark screen when not displaying a message.

11. To protect the special character, beauty, and ambiance of the waterfront areas, Electronic Message Centers are prohibited within 100 feet of any jurisdictional wetland line.

12. The Electronic Message Center shall be located no closer than five feet (5') from any right-of-way and no closer than one hundred (100') feet from any other property line.

(Ord. # 2001-001, 5-15-01; Ord. #2003-006, 8-19-03; Ord. #2016-014, 9-06-16; Ord. #2016-15, 11-15-16)

Gadsden County Planning Commission
Agenda Request

Date of Meeting: August 22, 2019

To: Honorable Chairperson and Members of the Planning Commission

Through: Suzanne Lex, AICP, Growth Management Director

From: Jill Jeglie, AICP, Senior Planner II, Planning Division

Subject: Public Hearing (Legislative) (LDR 2019-05) – Amendments to Section 5700, Signs, of the Gadsden County Land Development Code.

Statement of Issue:

This item requests consideration of amendments to Section 5700, Signs, of the Gadsden County Land Development Code (LDC) to allow E.

Background:

On November 15, 2016, the County sign regulations were revised to allow and regulate 'electronic message centers or boards' (EMC). EMC are allowed on ground signs on properties along and oriented to collector or arterial designated roadways in the appropriate future land use category. Section 5700 does not allow EMC on wall signs.

The Planning Division submits for consideration to the Planning Commission whether or not EMC wall signs would be allowed, and if permissible under what criteria.

Analysis:

Subsection 5707.P of the LDC allows EMC "as part of an on-site ground sign otherwise permitted under this Section" on properties located within the Commercial, Heavy Industrial, Light Industrial and Urban Service Area Future Land Use or on properties containing lawful non-residential or nonconforming uses in the Public, Urban Service Area, Rural Residential and Agriculture Future Land Use districts. EMC are restricted to properties located along and oriented to roadways designated as collector or arterials.

Wall signs are regulated under Sub. 5707 as follows:

> *C. Maximum Number and Placement of Signs. Only one (1) ground sign and one (1) wall, wall mural, mansard, marquee, canopy, projecting, or roof sign shall be allowed for each premise. Lots that have frontage on more than one street may utilize up to the maximum sign surface area allowed for each frontage. Transfers of allowable area may be made provided the maximum allowable area per street frontage is not exceeded by more than fifty percent (50%). Allowable signage may be placed at any location on the*

Agenda Item #9

Planning Commission
Agenda Request

Date of Meeting: August 22, 2019

To: Honorable Chairman and Members of the Commission

From: Suzanne Lex, Growth Management Director

Subject: **PUBLIC HEARING:** (Legislative) Consideration of Adoption of Ordinance 2018-018 for the Amendment of Chapters 1 and 7 of the Land Development Code, specifically regarding the 'Citizens Growth Management and Planning Bill of Rights' (LDR 2018-01)

Statement of Issue:

Public hearing for the amendment of Chapter 1, Administration and Enforcement and Chapter 7, Development Orders, Development Permits, and Development Agreements of the Land Development Code, to amend the 'Citizens Growth Management and Planning Bill of Rights' (CBOR) and move it from Chapter 7 to Chapter 1.

Background:

On May 4, 2010, the Board of County Commissioners adopted the Citizens Growth Management and Planning Bill of Rights' that is in place today as Ordinance 2010-005. Since 2010, the Board has requested and considered revisions to the CBOR in 2015, 2018 and continued through 2019. Since 2015, the proposed amendments were discussed by the Board at Commission Meetings and Workshops, but the primary requirements for citizen participation and a super-majority vote have been supported. At the April 30, 2019 Board of County Commissioners Workshop staff was directed to bring the item back for review. As revised the Citizen Bill of Rights retains the Citizen Participation Meeting and the requirement for a "Super Majority" vote for all Comprehensive Plan Amendments, Major Subdivision(s), and Special Exception uses

Analysis:

The current version of the Citizen's Bill of Rights requires the following:

A. ***Mandated Citizen Participation Plan*** *– this step requires public notice to property owners and neighborhood associations within one-half mile of the development site property boundaries.*

Staff Recommendation: Retain and revise this requirement.

Staff was directed to retain this provision, and to attend the Citizen Participation Meeting. This provision is retained with the mailing and newspaper advertisement requirement. In addition,

the Gadsden County Planning Department staff will notice the subject property with a two-foot by two-foot sign no less than fifteen days prior to the Community Participation meeting.

B. ***Neighborhood Participation*** *– notification of neighborhood associations by county staff within 10 days of the filing of any application or proposal filed for comprehensive plan map amendment; requires a community meeting 30 calendar days prior filing the application; requires a second community meeting 15 days prior to amendment adoption hearing of a plan amendment after review "by DCA". (Note: the timing of the second requirement in this subsection is not clear. Although the staff is required to notify the neighborhood associations of the filing within 10 days after filing with the county, the community meeting requirement 30 days prior to "submittal to DCA" (now DEO) is confusing. This timing should be based upon the Planning Commission hearing, not the submittal or filing date to DCA (now DEO) as that timing is more fluid.)]*

Staff Recommendation: Retain and revise this requirement.

This requirement is unclear and sets forth deadlines that are confusing and cumbersome. The community is notified both by mail and newspaper, and additionally with the proposed change Gadsden County Planning Department shall notify the public through signage on the subject property. In addition, Planning Department staff recommends that the Community Participation Meeting and the Conceptual Review meeting with staff occur within the same timeframe. The applicant shall notify the Planning Department staff in writing and schedule the Conceptual Review meeting no less than thirty days prior to the Community Participation Meeting. The applicant will provide a minimum fifteen-day notice for the Community Participation Meeting to the surrounding property owners and concurrently the County will a notice the subject property with a two-foot by two-foot sign. A representative from the Gadsden County Planning staff shall attend the Community Participation Meeting.

Following the Community Participation Meeting the applicant must submit a formal application within no less than fifteen-days and no more than ninety days. A one-time extension may be granted for an additional 30 days. The intent of this change is to provide an option for the applicant to make changes in response to community input and reflect these changes in the formal application submittal. At a minimum, two more public meetings will occur which afford the opportunity for community input.

Additional provisions that the applicant include issues identified at the meeting and how these were addressed is retained. However, identified issues cannot be the basis to deny the request if the proposed development meets the Comprehensive Plan and Land Development Code requirements.

C. ***Seven day "cooling-off" period*** *– plan amendments cannot be changed in the seven business days prior to the advertised public hearing. If revised within this period, then the hearing must be rescheduled.*

Staff Recommendation: Delete this requirement.

The project application submitted for review cannot be changed once noticed for an advertised public hearing. This language is unnecessary. An application and staff analysis are presented on the County's website at a minimum seven days prior to a meeting. Any changes shall occur at the advertised public meeting subject to Planning Commission or Board action. This allows for continued community engagement in a public forum.

D. ***Super-majority vote*** *– required for all comprehensive plan amendments, major land development reviews, variances, special exceptions, major site plans and major subdivision(s). A super majority vote is also required for amendment of this section.*

Staff Recommendation: Retain this requirement.

This requirement should be retained and applicable to all Comprehensive Plan Amendments, Major Subdivision(s), and Special Exception uses. All proposed development that is listed as a special exception is identified in the Gadsden County Comprehensive Plan and in the Gadsden County Land Development Code. Variances approvals should be revised to go before the Planning Commission, and an exceptional undue hardship is required to meet the burden of proof.

E. Requires all comprehensive plan map amendments and "site development applications" to protect environmental resources.

Staff Recommendation: Delete this requirement.

The Army Corp of Engineers under the Federal Government, the State of Florida Department of Environmental Protection and the Northwest Florida Water Management District, and Gadsden County require protection of environmental resources. Both the Comprehensive Plan and the Gadsden County Land Development Code contain requirements to ensure the protection of environmentally sensitive areas, wetland habitat, protection of endangered and threatened species. These regulations accomplish this and therefore such language is unnecessary.

F. No Free Density – when the conversion of land from residential or agriculture occurs to create "urban density", proof must be made to show "land for significant public benefit is offered in fair and equitable exchange".

Staff Recommendation: Delete this requirement

Any increase in density occurs through a proposed Future Land Use Map amendment and once adopted through Zoning Map amendments. There is no measure or parameters for the "fair and equitable exchange" of "land for significant public benefit" for the conversion of land from rural and agricultural to urban density. If this requirement is retained, there needs to be a program to detail the exchange of residential and agriculture lands to urban density by, at minimum, defining what "urban density" is and what the "significant public benefit" is and what a "fair and equitable exchange" is. Other needed guidance is needed to describe the ratio

of lands exchanged, what is an "appropriate location". In addition, as written this paragraph is a deterrent to a developer who may seek to provide a compact, walkable, mixed use community. These types of communities provide better urban form, and should be encouraged opposed to conditioned by an exchange of lands.

G. Requires the establishment of urban service boundaries by 2014.

Staff Recommendation: Delete this requirement

This is a carry-over from a settlement agreement with the Department of Community Affairs, and the regulations that formed the basis have since been replaced. The State Land Planning Agency would no longer direct a local government to develop an Urban Service Boundary.

As revised, Chapter 163, Part II, has shifted the focus of the State Land Planning Agency to impacts on significant state resources and facilities.

It is proposed that the amended Chapter 7001.1 be relocated to the public hearing process in Chapter 1 of the Land Development Code. Changes to the Citizen's Bill of Rights will not become in conflict with those pertinent sections.

Planning Commission Recommendation:

The Planning Commission heard this agenda item on April 12th and May 15th of 2018. They voted 5-2 in favor amending the ordinance to only apply to Comprehensive Plan Future Land Use Map amendments, and to delete in full Parts D-G of the Subsection.

Board of County Commissioners Recommendation:

The Board of County Commissioners recommendation at the April 30, 2019 Workshop was to retain the Super Majority Vote, provide for additional staff involvement and streamline the process for the applicant.

Options:

1. Recommend amending Chapters 1 and 7 of the Land Development Code.
2. Do not recommend amending Chapters 1 and 7 of the Land Development Code.
3. Board Direction.

Recommendation:

Option 1.

Attachments:

1. Proposed changes to Section 700.1 and Chapter 1 of the Gadsden County Land Development Code in strikethrough/underline.
2. Proposed changes to Section 700.1 of the Gadsden County Land Development Code clean copy.
3. April 30, 2019 Board of County Commissioners Workshop Meeting Minutes

CHAPTER 7

DEVELOPMENT ORDERS, DEVELOPMENT PERMITS, AND DEVELOPMENT AGREEMENTS

(Ord. # 2003-006, 8-19-03; Ord. # 2015-12, 10-20-15)

SECTION 7001.1 CITIZENS GROWTH MANAGEMENT AND PLANNING BILL OF RIGHTS

For the purposes of this Subsection, the Board of County Commissioners shall not be classified as an applicant.

This section ~~established~~ establishes additional requirements for Comprehensive Plan Amendments, ~~and Major Land Development Reviews including but not limited to variances, s~~Special Exceptions, ~~major Site Plans and major~~ and Major Subdivisions in Gadsden County. All ~~small scale and large scale Comprehensive Plan Amendments and Major Land Development Reviews~~ such applications shall comply with the following requirements:

A. Mandated ~~Citizen Participation Plan~~ Community Participation Meeting -- Developers must ~~prepare~~ conduct a ~~citizen~~ Community ~~p~~Participation ~~plan~~ Meeting and provide notice by newspaper and notify by mail ~~and newspaper~~ impacted property owners ~~and neighborhood associations~~ within one half mile of the development site property boundaries. ~~The Growth Management Department must verify that proper notification has occurred. The Developer shall conduct workshops with citizens impacted to identify all issues of concern prior to any public hearing.~~ The meeting and the newspaper advertisement notice shall include the time and location of the meeting, subject property parcel identification, the proposed development and the contact name and information of the applicant's representative.

B. The applicant shall notify the Planning Department staff in writing and schedule the Conceptual Review meeting no less than thirty days prior to the Community Participation Meeting. The applicant will provide a minimum fifteen-day notice to the surrounding property owners. Concurrently, the County will notice the subject property, with a two-foot by two-foot sign, providing the time and location of the Community Participation Meeting, the proposed type of development and the contact name and information of the County's representative. A representative from the Gadsden County Planning staff shall attend the Community Participation Meeting.

~~B. All comprehensive land use map changes and site development applications shall protect Gadsden County Environmental Resources as identified in and in compliance with the adopted Comprehensive Plan requirements and Land Development Code.~~

~~C. "No Free Density"--The conversion of rural and agricultural land to urban density--in the form of compact, walkable, mixed use communities in appropriate locations--shall only be undertaken where land for significant public benefit is offered in fair and equitable exchange. This shall include the permanent preservation of natural and agricultural lands and open spaces;~~

G. ~~"Establish Reasonable Urban Service Boundaries" --County government will work with the municipalities and other appropriate parties to establish reasonable urban services boundaries within the DCA mandated timeframe of 2014.~~

(Ord. #2010-005, 05-04-10)

CHAPTER 7

DEVELOPMENT ORDERS, DEVELOPMENT PERMITS, AND DEVELOPMENT AGREEMENTS

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A. Mandated Community Participation Meeting --Developers must conduct a Community Participation Meeting and provide notice by newspaper and notify by mail impacted property owners within one half mile of the development site property boundaries. The meeting and the newspaper advertisement notice shall include the time and location of the meeting, subject property parcel identification, the proposed development and the contact name and information of the applicant's representative.

B. The applicant shall notify the Planning Department staff in writing and schedule the Conceptual Review meeting no less than thirty days prior to the Community Participation Meeting. The applicant will provide a minimum fifteen-day notice to the surrounding property owners. Concurrently, the County will notice the subject property, with a two-foot by two-foot sign, providing the time and location of the Community Participation Meeting, the proposed type of development and the contact name and information of the County's representative. A representative from the Gadsden County Planning staff shall attend the Community Participation Meeting.

C. Following the Community Participation Meeting the applicant must submit a formal application within no less than fifteen days and no more than ninety days. A one-time extension may be granted for an additional thirty days. The developer must present to the Planning Commission and Board of County Commissioners a list of all issues raised at the Community Participation Meeting, and indicate if and how they were resolved or addressed. The staff will keep a list posted on the website of all applications under review that are subject to these requirements, including the next scheduled public meetings before the Planning Commission and the Board of County Commissioners. A staff contact person shall be listed.

Agenda Item #10

Item 10

Gadsden County Planning Commission
Meeting Agenda Report

Date of Meeting: August 22, 2019

To: Honorable Chairman and Members of the Planning Commission

From: Suzanne K. Lex, AICP, Growth Management Director

DATE: June 4, 2019

Subject: Proposed to Amendments to the Land Development Code Chapter Four (4),

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Statement of Issue:

Discussion of amendments to Chapter 4 of the Land Development Code as it applies to the creation of an Agricultural Zoning District in Gadsden County and the accompanying Land Use Zoning Map in Chapter 4; and the processes for the approval of development. The current Chapters Four and Seven will be deleted in its entirety and replaced in order to implement zoning.

Background:

The Board of County Commissioners has given direction to staff that they want to move from solely assigning Future Land Use categories to parcels of property, to additionally create zoning districts as well. This initial step forward to that planning standard will create zoning districts that are aligned with the existing Future Land Use categories. At the March 14, 2019 Planning Commission Meeting the Commissioners reviewed the proposed zoning districts and identified issues for clarification. The two primary concerns were the process for the approval of the uses and minor revisions to the proposed uses allowed in a zoning district. Chapter 7 is provided as a supplement for reference only.

Zoning is a planning tool that many cities and counties use to provide additional and more detailed standards regarding the development of property. The history of zoning is that it was established to separate incompatible uses from each other, such as industrial uses from residential uses, for health and safety reasons. In Florida, Future Land Uses follow that technique in a broader sense, where zoning can create additional separations from types of specific uses such as residential (lower density residential to higher density residential) and commercial (smaller, neighborhood-scale commercial to higher big box retail).

The zoning districts will lie within corresponding Future Land Use categories, and will be identifiable by location by map. Just as the Future Land Use Map shows categories assigned by parcel, so will the Zoning Map. These are primarily identified by computer using a Geographical

Information System (GIS). At the start, only the existing categories will be assigned to the Zoning Map, are those listed in the Comprehensive Plan. The Introduction to Chapter 4 clarifies that the Zoning Districts will be assigned from the current Future Land Use Map.

Chapter 4: Currently, Chapter 4 of the Land Development Code is entitled "Land Use Categories" and addresses the established Future Land Use categories of the Comprehensive Plan. The newly written Chapter 4, as revised, will follow similar format, describing each of the zoning districts (which will replace the land use categories).

For this meeting the sixth zoning district, Agriculture Zone are revised to include recommend changes and the process for approval. As part of the final approval, and so recommended by the Planning Commission, Section 4100 will be revised accordingly as all uses in Agriculture Zones I, II and II are listed completely in Subsection 4106

Attachments:

1. Newly created, as revised, Chapter 4 of the Land Development Code, Zoning District 4106 in strikethrough.
2. Newly created, as revised, Chapter 4 of the Land Development Code, Zoning District 4106 in strikethrough.
3. Chapter 7 of the Land Development Code for reference.

Recommendation:

1. No recommendation is provided as this is a Workshop an seeks the Planning Commissions and public input.

2. Recommend that the BOCC adopt and amend by ordinance Chapter 2 of the Land Development Code with changes and find that those amendments are consistent with the Comprehensive Plan.

Recommendation: Option 1.

Gadsden County Planning Commission
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3. Chapter 7 of the Land Development Code for reference.

Recommendation:

1. No recommendation is provided as this is a Workshop and seeks the Planning Commissions and public input.

CHAPTER 4
ZONING DISTRICTS AND REGULATIONS

SECTION 4000. ZONING.

SECTION 4100. Zoning Districts. In order to carry out the purpose and provisions of the Gadsden County Comprehensive Plan, the County hereby creates the following zoning districts:

A. Historical (H)
B. Conservation (CSV)
C. Silviculture (SIL)
D. Recreation (REC)
E. Public/Institutional (P/I)
F. Agriculture-1 (AG-1)
G. Agriculture-2 (AG-2)
H. Agriculure-3 (AG-3)
I. Rural Residential (RR)
J. Suburban Residential (SR)
K. Urban Residential (UR)
L. Neighborhood Commercial (NC)
M. General Commercial (GC)
N. Nature Center (NC)
O. Mixed Use (MU)
P. Light Industrial (LI)
Q. Heavy Industrial (HI)
R. Mining (M)

The Board of County Commissioners shall follow the requirements of Chapter 553, Part IV, Florida Statues and permits manufactures homes, as defined in Chapter 2 of this Code, to be allowed as a matter of right in all zoning classifications which allow the construction of a dwelling unit for habitation.

Omitted 4101 0 4105 as was previously reviewed at the 7-11-19 Planning Commission workshop

Subsection 4106. Agriculture Zones. The purpose of each of the following Agriculture zoning districts is to provide areas for farming, ranching, keeping of livestock and production of foods. These zoning districts are Agriculture-1, Agriculture-2, and Agriculture-3. Nothing in this Code shall be construed to impede or prohibit agriculture activities as allowable by Florida Statutes, specifically the Right to Farm Act.

A. General Character and Location of Agriculture Zones: Agriculture zones are designed to support and sustain agriculture activities in Gadsden County, such as

larger parcels designed for the growing of crops, ranchland, and smaller farms with homesteads. Parcels within this district are low-density.

For the protection of agriculture activities, the location of any Agriculture district shall be limited to the rural areas of the County, not adjacent to a City limit.

B. Allowable Uses. Allowable uses within the Agriculture zoning districts shall include~~:~~

1. Those which are related to agriculture activities, as defined in Chapter 2 of this Land Development Code, with the exceptions of the those listed below that require Major Development ~~.~~Review.

2. Residential uses as the primary residence of the person or family conducting the agriculture activities on the site (see Table 4106).

3. Agritourism/agritourism activities as defined in Chapter 2 of this Land Development Code in Agricultural I (5 acres), II (10 acres) or III (20 acres).

4. Private airstrips and airplane hangars ancillary to a bonafide Agricultural use in Agricultural II (10 acres) or III (20 acres).

~~5.~~ 5. Bed and breakfast lodging as an agrotourism use in Agricultural I (5 acres), II (10 acres) or III (20 acres).

6 Produce stands no greater than 2,000 square feet in Agricultural I (5 acres), II (10 acres) or III (20 acres), for the sale of farm products. At a minimum 50% of the product sold is harvested on site.

7 Houses of Worship on a minimum of 1 acre.

8 Commercial feed lots of any size Agricultural II (10 acres) or III (20 acres) as a Special Exception,

9 Raising, breeding or the rescue facilities of furbearing animals, in Agricultural II (10 acres) or III (20 acres) as a Special Exception

10 Commercial riding academies, livery or boarding stables or dog kennels. in Agricultural II (10 acres) or III (20 acres)

11 Solar Farms in Agricultural II (10 acres) or Iii (20 acres) as a Special Exception

B. Bulk Regulations. The Agriculture zoning districts bulk development regulations are as established in Table 4106 below.

Table 4106. Agriculture Zones Bulk Regulation Standards

Regulation	Agriculture-1 Zone	Agriculture-2 Zone	Agriculture-3 Zone
Maximum Density[1]	Maximum one dwelling unit per five acres.	Maximum one dwelling unit per 10 acres.	Maximum one dwelling unit per 20 acres.
Minimum Lot Frontage	25 feet	25 feet	25 feet
Minimum Lot Size	Five acres	Ten acres	Twenty acres
Minimum Yard Setbacks			
Front	20 feet	20 feet	20 feet
Side	10 feet	10 feet	10 feet
Rear	20 feet	20 feet	20 feet
Maximum Building Height	36 feet	36 feet	36 feet
Maximum Impervious Surface	No more than 0.10 lot coverage	No more than 0.10 lot coverage	No more than 0.05 lot coverage

[1]Allowable density may be different if subject to the Immediate Family Exception provision.

C. Development Restrictions. The following development restrictions shall apply to any development within the Agriculture zoning districts:

1. The Immediate Family Exception as provided for in this Land Development Code shall apply to those lands zones Agriculture-2 and Agriculture-3 only.

2. Except for the provision of the Immediate Family Exception, the proposed subdivision of land in any Agriculture zoning district adjacent to land uses or zoning districts that are not classified as agriculture shall be subject to a compatibility analysis to ensure compatibility of adjacent uses to agriculture activities.

E. Development Review:

The uses listed in Subsection 4106 (B)1-7 shall be reviewed consistent with Subsection 7101 Administrative Development Review. The development of the other allowable uses in Subsection 4106 (B) 8-11 shall be reviewed consistent with the processes established in Subsection 7103 Major Development Review. Additionally, the uses identified as Special Exceptions will be subject to the provisions of the Citizens Bill of Rights found in – this code reference is dependent on future action by the Board of County Commissioners and will be included in the final version.

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larger parcels designed for the growing of crops, ranchland, and smaller farms with homesteads. Parcels within this district are low-density.

For the protection of agriculture activities, the location of any Agriculture district shall be limited to the rural areas of the County, not adjacent to a City limit.

B. Allowable Uses. Allowable uses within the Agriculture zoning districts shall include

1. Those which are related to agriculture activities, as defined in Chapter 2 of this Land Development Code, with the exceptions of the those listed below that require Major Development Review.

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Side	10 feet	10 feet	10 feet
Rear	20 feet	20 feet	20 feet
Maximum Building Height	36 feet	36 feet	36 feet
Maximum Impervious Surface	No more than 0.10 lot coverage	No more than 0.10 lot coverage	No more than 0.05 lot coverage

[1]Allowable density may be different if subject to the Immediate Family Exception provision.

C. Development Restrictions. The following development restrictions shall apply to any development within the Agriculture zoning districts:

1. The Immediate Family Exception as provided for in this Land Development Code shall apply to those lands zones Agriculture-2 and Agriculture-3 only.

2. Except for the provision of the Immediate Family Exception, the proposed subdivision of land in any Agriculture zoning district adjacent to land uses or zoning districts that are not classified as agriculture shall be subject to a compatibility analysis to ensure compatibility of adjacent uses to agriculture activities.

D. Development Review: The uses listed in Subsection 4106 (B)1-7 shall be reviewed consistent with Subsection 7101 Administrative Development Review. The development of the other allowable uses in Subsection 4106 (B) 8-11 shall be reviewed consistent with the processes established in Subsection 7103 Major Development Review. Additionally, the uses identified as Special Exceptions will be subject to the provisions of the Citizens Bill of Rights found in – this code reference is dependent on future action by the Board of County Commissioners and will be included in the final version.

CHAPTER 7

DEVELOPMENT REVIEW, DEVELOPMENT ORDERS, AND DEVELOPMENT AGREEMENTS

SECTION 7000. PURPOSE AND INTENT. The purpose of this chapter is to provide specific procedures and parameters of site development within Gadsden County. "Development" shall be as defined in Chapter 2 of this LDC. The process for receiving approval to conduct development activities within Gadsden County shall be as outlined in this Chapter. Development shall be considered approved upon issuance of a development permit or final development order.

Subsection 7001. Development Approval Required. No development allowed by this LDC may be established or changed without approval. No structure shall be erected, constructed, reconstructed, or altered with respect to its use after the effective adoption of this Code until Final Site Plan Approval is received.

Subsection 7002. Legal Authority to Submit Development Approval Applications. Applications for development approval shall only be accepted with signatures from persons having the legal authority to submit them. Persons with legal authority shall include:

A. An owner or owners of a property, as identified by the Warranty Deed or the Gadsden County Property Appraiser's records.

B. Lessees of a property, with a notarized affidavit of permission of the property owner to file the application.

C. An agency of the property owner(s), with a notarized affidavit of permission of the property owner to file the application.

D. Persons who have contracted to purchase property contingent upon receiving the necessary approval under this LDC, or the agents of such persons, with a notarized affidavit of permission of the property owner to file the application.

E. If a corporation holds ownership, the applicant may (NEED DAVID's HELP ON THIS).

The Planning Official may require an applicant to present evidence of authority to submit the application on behalf of the property owner(s) whenever there appears to be a reasonable basis for questioning the required documents.

Subsection 7003. Authority to Access the Property. The submittal of an application for development approval shall by default include the ability for Gadsden County staff to enter the subject property. The owner(s) of property shall make

Reference for us with Chapter Four Zoning Categories

available to Gadsden county staff a means of reasonable access to the property for which an application has been submitted.

Subsection 7004. Time Limitations of Approved Development Activity. The site plan review of a development and the issuance of a Development Order shall be subject to expiration.

A. Expiration of a development review shall be upon 180 days of approval if the development has not received a development order. Two extensions may be granted, not to exceed three months each, by official request to the Planning Official. A request is deemed official when submitted in writing. Written submissions may include postal or electronic mail. Requests shall be submitted no later than fifteen (15) days prior to the expiration of the plan approval for consideration of the extension. Any extension of a development review must demonstrate that all concurrency standards are still met.

B. Expiration of a Development Order shall be upon 180 days of approval if the development has not received or demonstrated one of the following:

    1. A building permit.
    2. Execution of any agreement for water and/or sewer services.
    3. Issuance to the applicant of any applicable state or federal permits that are associated with the subject development.
    4. The completion of site improvements, such as on-site grading or clearing, construction of stormwater management facilities, or construction of any infrastructure.

    If any of the activities listed above have occurred, the timing for the expiration of the Development Order shall be from the date of the completion or receipt of the most recent activity.

C. The Planning Official, or designee, shall issue written notification to the property owner or authorized agent prior to expiration of any development review or Development Order approval. Written notification shall be sent at least thirty (30) days prior to the relevant expiration date.

D. If the time allowance has exceeded for a Development Order without extension, and the applicant or authorized agent has not provided evidence that one of activities listed in Subsection 7004.B has not occurred, the Planning Official, or designee, shall issue written notification to the applicant or authorized agent that the Development Order has expired and is void. Written notification shall be sent within fifteen (15) days after the expiration date.

Reference for us with Chapter Four Zoning Categories

SECTION 7100. LEVELS OF DEVELOPMENT REVIEW.

The level of development reviews further defined in Subsections 7101; 7102 and 7103 govern the approval process for development in the Land Use Zoning Categories set forth in Chapter 4.

Subsection 7101. Administrative Development Review. Administrative review of development is that which is deemed appropriate for Gadsden County staff to review internally. The Planning Official, or designee, shall be responsible for review and approval of this type of review. No public hearing is required for those developments processed under this level of review. In addition to the uses listed in the zoning classifications ~~A~~administrative review shall include the approval of the following developments:

A. Placement of accessory structures on a parcel

B. Signage

C. Communications towers

D. Utility substations

~~E. Recreational vehicle parks and campgrounds~~

~~F.~~E. State licensing verifications

~~G.~~F. Verification for home occupations

~~H.~~G. Request for tree removal

~~I.~~H. Any development that is not considered a substantial deviation of an existing development, as defined in Chapter 2 of this Code.

~~J.~~I. A change of use to a permitted use within the zoning district.

~~K.~~J. Those actions listed in Subsection 6003 of this Code.

Subsection 7102. Minor Development Review. Minor review of development shall constitute a review by staff and the Development Review Committee. In addition to the uses listed in the zoning classifications ~~M~~minor development review shall include:

A. Any non-residential site plan review for a site which is one half acre or less.

B. Any non-residential use that contains ~~less than~~ 5,000 square feet or less of gross floor area.

Reference for US with Chapter Four Zoning Categories

C. Any use that is exempt from stormwater requirements.

D. Recreational vehicle parks and campgrounds on 10 acres or less.

~~C.~~E. A manufactured/mobile home park which consists of ~~less than~~ twenty (20) acres or less .

Subsection 7103. Major Development Review. In addition to the uses listed in the zoning classifications ~~M~~major review of development shall constitute a review by staff, the Development Review Committee, the Planning Commission and the Board of County Commissioners. The Planning Commission and Board of County Commissioners reviews shall be conducted at an adequately advertised public hearing. The Board of County Commissioners shall approve the development by a majority vote. Major development review shall include any development not included in Subsections 7101 or 7102, or as defined in the Land Use Zoning Categories set forth in Chapter 4, including but not limited to:

A. Any non-residential use greater than 5,000 square feet of gross floor area.

B. Recreational vehicle parks and campgrounds on greater than 10 acres.

C. A manufactured/mobile home park which consists of more than twenty (20) acres.

D. Any Map Amendment to the Gadsden County Land Use Zoning Map.

Subsection 7104. Exceptions. The following types of development shall not be subject to a development review process.

A. Any land clearing by hand.

B. Any land clearing that does not remove any trees greater than three (3) inches in diameter.

C. The construction or placement of an accessory structure less than 300 square feet in size.

D. Silvicultural activities.

SECTION 7200. PROCEDURES FOR ADMINISTRATIVE REVIEW APPROVAL. The procedures set herein shall be set for the approval of any administratively approved development.

Referenced for US with Chapter Four Zoning Categories

Agenda Item #11

Gadsden County Planning Commission
Meeting Agenda Report

Date of Meeting: August 22, 2019

To: Honorable Chairman and Members of the Planning Commission

From: Suzanne K. Lex, AICP, Growth Management Director

DATE: August 10, 2019

Subject: Proposed to Amendments to the Land Development Code Chapter Two

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Statement of Issue:

Discussion of amendments to Chapter 2, the Definitions section of the Land Development Code.

Background:

The Planning Commission reviewed changes to the Definitions Section of the Land Development Code at the July 11, 2019 Planning Commission Workshop. Comments were made requesting clarification, removing duplication as well as editorial observations.

Analysis:

Staff has revised the definitions to incorporate comments made from both the Planning Commission and Planning Department staff. Changes are provided in a strikethrough/underline version and as a clean copy. Attachment One to the staff report includes a summary of the changes made from the last meeting. Minor formatting changes will be finalized to ensure spacing and formatting are consistent. This is the Public Hearing for adoption to the Planning Commission.

Attachments:

1. Attachment One: Summary of Changes.
2. Revised, Chapter 2 of the Land Development Code, in strikethrough/underline.
3. Revised, Chapter 2 of the Land Development Code, clean copy.

Recommendation:

1. Workshop so no formal action recommended.

Chapter 2 - Definitions

Gadsden County Land Development Code

The following summarizes changes made to definitions in response to Planning Commission comments made at the July 11, 2019 Planning Commission meeting and from the Planning staff review.

Format Corrections:

- Formatted with proper indentations and consistent font type on the clean copy
- Semi-colons replaced with commas as requested
- Removed most acronyms for compliance with the American Disabilities Act
- Revised in alphabetical order

Access:

- Deleted duplicate definition

Adverse Impact:

- Revised definition, would apply to on-site and off-site impacts

Alcoholic Beverage:

- Spelling and spacing corrections
- Deleted "or" as defined §561.01.01(4)(a) and (b), Florida Statutes

Automobile graveyard:

- Added definition reference made in Florida Statutes regulating junkyards

Automotive service station:

- Spelling corrected

Bed and breakfast inn

- Deleted duplicate definition

Campground:

- Corrected Boy Scout

Connection:

- Spelled out Florida Statute for consistency

Convenience Store:

- Deleted duplicate definition

Domestic Animal

- Revised to reflect general animal group

Dwelling or Dwelling Unit; Dwelling, Multi-family; Dwelling, Single-family:

- Removed definitions since it duplicated the subsequent [multiple part] definition
- Minor revisions in multi-part definition for clarity or to remove redundancy

Endangered Species:

- Removed specific reference to types and conditions which cause a species to be listed
- Combined to include references to species listed by Florida law or other regulatory agency

Environmentally Sensitive Areas or Resources:

- Subsection "b" removed reference to 2009 and inserted "currently adopted"

Family [Conveyance] Exception:

- Revised to include additional detail
- Consistent with references included in §163.3179, Florida Statutes (Family Homestead)

Final plat:

- Clarified that Part I of Chapter 177 refers to platted lands

Food Truck:

- Defined and class of mobile vendors listed

Grandfathered/grandfathering:

- Included reference to non-conforming lot and use, lawful

Highest adjacent grade:

- Included "after construction"

Homeowner's Association:

- Removed duplicate definition

Hotel

- Removed duplicate definition

Industrial, heavy:

- Revised to a single definition; moved reference to mineral extraction to "Mining" definition
- Mining is a separate land use from Heavy Industrial in the land use categories

Junkyard or Salvage Yard:

- Revised to a single definition

Landfill:

- Definition added

Manufacturing, heavy:

- Revised to reflect existing uses of concrete plants and the production of fertilizers

Manufacturing, light:

- Removed reference to computer design and development research
- Research is not a manufacturing activity

Mining:

- Definition added, excluded from heavy industrial use definition as it is a separate land use

Native vegetation:

- Removed duplicate definition

Net Buildable Area:

- Revised to reflect what is subtracted from the gross area of a parcel

Parking lot:

- Included long-term; clarified short-term versus long-term; indicated ancillary use.

Recreational Vehicle:

- Deleted duplicate definition and revised

Recycling Center

- Added definition

Signs, Directional

- Deleted duplicate definition and revised

CHAPTER 2

DEFINITIONS AND INTERPRETATIONS.

SECTION 2000. Interpretation. The following rules shall be observed in the application and interpretation of provisions of this Code, except when the context clearly requires otherwise.

A. The words "shall" or "must" are mandatory. The words "should" or "may" are permissive.

B. Words used or defined in one tense or form shall include other tenses or derivative forms.

C. Words in the singular shall include the plural; words in the plural shall include the singular.

D. Words referencing the masculine gender shall extend and be applied to the female gender and shall be considered to be gender neutral.

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

In the event that a question arises concerning the application or meaning of the regulations, the Planning Official shall be responsible for the interpretation of this Code.

SECTION 2100. DEFINITIONS.

Subsection 2101. Generally. When used in this Code, the following terms shall have the meanings given herein:

A. The word "Board" shall mean the Gadsden County Board of County Commissioners.

B. The word "County" shall mean Gadsden County, Florida.

C. The words "Local Planning Agency", "Commission," or "Planning Commission," shall mean the Gadsden County Planning Commission.

D. The word "person" means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

E. The words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.

F. The word "structure" shall include the word "building."

DEFINITIONS.

Subsection 2102. Specifically.

Abandon: To leave, desert or discontinue a use for at least one (1) calendar year.

Abut or Abutting: To physically touch or border upon, or to share a common property line or be separated from such common border by a right-of-way, alley or easement.

Abutting property/abutting parcel: Any property that is immediately adjacent or contiguous to or immediately across any road or right-of-way from the subject parcel. For the purpose of buffering only, adjacent shall not mean across a divided roadway.

~~**Access:** The primary means of ingress and egress to abutting property from a dedicated right-of-way.~~

Access, Legal: The right to enter and exit property from a public or private street, or access easement. These rights are created by deed or easements recorded in the public records. If the parcel proposed for development is adjacent to a county or state right-of-way and meets all other standards, then legal access is provided.

Access, public: The ability for the public to physically reach, approach, enter, exit, communicate with or make use of a community interest.

Accessory use: A use conducted on the same parcel as a primary use, of a nature customarily incidental and subordinate to the primary use of the parcel.

Active recreation refers to a structured individual or team activity that requires the use of special facilities, courses, fields, or equipment. These activities include but are not limited to baseball, hockey, football, tennis, soccer, golf and skateboarding.

Adult Congregate Living Facility (ACLF): A type of residential care facility, defined in Chapter 400, Part 2, Florida Statutes ~~F.S.~~

Adult Day Care: A center which provides non-medical care and supervision for adult persons on a less than 24-hour basis.

Adverse Impact: Any direct or indirect action likely to cause, or actually causing, a measurable decline in the stability, natural function, or natural diversity of a body of water or flood prone lands or the quiet, peaceful, safe or healthful use of occupancy of any property. This includes, but is not limited to the quality, quantity, hydrodynamics, surface area, species composition, living resources, aesthetics or usefulness for human or natural uses which are or potentially may be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity or stability or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation. The term includes secondary (indirect) and cumulative as well as direct impacts.

~~Any potential or actual effect or impact that is or may be harmful or injurious to human health, welfare, safety or property to biological productivity, diversity, or stability or which unreasonably interferes with the use of property, including outdoor recreation. This term includes secondary and cumulative as well as direct effects or impacts.~~

Advertising: Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

Affordable Housing: As defined by §420.0004, Florida Statutes.

Agriculture: The science and art of production of plants and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees and any and all forms of farm products and farm production. Commercial feed lots of any size, the raising of furbearing animals, riding academies, livery or boarding stables or dog kennels are not considered to be normal agricultural uses.

Agritourism activities: Activities relating to the preserving, processing, packaging or sale of locally grown agricultural products such as farm tours, farm meals, "u-pick" opportunities, cooking classes, agricultural workshops or agricultural education activities.

Airport, private. An airport publicly or privately owned which is not open or available for use by the public but maybe made available to others by invitation of the owner or manager (See Sec. 330.27, Florida Statutes.).

Aisle: The path for a vehicle providing internal circulation between rows of parking.

Alcoholic Beverage: Distilled spirits, beer, malt beverages, or any other beverage containing one-half of one percent or more alcohol by volume ~~or~~ as defined by ~~F.S.~~ §561.01.01(4)(a), Florida Statutes.

Alley: A narrow public thoroughfare, not intended for general traffic circulation, which affords only a secondary means of access to abutting property.

Alteration, building/structure: Any change in size, shape, character, occupancy, or use of a building.

Antenna: An antenna designated to transmit and/or receive communications as authorized by the Federal Communications Commission. The term communication antenna shall not include antennas utilized by amateur radio operators licensed by the FCC, or communication antennas utilized by rural electric cooperatives for the provision of essential services which include, water, wastewater, natural gas and electric, or communication antennas utilized for two way radio communication where the communication is between the base and the individual radio unit.

Apartment: A room or suite of one (1) or more rooms in a multiple-dwelling intended for use as a residence by a single-family.

Apartment house: See Dwelling, multi-family.

Aquaculture: The cultivation of aquatic organisms in fresh or salt water for human use.

ARPC: Apalachee Regional Planning Council.

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, whether operated for profit or not, which undertakes through its ownership or management to provide, housing, and one or more personal services for a period exceeding 24 hours to one or more adults, not related to the owner or administrator by blood or marriage, who require such services; or to provide extended congregate care, limited nursing services, or limited mental health services, when specifically licensed to do so pursuant to ~~F.S.~~ § 400.407 Florida Statutes (see also adult day care center, community residential home, group home facility and nursing home).

Automatic changeable facing: A facing that is capable of delivering two or more advertising messages through an automated or remotely controlled process.

Automobile graveyard: Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

Automotive service station: Any building or structure or land used for retail sales of automobile fuels, oils or accessories as its primary use with the sale of convenience store items allowed, and which may also include automobile maintenance, servicing, and towing and overnight parking of ~~deabled~~disabled vehicles for immediate repair (within 24 hours.).

Bar: See tavern.

Bar, tavern, cocktail lounge or nightclub: A commercial establishment dispensing alcoholic beverages for consumption on the premises in which the service of food is merely incidental defined as the establishment deriving no more than 50 percent of its gross revenue from the sale of food consumed on the premises. Dancing and musical entertainment may be permitted. The term nightclub may also include facilities in which dancing and musical entertainment are permitted whether or not alcoholic beverages are served.

Berm: An earthen embankment designed to direct, control or retain stormwater; an earthen embankment designed to be used as a buffer from adjacent uses.

Bed and breakfast: A private residence, generally a single-family dwelling, in which guestrooms are made available to transient visitors. The establishment shall not contain restaurant facilities, but may provide breakfast service for guests only.

Bed and breakfast inn: A use that provides guestrooms in an operator- or owner-occupied residential unit that is primarily used for inn activities and are operated as a commercial enterprise. They may provide meals for guests and the general public. Accommodations for overnight stays are limited to ten guestrooms.

~~**Bed and Breakfast Inn:** A lodging establishment for a night and a morning meal provided in a guest house.~~

Berm: An artificial bank, mound, or hill of earth or other material designed to provide visual

interest, screen undesirable views, decrease noise, and/or reduce wind effects.

Best Management Practices (BMP): A practice or principle designed to reduce and manage pollution, the adverse impact of changes in the natural ecosystem, and in some cases, protect wildlife and habitat. These principles and practices are generally outlined in the latest updated version of various BMP manuals including Silviculture Best Management Practices; Best Management Practices, a Landowner's Handbook for Controlling Erosion for Forestry Operations for Forestry Operations, Management guidelines for Forested Wetlands, DER: Florida Development Manual, A Guide to Sound Land and Water Management, and other publications on best management practices that are generally accepted by industries and regulatory bodies.

Bicycle facility. Includes improvements constructed or provided to accommodate bicycle traffic and parking. Bicycle facilities may include bikeways, bicycle lanes within the street, paved shoulders, wide curb lanes, pedways which are a minimum of eight feet in width, trails where bicycling in permitted, bicycle racks and lockers, and other facilities and markings intended to designate areas available for exclusive use or shared use for bicyclists.

Bikeway (bicycle way): A facility within the street, within the street right-of-way, or within a separate right-of-way or easement improved for use by bicyclists.

Billboard: A sign as defined in §479.01(19), Florida Statutes and is an off-premise sign.

Block: A parcel or parcels of land entirely and immediately surrounded by streets or highways, water courses, subdivision boundaries and/or right-of-ways or any combination thereof.

Boarding House: A single dwelling unit that does not house more than ten individual sleeping quarters where lodging is provided with or without meals, for compensation for more than one week.

Borrow Pit: An area where material (usually soil, gravel, or sand) is extracted for use at another location.

Boundary Adjustment: An amendment or change to the perimeter of a recorded parcel.

Buffer: An area of land planted with trees, shrubs, berms, or other approved method which separates a project's pavement and structures from adjacent property or rights-of-way. A buffer is also a combination of space and vertical elements, such as trees, plants, berms, fences, or walls, for the purpose of separating and screening land uses from one another.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building, height of: The vertical distance from grade plane to the average height of the highest roof structure.

Building, High-rise: A building which has habitable space nine floors or greater. An enclosed habitable space below grade cannot be considered as a floor for the purpose of this definition.

Building, Low-rise: A building which has habitable space and is three floors or less. An enclosed habitable space below grade cannot be considered as a floor for the purpose of this definition.

Building, Mid-rise: A building which has habitable space and is between four and eight floors. An enclosed habitable space below grade cannot be considered as a floor for the purpose of this definition.

Building, Temporary: A building used during the duration of an active construction project for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, structures, or other facilities. For the purposes of this definition, "active" shall mean having a valid development order or building permit which has not expired.

Building, Primary: See Primary Structure.

Campground: A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes. A commercial campground may include RV spaces and tent camper spaces. Non-commercial campgrounds include church, Boy ~~s~~Scout and other non-commercial, non-profit uses.

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

Change of Use: a discontinuance of an existing use and the substitution of a different kind or class of use.

Champion Trees: Champion trees are those listed in the Florida Champion Tree Register with the Florida Department of Agriculture and Consumer Services, Florida Forest Service.

Child Care Facility: A business which provides for care of persons which are of pre-school age, that care for five (5) or more children unrelated to the operator of the facility, and which receives a payment, fee, or grant for said service, whether operated, and whether or not operated for profit.

Clear Sight Triangle: A triangular shaped area at street intersections and street and driveway intersections established pursuant to and in accordance with the Florida Department of Transportation Design Standards, Index Number 546 Sight Distance at Intersections.

Cluster Development: ~~A compact development that allows the developer to 1) group uses more closely together, 2) preserve fragile habitats, and/or 3) increase the amount of open space of a development.~~A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive or other portions of the site having existing characteristics worth of preservation or conservation.

Commission: Gadsden County Planning Commission, first established by Gadsden County Ordinance #76-004.

Commercial animal boarding facility: A facility that provides the service of temporary care of domestic animals.

Commercial recreation, indoor: A private indoor (entirely within enclosed structure) use providing for sport and recreation activities, which are operated or carried on primarily for financial gain. Examples of indoor commercial recreation uses include, but are not limited to, fitness centers, Yoga studios, Pilates studios, bowling alleys, dancehalls, skating rinks, indoor commercial swimming pools and racquet and tennis club facilities (indoor).

Commercial recreation, outdoor: A private outdoor use providing facilities for sport activities, which is operated or carried on primarily for financial gain, outdoors. Examples of outdoor commercial recreation uses include, but are not limited to, privately owned golf driving ranges, miniature golf facilities, outdoor commercial tourist attractions, and privately owned active sports facilities such as ballfields and basketball courts, and racquet and tennis club facilities (outdoor).

Community residential home, large: A dwelling unit licensed to serve clients of the Department of Children and Family Services, which provides a living environment for seven or more unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Community residential home, small: A dwelling unit licensed to serve clients of the Department of Children and Family Services, which provides a living environment for six or fewer unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Community 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.

Connections: Driveways, streets, turnouts, access ways or other means of providing for the movement of vehicles, pedestrians or bicycles to or from the public street system.

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 §704.06, Florida Statutes.

Compatibility: A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

Comprehensive Plan: The collective goals, objectives and policies of Gadsden County

adopted by Ordinance 81-2, as amended over time.

Conceptual Review: An initial review to determine if a proposed request for development furthers the intent of the adopted comprehensive plan and is consistent with other applicable land development regulations.

Concurrency: A process to insure that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

Concurrency Management System: The procedures and/or process of evaluating the impact of a specific development on public facilities and the adopted level of service standards to ensure that the necessary facilities and services are available with the impacts of development.

Connection: Driveways, streets, turnouts, or other means of providing for the right of reasonable access to or from the State Highway System (~~F.S.~~ § 335.182(3)(a)) Florida Statutes.

~~**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.~~

Convenience store. A small retail store, which sells convenience items (day-to-day needs of a residential neighborhood) as its primary sales. A convenience store may include the sale of gasoline and diesel fuel but such sales shall be accessory to the primary sale of convenience goods.

County: Gadsden County, Florida.

County Commission: The local governing body for Gadsden County, Florida, also known as the Gadsden County Board of County Commissioners.

County Engineer: A person currently licensed and registered to practice engineering in the State of Florida and retained by Gadsden County to implement the appropriate provisions of this Land Development Code.

Contiguous: See abut.

Critical Protection Zone (CPZ): An area around the base of a tree calculated as 75% of the radius of the drip line of the tree.

Crown: The main mass of branching of a tree, which features branches that grow out from the main trunk and support the various leaves.

Cul-de-sac: A short, local road having but one end open for vehicular traffic, the opposite end being terminated with a permanent turn-around.

Cultural facility: Establishments such as museums, art galleries, botanical and zoological gardens of an historic, educational or cultural interest, which are not operated

commercially.

Dead-end street: A street terminated at the end by a vehicular turnaround, such as a cul-de-sac or T-turnaround.

Deciduous: A plant with foliage that is shed annually.

Dedication: The legal transference of land without sale by the original owner to a public agency.

De Minimis Impact: A proposed development that relates to a land use of such a low intensity as to have a minimal effect upon the Level of Service Standards (LOSS) adopted in the Gadsden County Comprehensive Plan. Such impact would not have more than one percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the current trip counts, provided however, that an impact of a single family home on an existing lot of record will constitute a de minimum impact.

Density: A unit of measurement; the number of dwellings per acre of land.

Density, Gross: A unit of measurement, the number of dwelling units per acre of land without removal of any natural or man-made area of such acre.

Density, High: Five (5) or more dwelling units per acre.

Density, Low: Two or less dwelling units per acre.

Density, Medium: More than two and less than five dwelling units per acre.

Density, Net: A unit of measurement, the number of dwelling units per acre of land, after removal of any specified features.

Department: Gadsden County Planning and Community Development Department.

Detention: The collection and storage of surface water for subsequent gradual discharge.

Developer: Any person or corporation, including a governmental agency, undertaking any development.

Development: Shall be as defined in §163.3221(4), Florida Statutes.

Development Order: Any order granting, denying, or granting with conditions an application for development on a specific site.

Development Review Committee: A committee formed which reviews development proposals.

Deviation, Substantial: Any proposed change to a previously approved development which creates a reasonable likelihood of additional impact to the local facilities. The thresholds for a substantial deviation shall be any one of the following:

- Any increase in the number of previously approved parking spaces by fifteen percent or more.
- Any increase in impervious surface by ten (10) percent or more.
- An increase in the number of dwelling units by ten (10) percent or more, so long as the density conforms to the requirements of the Comprehensive Plan and Land Development Code, except that, if the dwelling units are developed and meet the criteria of affordable housing, this threshold shall increase to fifteen (15) percent or more.
- An increase in the number of external vehicle trips generated by the development above that which was projected during the original development approval, by fifteen (15) percent or more.

Diameter Breast Height (DBH): The diameter of a tree, in inches, measured at approximate breast height or a height of four and one half feet above grade. For irregular trees, this can be the average of the greatest and smallest diameters or the circumference at DBH, divided by Pi (π).

Discharge: The release of stormwater by any means, including spilling, leaking, seeping, pouring, emitting, emptying, or dumping, but not including evaporation, transpiration, or natural percolation to the groundwater.

Dormitory: A structure used for sleeping accommodations related to an educational facility.

Domestic animals: ~~A dog, cat, or ferret, guinea pig, hamster.~~ Dogs, Cats, Rabbits, Birds, Reptiles, Amphibians and/or Fish

Double frontage lot: A lot other than a corner lot with frontage on more than one (1) street. Double frontage lots are also known as through lots. Double frontage lots are prohibited in Gadsden County.

Drainageway(s): Any natural or artificial watercourse, trench, ditch, swale or similar depression into which surface water flows.

Drainage Right-Of-Way: The land required for the installation of stormwater sewers, ditches, swales or other structures necessary to ensure the proper flow and disposal of stormwater as required in Rule 17.25, F.A.C, the stormwater discharge regulation of F.D.E.P.

Dripline: An imaginary perpendicular line that extends downward from the outermost tips of the tree branches to the ground.

Drive-in restaurant: A restaurant where service may be obtained while remaining in one's automobile or where service may be obtained at a takeout counter.

Driveway: The area that provides vehicular access to a zoning lot. A driveway begins at the property line and extends into the ~~zoning~~ lot. Driveway does not include parking, maneuvering, or circulation areas in parking areas. See also garage (private and public), parking area, parking lot or garage (commercial), parking space, structured parking, surface parking, and vehicle areas.

Dry cleaning and commercial laundry facilities: A business which cleans clothing by the use of a process of nonflammable solvents. Additionally, such establishments may provide laundry services of washing, drying, folding, and packaging of clothing and linens. Laundry facilities shall not include self-service washer and dryer facilities or Laundromat.

~~**Dwelling or Dwelling Unit:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, eating, cooking, and bathing facilities.~~

~~**Dwelling, Multi-family:** A structure designed for residential occupancy which has common walls for more than one dwelling unit to house more than one family~~. (See multi-family development.)

~~**Dwelling, Single-family**: A detached dwelling unit designed for occupancy by one family, which has independent cooking and bathing facilities.~~

Dwelling or Dwelling Unit: Any building, portion thereof, or other enclosed space or area, used as or intended for use as a residence~~.~~ with eating, cooking, and bathing facilities

(1) *Dwelling, single-family* ~~means~~- any dwelling used as or intended for use as the home of one family, either temporarily or permanently~~, with separate cooking and housekeeping facilities.~~

(2) *Dwelling, two-family (duplex)* ~~means~~- any dwelling which has common walls designed to be occupied by two families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.

(3) *Dwelling, multiple* family ~~means~~ any dwelling designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels, and not including townhouses.

(4) *Dwelling, townhouse* ~~means~~ a single-family dwelling forming one of a group of three or more attached single-family dwellings, each built upon an individual plot, separated by fire or party walls which do not permit passage or visibility between such units, with separate utilities and services.

Easement: That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property.

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.

Engineer: A professional engineer licensed to practice in the State of Florida.

Endangered Species: shall refer to any species of plant or ~~species~~ of the animal kingdom, ~~including any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate~~, naturally occurring in Florida, whose prospects of survival are in jeopardy ~~due to the following conditions:~~ Species shall include only those ~~species~~ species listed as endangered in Ch. 68A-27, Florida ~~.~~Administrative ~~.~~C~~.~~ode, and those species listed as endangered ~~species~~ by any other official state or federal law, rule, or regulation.

~~(1) Modification or loss of habitat;~~

~~(2) Over-utilization for commercial, sporting, scientific, or educational purposes;~~
~~(3) Disease;~~
~~(4) Predation;~~
~~(5) Inadequacy of regulatory mechanisms; or~~
~~(6) Other natural or man-made factors affecting its continued existence.~~

~~**Endangered species**~~ shall ~~include only those species listed as endangered in Ch. 68A-27, F.A.C., and those species listed as endangered species by any other official state or federal law, rule, or regulation.~~

Engineer, registered (or professional engineer, or licensed engineer) ~~means a~~An individual licensed to engage in the practice of engineering in the State of Florida pursuant to ~~F.S.~~ Cch. 471 Florida Statutes.

Environmentally Sensitive Areas or Resources: The following resources or areas on a parcel are designated as environmentally sensitive:

a. Wetlands;
b. Lands designated as Special Flood Hazard Areas on the currently adopted Federal Emergency Management Agency Flood Insurance Rate Maps~~, adopted 2009~~.
c. All Outstanding Florida Waters.
d. All Class I surface waters.
e. All Endangered, Threatened and Species of Greatest Conservation Need as listed by the Florida Fish and Wildlife Conservation Commission, and published in the "Florida's Endangered and Threatened Species" document dated January, 2013.
f. Seepage slopes.

Existing Use: The use of a lot, parcel or structure at the time of the adoption of the Comprehensive Plan. (November, 1991), or as specifically named in any update of the Plan.

Existing manufactured home park or subdivision: ~~Means a~~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 the effective date of the floodplain management regulations adopted by a community, May 21, 1991.

Expansion to an existing manufactured home park or subdivision: ~~Means t~~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).

FDEO or DEO: The Florida Department of Economic Opportunity.

FDEP or DEP: The Florida Department of Environmental Protection.

FDOT or DOT: The Florida Department of Transportation.

Family: A number of individuals living together as a single housekeeping unit.

Family [conveyance] **Exception:** A process for conveying a parcel ~~to an immediate family member.~~to be used solely as a homestead by an owner applicant who is the grandparent, parent, step-parent, adopted parent, sibling, child, step-child, adopted child, niece, nephew, aunt, uncle or grandchild of the person who conveyed the parcel to such applicant, notwithstanding the density or intensity of use assigned to the parcel by a particular zoning district. An affidavit of qualifying family relationship shall be filed with the application for this exception and shall be recorded in the Official Records of Gadsden County, Florida with a copy to the Gadsden County Property Appraiser, at the expense of the applicant. This exception shall apply only once to any owner-applicant.

Farm market: A principal use which includes the sale of horticulture or agriculture products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider and similar agriculture products. A minimum of 25 percent of the products sold must be agricultural products produced on site.

Farm produce stand: A structure or land used for the sale, by the owner or the owner's family or tenant, of agriculture or horticulture produce principally produced on the farm or agriculture operation on which the farm produce stand is located. The term "farm produce stand" may include produce grown on other farms in the vicinity and accessory products, which are clearly a secondary use of the premises and do not change the character of the farm produce stand.

Fees or Applicable Fees: The fees set from time to time by the governing body in a schedule of fees for the various types and stages of development application and approval.

Fence: A man-made barrier of any material or combination of materials erected to enclose or screen areas of land.

Filling, land: The placement of any material into a wetland, waterbody, or on land.

Filling, station: See Service station.

~~**Final Plat:** The final plat of all or portion of the subdivision which is presented for approval, in accordance with these regulations and which, if approved shall be filed and recorded with the Clerk of Circuit Court of Gadsden County.~~

Final plat: The final map or drawing of the plat, subdivision or dedication prepared and intended for filing and recording after approval by the Board of County Commissioners in accordance with Article VII and ~~F.S.~~ Ch. 177, Part I, Florida Statutes.

Finished Habitable Area: An enclosed area used for any purpose other than solely for parking of vehicles, building access, or storage.

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.

Flag: A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as the symbol or emblem of a country or institution or as a decoration during public festivities.

Flag Lot: A parcel of land shaped like a flag with a narrow strip providing access; the bulk of the property contains no frontage and where the road frontage is less than 75 percent of the required width at the building line for its particular zoning classification, provided, however, that lots within 50 feet of the radius point of a cul-de-sac street shall not be considered flag lots. For the purpose of this article, a "flag lot" shall not be considered to abut a road.

Flashing: A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated in a time frame of fewer than four seconds.

~~**Food Trucks**~~

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

a. the overflow of inland or tidal waters; or
b. the unusual and rapid accumulation or runoff of surface waters from any source; or
c. mudflow; or
d. collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels in a flood as defined above.

Flood Hazard Boundary Map (FHBM): The official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood, mudflow, and related erosion areas having special hazards have been designated.

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Emergency Management Agency has delineated the Special Flood Hazard Areas (SFHAs), the Base Flood Elevations (BFEs) and the risk premium zones applicable to the community.

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

Floodplain: Any land area susceptible to being inundated by floodwaters from any source.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

Flood Prone Areas: See Special Flood Hazard Area.

Floor Area Ratio, (FAR): A mathematical expression of land use intensity calculated by dividing the total area of all floors of a structure (a.k.a. gross floor area), by the area of the lot on which it is located.

$$\frac{\text{Gross Floor Area}}{\text{Parcel Area}} = \text{FAR}$$

Floor Area: The heated and cooled space of a building or structure.

Food Trucks self-propelled or otherwise moveable from place to place such as a truck, trailer, or similar self-propelled conveyance which is used to vend food and beverage products and is classified as one of the following:

a. Class I—Mobile kitchens. In addition to the vending of products allowed for class II and class III mobile food trucks, these vehicles may cook, prepare and assemble food items on or in the unit and serve a full menu.
b. Class II—Canteen trucks. These vehicles vend fruits, vegetables, hot dogs, pre-cooked foods, pre-packaged foods and pre-packaged drinks. No preparation or assembly of foods or beverages takes place on or in the vehicle, however, the heating of pre-cooked foods is allowed. A cooking apparatus or grill top for the heating of pre-cooked foods is permitted so long as it complies with state regulations.
c. Class III—Ice cream trucks. These vehicles vend only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy products

Freeboard (for stormwater purposes): The vertical distance between the maximum staging elevation of the stormwater facility and the elevation at which uncontrolled overtopping of the structure or facility that contains the water would occur. Uncontrolled overtopping would not include discharge for emergency purposes.

Frontage: That side of a building or structure, lot, lots, or tract of land abutting and/or facing a public right-of-way, ordinarily regarded as the front of the site.

Functionally Dependent Facility: A facility which cannot be used for its intended purpose unless it is located or carried out in proximity to a resource.

Future Land Use Map (FLUM)/Land Use Map: A graphic representation of the land use districts used in the County and their placement on the land adopted as part of the Gadsden County Comprehensive Plan and used as the regulatory map for implementation of the Comprehensive Plan and this Code.

Garage, private: A building or space used as an accessory to or a part of the main building permitted in any residential district, and providing for the storage of personal motor vehicles and in which no business, occupation, or service for profit is in any way conducted.

Garage, public: Any building or premises, except those described as a private or storage garage, used for the storage of cars of motor vehicles or where any such vehicles are equipped for operation, repair, or kept for remuneration, hire or sale.

Garage, storage: Any building or premises, other than a private garage, used exclusively for

the parking or storage of motor vehicles.

G.I.S., Geographic Information Systems: Integrated graphic and database software designed to aid in reporting phenomena or displaying data that are distributed across wide areas.

Go-cart tracks: A lot or other area of land, the primary purpose of which is to offer members of the public rides on small motorized non-highway type vehicles. Go-Cart Tracks are Class II land uses.

Governing Body: The Board of County Commissioners, Gadsden County, Florida.

Grade: The lowest point of elevation of the existing surface of the ground, within the area between the building and a line five feet from the building.

Grade Plane: A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

Grandfathered/grandfathering: An exemption to the requirements of this Code based on previously existing circumstances. See: Non-conforming lot of record, lawful and Non-conforming use, lawful

Grantee: A person to whom a grant or conveyance is made.

Grantor: A person who makes a grant or conveyance.

Greenhouse: A structure used for cultivating plants that require controlled temperature and humidity.

Ground Cover: Low growing plants other than turf grass planted in such a manner as to form a continuous cover over the ground.

Guest house (seasonal home): Any dwelling occupied by owner or operator in which rooms are rented for guests, and for lodging of transients and travelers for compensation, when not more than four (4) rooms are used for such purposes. Bed and Breakfast establishments are considered a guest house.

Hazardous waste: Waste, or a combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. These materials may include, but not be limited to, volatile, chemical, biological, explosive, flammable, radioactive, and toxic materials.

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

Home occupation: Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and which use does not change the character of said dwelling as a residence.

Homeowners' association or property owners' association: A private nonprofit association as defined by §720.301(9), Florida Statutes ~~F.S.~~ which is organized by the developer of a development in which individual owners share common interests in open space, easements and/or facilities and are in charge of preserving, managing and maintaining the common property, and enforces improvements or other certain covenants and restrictions.

~~**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 in-patient care of such patients, and including related facilities such as laboratories, out-patient departments, training facilities, staff offices, and food services.

Hotel and motel: Any building or group of buildings containing sleeping room accommodations for guests and providing the services generally provided by a hotel or motel and recognized as a hotel or motel in the community in which it is situated, or by the hotel and motel industry, and offering daily or weekly rates, with a bath or connecting bath for every rental unit and occupied primarily by transient guests. It is the intent of this section that any structure offering a residential room or combination of rooms for rent or lease for longer than a month at a time shall not be considered a hotel or a motel. These facilities may provide additional services such as restaurants, meeting rooms and recreational facilities.

~~**Hotel:** A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, in which five (5) or more rooms are furnished for the accommodation of such guests.~~

House of Worship: See Religious Institutions.~~Any building or campus where congregations gather for religious purposes.~~

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.

Hydrograph: A graphic representation of the variation of drainage flow with time in relationship with a particular storm frequency.

Immediate Family Member: The parent, step-parent, grandparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild, of a person.

Immediate Family Exception: A process for conveying land to an immediate family member.

Impervious surface. A surface which has been compacted, constructed or covered with a layer of material with the result that it is highly resistant to infiltration by water.

Improvements (or site improvements). Any grading, filling, or excavation of unimproved property; additions or alterations to existing buildings or other structures requiring alterations to the ground; the construction of new buildings or other structures, including parking lots; and street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, signs, landscaping or any other improvement required by land development regulations. Any physical changes made to raw land, and structures placed on or under the land surface.

Impervious Surface: Area in which rain cannot penetrate to the soil or natural ground.

Improvement: Physical changes made to raw land, and structures placed on or under the land surface in order to supply the infrastructure needed to serve the projected population.

Incarceration Facilities: Prisons, jails, correctional facilities, halfway houses, boot camps, weekend programs, and other facilities in which individuals are locked up overnight.

Inconsistent: Mutually contradictory; contrary, one to the other, so that both cannot stand, the acceptance of one implies the abrogation of the other.

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, heavy:** Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.~~

Industrial, heavy: The use of land for the manufacture of material or products from extracted or raw material; ~~the extraction of mineral resources, except water;~~ processing of wood to lumber or wood pulp, or wood pulp to paper; any refinement or distillation of petroleum resources, and conversion or smelting of ores to metals; and which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

Industry, light: Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building and do not generate a noticeable amount of noise, dust, odor, smoke, glare or vibration outside the building in which they are conducted.

Infill Development: The addition of new housing or other buildings on scattered vacant sites or platted lots in a developed area or subdivision.

Infrastructure: Man-made structures which serve the common needs of the population including but not limited to storm and sanitary sewage disposal systems, potable water systems, utility systems and roadways.

Intensity: The measure or extent to which a non-residential parcel is developed.

Internet café/simulated gambling establishment: A building, edifice, structure, or location, along with its grounds, in which simulated gambling devices are used, operated, or stored, including but not limited to game rooms, arcades, internet cafes, internet centers or sweepstakes redemption centers. The definition does not include any establishment that is expressly permitted by state law, including but not limited to an "arcade amusement center" as defined in ~~F.S.~~ § 849.161 Florida Statutes .

Institutional uses: Any land use authorized by the governing body, established and intended to provide significant public benefit.

Intersection: A place of joining or crossing of streets.

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.

Junk: Any old, dilapidated, abandoned, or scrap machinery, more than two dismantled, inoperable, unregistered or dilapidated motor vehicles~~,~~ including parts, building materials, iron, steel, other ferrous and nonferrous metals, tanks and drums, tires, pipes, household goods, non-functional furniture, appliances or tools, implements or portions thereof, glass, plastic, cordage, and other kind of salvage or waste material that has been abandoned from its original use and may be used again in its present or in a new form.

Junkyard: ~~Any land or structure used for the storage, keeping, collection, salvage, sale, disassembling, wrecking, baling, maintenance, or abandonment of junk or other discarded material.~~

~~**Salvage yard**~~ ~~**See junkyard**~~ **(moved to "S")**

~~**and junkyard** mean an establishment where junk, waste, discarded, salvaged or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers and the like, are brought, sold, exchanged, baled, packed, disassembled, stored or handled, including used lumber and building material yards, housewrecking yards, heavy equipment wrecking yards, and yards or places for the storage, sale or handling of salvaged house wrecking or structural steel materials. This definition shall not include automobile wrecking or automobile wrecking yards and establishments for the sale, purchase, or storage of secondhand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor shall it apply to the processing of used, discarded or salvaged materials incident to manufacturing activity on the same site where such processing occurs.~~

Junkyard. Any establishment, place of business area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing purchase, sale or abandonment of household goods, wastepaper, rags, used lumber or building materials, scrap metal or other scrap or discarded goods, materials, machinery or two or more ~~unregistered,~~ inoperable, unregistered or dilapidated motor vehicles or other type of junk. "Junkyard" includes auto wrecking yards and salvage yards.

Karst. A type of topography that is formed over limestone, dolomite, or gypsum by dissolving or solution and that is characterized by closed depressions or sinkholes, caves, and underground drainage.

Kennel. Any building or buildings, or land used, designed, or arranged to facilitate the raising, breeding, boarding, training and grooming of domesticated animals such as dogs and cats.

Landfill. A solid waste disposal facility, which is an area of land or an excavation where wastes are or have been placed for disposal, for which a permit, other than a general permit, is required by § 403.707, Florida Statutes. This term shall not include:

(a) A land spreading site;

(b) A surface impoundment;

(c) An injection well defined under and subject to the provisions of Chapter 62-528, Florida Administrative Code.; or

(d) A construction and demolition debris disposal site regulated by Rule 62-701.730, Florida Administrative Code

Landscaping: The purposeful creation of vegetated space to enhance the visual appeal of a development; whether by preservation of existing vegetation, augmentation of existing vegetation or by addition of native and non-invasive nursery vegetation, sod, mulch bed, or other decorative or mesophytic elements in a specified area.

Land Surveyor: A land surveyor duly licensed to practice in the State of Florida.

Level of Service (LOS): An indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of a facility. LOS indicates the capacity of a facility per unit of demand.

Limited Access Facility: Highway designed for through traffic to which owners or occupants of abutting land or other persons have no right or easement. Limited Access Facilities may limit access to trucks, buses and other commercial vehicles, or they may be freeways open to use by all customary forms of street highway traffic, such as an interstate highway.

Listed species: Those species of plants and animals listed as endangered, threatened, rare, or species of special concern by an official state or federal 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.

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.

Lot: Land that has been duly recorded through a subdivision plat process with the Gadsden County Property Appraiser.

Lot, area: The total lot including easements.

Lot, standards (below):

a. **corner lot:** Any lot situated in the junction of and abutting on two or more intersections or intercepting streets or public highways, with the interior angle of such intersection no less than 45 degrees.
b. **front lot line:** The line separating the lot from the right-of-way of the principle street on which the lot abuts. Also, the easement line on lots which have been platted to the centerline of a private roadway.
c. **interior lot:** lot other than a corner lot with only one (1) frontage on a street.
e. **lot depth:** The depth between the mean front street line and the mean rear line, measured along the median between the two side lot lines.
f. **double frontage lot:** A lot having frontage and access on two or more public streets. A corner lot shall not be considered having double frontage unless it has frontage and access on three or more streets. Also known as a through lot.
g. **lot lines**: The lines bounding a lot.
h. **lot of record**: A lot which is part of a subdivision recorded in the office of the Register of Deeds, Gadsden County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
i. **lot width**: The average horizontal distance between the side lots, measured at right angles to the lot depth, with the minimum to apply with this code to be measured at the front setback lines.
j. **rear lot line**: The line opposite to and most distant from the front lot line.
k. **side lot line**: Any lot line other than a front or rear lot line. A side lot line of a corner lot, separating a lot from a street is called a street side lot line. A lot line separating a lot from another lot is called an interior lot line. Any lot line which meets the end of a front lot line or any other lot line within thirty (30) degrees of being parallel to such a line, except a front lot line.
l. **reverse frontage lot**: A lot having frontage on two or more streets, the access of which is restricted to one street.
m. **through lot:** See double frontage lot.

Lot split: The legal division of land from one lot or parcel into two.

Manufactured Building: Per the Florida Statute definition: § 553.36(11), Florida Statutes ~~F.S.~~ "Manufactured Building" ~~means~~ is a closed structure, building assembly or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service system manufactured in manufacturing facilities for installation or erection, with or without other specified components, as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional,

storage and industrial structures.

Manufactured Home: As defined by §320.01, Florida Statute, which was fabricated on or after June 15, 1976.

Manufacturing, heavy: The manufacturing uses that involve the generation outside the property of noise, odor, vibration or dust. Examples include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants. Specifically prohibited are rendering, petroleum refining, ~~asphalt/concrete plants~~, and the manufacturing ~~e~~ of chemicals, ~~fertilizers,~~ paint and turpentine.

Manufacturing, light: The mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor or vibration. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; publishing and lithography; ~~computer design and development; research,~~ development, testing facilities and laboratories; apparel production; sign making; assembly of prefabricated parts; manufacture of electric, electronic, or optical instruments or devices; manufacturing~~e~~ and assembly of artificial limbs, dentures, hearing aids and surgical instruments; ~~manufacture,~~ processing, and packing of food products, cosmetics; and manufacturing of components, jewelry, clothing, trimming decorations and any similar item.

~~**Marina, commercial:** A facility for the servicing, fueling, berthing and storage of boats that may include accessory retail and eating facilities including haul-out facilities, covered or uncovered wet storage slips, dry storage of watercraft, yacht brokerage, boat sales, and retail sales of boating supplies~~

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.

Manufactured home subdivision: A manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed.

Marina, commercial: A facility for the servicing, fueling, berthing and storage of boats that may include accessory retail and eating facilities including haul-out facilities, covered or uncovered wet storage slips, dry storage of watercraft, yacht brokerage, boat sales, and retail sales of boating supplies. Overnight accommodations may be provided at these facilities only by special exception.

Materials recovery facility: A solid waste management facility that provides for the extraction from solid waste of recyclable materials, reusable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials. Non-recoverable materials are transferred from the materials recovery facility and disposed of as solid waste.

~~**Mobile or manufactured home park:** Any site or tract of land, or contiguous tracts of land upon which are located five (5) or more mobile or manufactured home spaces which are to have mobile homes occupied for dwelling or sleeping purposes, regardless of whether or not a charge is made for such service.~~

Mobile farmers market: A mobile vehicle or trailer, licensed by the Department of Motor Vehicles, from which uncut perishable fruits, vegetables, and herbs are sold.

Mobile Home: As defined by §320.01, Florida Statute

Modular home: A detached residential dwelling unit designed for assembly on site with permanent utility connections.

Motor court (motel): A building or other structure(s) designed, constructed or altered and held out to the public to be a place where sleeping accommodations, with or without restaurant, are furnished for compensation to guests or tenants, and having the other necessary accessory structures in connection with such motor court.

~~**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.~~

~~**Materials recovery facility:** A solid waste management facility that provides for the extraction from solid waste of recyclable materials, reusable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials. Nonrecoverable materials are transferred from the materials recovery facility and disposed of as solid waste.~~

Mining – the extraction or withdrawal from the soil or water of mineral resources, either on or below the surface, of any solid minerals and any rare earths which have heretofore been discovered or may be discovered in the future, which are contained in the soils, except water;

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.

Mixed use: A building or an area that contains a mix of uses. This may include uses such as retail, office, and residential.

~~**Mobile farmers market:** A mobile vehicle or trailer, licensed by the Department of Motor Vehicles, from which uncut perishable fruits, vegetables, and herbs are sold.~~

Multifamily residential development: A type of residential housing where multiple separate dwelling units for residential inhabitants are contained within one building or several buildings within one complex.

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.

~~**Metes and Bounds:** A method of describing the boundaries of the land by compass bearings and distanced from a known point of reference.~~

~~**Mobile Home:** As defined by §320.01, Florida Statute~~.

~~**Modular home:** A detached residential dwelling unit designed for assembly on site with permanent utility connections.~~

~~**Motor court (motel):** A building or other structure(s) designed, constructed or altered and held out to the public to be a place where sleeping accommodations, with or without restaurant, are furnished for compensation to guests or tenants, and having the other necessary accessory structures in connection with such motor court.~~

~~**Native Vegetation:** Naturally occurring flora typically found on undeveloped land which is indigenous to the North Florida area.~~

Native vegetation: Vegetation occurring naturally in the northwest 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.

Non-native vegetation: Vegetation not natural to the northwest Florida region, including prohibited non-native vegetation listed in ~~F.A.C.~~ Florida Administrative Code 62C-52.011, Florida Prohibited Aquatic Plants List, and ~~F.A.C.~~ Florida Administrative Code Rule 5B-57, Florida Noxious Weed List, as well as discouraged non-native vegetation listed in Table 406.08.4.

~~**Manufactured home subdivision:** A manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed.~~

Net Buildable Area: That portion of a parcel of land less wetlands, floodways and environmentally sensitive lands that is developable and is not required for open space.

Non-conforming lot of record, lawful: A legal lot of record existing at the time of passage of this Land Development Code which does not conform to the area, frontage, or other provisions of this Code for permitted lots in the land use category or zoning district in which it is located as of the date of adoption, or amendments thereto.

Non-conforming parcel: A parcel that does not meet the requirements of this LDC, whether by size or area or other provisions of this LDC.

Non-conforming structure: A structure that does not conform to the provisions of this Land Development Code for permitted structures in the land use category or zoning district in which it is located as of the date of adoption, or amendments thereto.

Non-conforming use: A use which does not conform to the permitted uses for the land use or zoning district in which it is located.

Non-conforming use, lawful: A lawful use existing at the time of passage of this Land Development Code, or amendments thereto, which does not conform to the permitted uses for the land use or zoning district in which it is located.

Nursing home facility: Any facility which provides nursing services as defined in F.S. Chapter 464, pt. I and which is licensed in accordance with Chapter 400, pt. II, Florida Statutes. For the purposes of this definition a facility is defined as any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24-hour nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services. (Chapter 400, pt. II, Florida Statutes)

Office use: Activities that are conducted in an office setting and that generally focus on business, professional, or financial services. Accessory uses may include cafeterias, parking or other amenities primarily for the use of employees in the firm or building. Does not include medical and dental clinics or labs. Offices that are part of and located with a principal use in another use category are considered accessory to the establishment's primary activity. Headquarters offices, when in conjunction with or adjacent to a principal use in another use category, are considered part of the other use category.

Onsite Sewage Treatment and Disposal System, (OSTDS): Per§ 381.0065(2)j., Florida Statutes ~~F.S.~~, a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a greywater system tank; a laundry wastewater treatment system tank; a septic tank; a grease interceptor; a dosing tank, a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on land to which the owner has legal right to install the system.

Open Space: Any parcel or designated land area in its natural state or essentially unencumbered by either principal or accessory uses, buildings, structures, or impervious surfaces. Buffer areas and stormwater facilities shall not be included in open space area calculations.

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.

Parcel: An area described by metes and bounds, or a lot or lot(s) combined, under one parcel ID number, as assigned by the Gadsden County Property Appraiser.

Package treatment plant: Any wastewater treatment facility having a permitted capacity of less than 100,000 gallons per day. ~~Essentially, t~~This is a small treatment system consisting of a treatment plant and disposal system.

Parent tract: A parcel or lot of record that existed on November 26, 1991, the date of the Gadsden County Comprehensive Plan adoption~~.~~

Parking island: An area of ground within the boundary of any parking lot, which has curbing adjacent to all paved areas.

Park trailer (per ~~F.S.~~ ch. 320.01(1)7), Florida Statute : A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud wall at the level of maximum dimensions, not including and bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including and protrusions.

Parking lot: An area used for the short-term (less than 7 days) and long-term (greater than 7 days) storage of operable vehicles and which is an ancillary use to the primary commercial operation/business.

Park, public: A piece of land that is owned by the State of Florida, Gadsden County, or an incorporated municipality within Gadsden County, that is developed and operated for active and/or passive recreational purposes, and that is open to the public on a regular schedule.

Passive recreation: Recreational activities that do not require prepared facilities like sports fields or pavilions. Passive recreational activities place minimal stress on a site's resources; as a result, they can provide ecosystem service benefits and are highly compatible with natural resource protection. These activities include but are not limited to camping; hunting; hiking; wildlife viewing; bicycling; running/jogging; horseback riding; and fishing.

Pedway (pedestrian way). A physical course or improvement, a minimum of eight feet (8') in width, provided within a right-of-way or access easement used exclusively by pedestrians and bicyclists.

Performance Guarantee: Any security which may be accepted in lieu of the requirements that certain improvements be made before the Planning Commission and the governing body approves a plat including cash deposits and escrow agreements on other similar collateral or surety agreements approved by the governing body. (Also known as a Performance Bond.)

Personal services establishments: *An* establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include laundromats; laundry and dry cleaning ~~dropoff~~drop-off establishments; photographic studios; mailing or packing service, photocopy and blueprint services; hair, tanning and personal care services; psychics and mediums; martial arts schools; dance or music classes; taxidermists; and mortuaries.

Pedestrian pathways: Interconnected, paved walkways that provide pedestrian passage through blocks running from street to street or within open space lots.

Playground: A recreation with play apparatus.

Private animal shelter: A structure that is owned, operated or maintained by a private or nonprofit organization used for the care of 10 or more lost, abandoned, or neglected domestic animals, including pet rescue organizations, with overnight boarding.

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.

Planning Commission: The Local Planning Agency first established by Ordinance #76-004, Gadsden County, Florida. Also known as the Planning Commission or Planning Board.

Planning Official: The designated employee of Gadsden County who administers the Comprehensive Plan and Land Development Code.

Planned unit development (PUD): An area of land under unified control, to be developed as a single entity for a number of dwelling units and commercial uses that may not correspond in lot size or type of dwelling or commercial use, density, lot coverage and required open space to the regulations established in any one (1) or more districts created, from time to time, under the provisions of these ordinances.

Plat: A plat may be either:

a. A map representing a tract of land showing the boundaries and location of individual properties and streets; or
b. A map of a subdivision or site plan of the subdivision.

Plat, Preliminary: The preliminary map indicating the proposed layout of the subdivision which is submitted for the Board of County Commissioner's consideration and tentative approval based on meeting the requirements of this regulation.

Plat, final: A finished drawing of a subdivision showing completely and accurately all legal and engineering information and certification necessary for recording.

Platted lot. A lot that is identified on a plat that was approved by the Board of County Commissioners and duly recorded.

Primary Residence: A residential structure that will be lived in for more than fifty (50) percent of the 365 days in a calendar year.

Principal Use: The primary or predominant use of any lot or parcel of land.

Private Subdivision: A subdivision in which all improvements are privately maintained.

Public Facility: Any major capital improvement, including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities.

Public Food Service Establishment (public restaurant): See §509.013(5)(a).

Public Improvements: Physical changes made to raw land in order to supply the infrastructure needed to serve the projected population and dedicated to the County.

Rear lot line: Any lot line which is not a front or side lot line and which if extended in either direction, would not cross the lot.

Recreation, Outdoor Activity: A specific, individual type of outdoor recreation. Activities are divided into two categories: active activities are those which involve some direct and specialized physical manipulation by the participant such as swimming, hiking, boating, etc.' passive activities are those which are more mental than physical, such as sightseeing, nature study, scenic appreciation, etc.

Recreation facility: A zoning lot, with or without improvements designed and equipped for the conduct of sports and leisure time activities.

Recreational facility (commercial): A sports or activity facility open to the general public for a fee. These include, but are not limited to, the following:

(1) **Indoor:** Roller or ice skating rink, bowling alley, billiard hall, dart pavilion, amusement arcade (video, pinball or other), swimming pools, slot cars, hard and soft courts, miniature golf. See also bingo, non-profit.

(2) **Outdoor:** Driving range, golf course, miniature golf; batting and pitching cages; hard and soft courts; facilities for radio controlled vehicle or airplanes, go-carts, pony rides; kiddie parks; swimming pools, water slides; ice skating rink; but not including amusement or theme parks.

Recreational Vehicle: A unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Types of recreational vehicles include those as specified in §320.01(1)(b), Florida Statutes

Recreational Vehicle Park: Any lot or parcel of land upon which one or more recreational vehicles, campers, ~~such as~~ travel trailers and tents are located, established, or maintained for transient occupancy by ~~trecreational vehicles of t~~he general public as temporary living quarters for recreation or vacation purposes regardless of whether or not a charge is made for rental.

~~**Recreational/campground vehicle park (per Institute of Transportation Engineers)** means recreational sites that accommodate campers, trailers, tents and recreational vehicles on a transient basis.~~

Recreational vehicle-type unit (per ~~F.S.~~ § 320.01(1)(b)). A vehicle that is primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle-type units, when traveling on the public roadways of this state, must comply with the length and width provisions of ~~F.S.~~ § 316.515, Florida Statutes as that section may hereafter be amended. Recreational vehicles (RV) shall not be used as a permanent residential dwelling unit in Gadsden County. "Permanent" shall be measured as greater than 180 days.

Recycling and salvage center: A facility engaged solely in the storage, processing, resale, or reuse of recyclable and recovered materials. Such a facility is not a solid waste management facility if it meets the conditions of Rule 62-701.220(2)(c), Florida Administrative Code ~~F.A.C.~~

Redevelopment: See Development.

Religious institution: A structure or place in which worship, ceremonies, rituals and education are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained and controlled under the direction of a religious group. The term "religious institutions" include churches, mosques, synagogues, and temples. Accessory uses may include school facilities, parking, caretaker's housing, pastor's housing and group living facilities such as convents.

Remove (tree): To relocate, cut down, damage, poison, or in any manner destroy or cause to destroy a tree.

Residential park: Any site or tract of land upon which are located two (2) or more dwelling units occupied for dwelling or sleeping purposes, regardless of whether or not a charge is made for such service.

Restaurant: See Public Food Service Establishment.

Residential structure or residence ~~means a~~A structure designed specifically to support extended human habitation.

Restaurant, sit-down ~~means a~~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 the roof of the main structure, or in an interior court. A cafeteria shall be deemed a restaurant.

Restaurant, drive-in (drive-thru) ~~means a~~An establishment which accommodates customers placing orders and being served food and beverages, without having to depart the automobile. A drive-in restaurant may also cater to customers who order and consume food within the establishment.

Retention ~~means t~~The collection and storage of stormwater without subsequent discharge other than through percolation, evaporation, or transpiration.

Re-Subdivide: Any change in the map or plat of an approved or recorded subdivision. This includes an increase or reduction of number or size of lots. Requirements of Chapter 177, Florida Statutes ~~F.S.,~~ and Chapter 6 of this Code shall be followed.

Re-submittal: The submission of a development proposal that has been previously denied. Re-submittal shall not be accepted within a period of one year after denial by the governing body. Upon re-submittal, applicable fees will be imposed.

Retail sales and services: Types of uses involved in the sale, lease, or rent of new or *used* products to the general public. They may also provide personal services or entertainment or provide product repair or services for consumer and business goods. Accessory *uses* may include offices, storage of goods, manufacture or repackaging of goods for on-site sale and parking.

Right-of-way. Land dedicated, deeded, used, or to be used for a street, road, alley, pedestrian way, crosswalk, bikeway, drainage facility, or other public uses, wherein the owner gives up rights to the land so long as it is being or will be used for the dedicated purpose. Right-of-way also is a land measurement term, meaning the distance between lot property lines which generally contain not only the street pavement, but also the sidewalk, grass area, and underground or aboveground utilities.

Right-of-way. Land dedicated, deeded, conveyed, reserved, or used for public purposes.

Right-of-way, County. Any paved or graded public right-of-way, whether owned in fee simple by the county or not, which is maintained, graded, improved, or constructed by the county, or which the county is authorized by law or dedication to maintain, grade, or improve; or which has been dedicated by grant, easement, prescription, or otherwise, to the public use as a road right-of-way, and which has been, at any time in the past, graded, maintained, or improved by the county. Such term shall apply only to such of the rights-of-way as shall lie within the county, but outside the city limits of any incorporated municipality.

Right-of-way, Private: Any right of way restricted in use by deed or ownership.

Right-of-way, Public: Any dedicated county and/or city maintained right-of-way.

Road: Any avenue, street, boulevard, lane, parkway, place, or other way which is an existing State or County roadway, or a way or a road shown on a plat hereto and approved, pursuant to law, or approved by official action; or road or way shown on a plat duly filed and recorded in the Office of the Clerk of the Circuit Court of Gadsden County.

Road, Arterial: A roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every United States numbered highway is an arterial road.

Road, Collector: A roadway providing service which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. Collector roads collect and distribute traffic between local roads or arterial roads.

Road, Local: A road that provides only access to adjacent properties and by nature of its

layout does not serve vehicles passing throughout the area with neither origin nor destination within the area.

Road, Regionally Significant: A road that is part of the roadway evacuation system as set forth in the Apalachee Regional Planning Council Hurricane Evacuation Plan.

Retention Pond: A drainage basin designed for the collection and storage of runoff without subsequent discharge.

Sale or Lease: Any immediate or future transfer of ownership, or any possessory interest in land, including contract for sale, rent, lease, devise, intestate succession, or transfer, if an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession or other written instrument.

Salvage yard: See junkyard

Service station: A building or lot where gasoline, oil, greases, and accessories are supplied and dispensed to the motor vehicles trade, also where battery, tire, and other similar services are rendered.

Setback: The distance between the lot line and the front, side, or rear line of a building or any projection thereof, excluding uncovered steps and roof eaves up to 18 inches.

Sewage System, Central: A public or private sewage system designed to serve more than two (2) structures or dwelling units including collection and advanced treatment facilities. This system must be approved by the County Environmental Health Department.

Sewer, On-Site: See Onsite Sewage Treatment and Disposal System.

Shopping center: As defined by the International Council of Shopping Centers (ICSC), a shopping center is a group of retail and other commercial establishments that is planned, developed, owned and managed as a single property, typically with on-site parking provided. The center's size and orientation are generally determined by the market characteristics of the trade area served by the center. A list of common shopping center terms and their definitions are provided below:

(1) Super-regional mall. Similar in concept to regional malls, but offering more variety and assortment (Typical GLA: 800,000+ SF).
(2) Regional mall. General merchandise or fashion-oriented offerings. Typically, enclosed with inward-facing stores connected by a common walkway. Parking surrounds the outside perimeter (Typical GLA: 400,000 - 800,000 SF).
(3) Community center ("large neighborhood center"). General merchandise or convenience-oriented offerings. Wider range of apparel and other soft goods offerings than neighborhood centers. The center is usually configured in a straight line as a strip, or may be laid out in an "L" or "U" shape, depending on the site and design (Typical GLA: 125,000—400,000 SF).
(4) Neighborhood center . Convenience oriented (Typical GLA: 30,000—125,000 SF).
(5) Strip/convenience. Attached row of stores or service outlets managed as a coherent retail entity, with on-site parking usually located in front of the stores. Open canopies may connect the store fronts, but a strip center does not have enclosed walkways linking the stores. A strip center may be configured in a straight line, or have an "L" or "U"

shape. A convenience center is among the smallest of the centers, whose tenants provide a narrow mix of goods and personal services to a very limited trade area (Typical GLA: <30,000 SF).

Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen; customarily included in landscape designs to provide for lower scale buffering and visual interest; generally have stem sizes larger than one-half inch.

Sidewalk: Improved hard surface way constructed within right-of-way, along exclusive easements, or on private property intended to be used for pedestrian traffic.

Sign: Any combination of structure and message in the form of an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, advertising structure, advertisement, logo, symbol, or other form, whether placed individually or on a V-type, back-to-back, side-to-side, stacked, or double-faced display or automatic changeable facing, designed, intended, or used to advertise or inform, any part of the advertising message or informative contents of which is visible from any place on the main-traveled way. The term does not include an official traffic control sign, official marker, or specific information panel erected, caused to be erected, or approved by the FDOT.

Sign, Animated: A sign which utilizes motion of any part by any means, including wind power, or displays color changing, flashing, oscillating or intermittent lighting, electronic messages or moving images or scenes, or which emits visible smoke, vapor, particles, noise or sounds. Animated signs shall not include changeable copy signs, where text can easily be changed (i.e. fuel signs), multi-faced mechanical (multi-vision signs).

Sign, Back-lit: A sign illuminated by a light from the rear of a sign.

Sign, Banner: A square or rectangular non-rigid sign intended to be hung by being tethered by lines at each of the four corners, made of paper, plastic, or fabric of any kind.

Sign, Billboard: An off-premise or off-site sign that exceeds 32 square feet and advertises a business, organization, event, person, place or thing or other commercial message.

Sign, Construction: A temporary sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction of the site where the sign is placed, together with other information included thereon.

Sign, Directional: A sign permanently or temporarily erected by or with approval of any authorized government agency to denote the route to any city, town, village, historic place, shrine, or hospital; signs directing and regulating traffic; notices of any railroad bridge, or other transportation activity necessary for the direction or safety of the public; signs, notices, or symbols for the information of aviators as to location, directions, and landings, and conditions affecting safety in aviation; and signs or notices erected or maintained upon public property giving the name of the owner, lessee, or occupant of the premises or the street number thereof.

~~**Sign, Directional:** A sign permanently or temporarily erected by or with approval of any authorized government agency to denote the route to any city, town, village, historic~~

~~place, shrine, or hospital; signs directing and regulating traffic; notices of any railroad bridge, or other transportation activity necessary for the direction or safety of the public; signs, notices, or symbols for the information of aviators as to location, directions, and landings, and conditions affecting safety in aviation; and signs or notices erected or maintained upon public property giving the name of the owner, lessee, or occupant of the premises or the street number thereof.~~

Sign, Electronic message board: A type of sign whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.

Sign, Flashing: A sign which contains an intermittent, sequential, or rotating light source or which, through reflection or other means, creates an illusion of flashing, intermittent, or rotation or rotating light, provided that "flashing sign" shall not include changeable copy signs.

Sign, Ground: Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

Sign, Internally Illuminated: A sign illuminated by an internal lighting system.

Sign, Mansard: Any sign attached to or erected against a mansard of a building, with the face horizontally parallel to the building wall. Since said sign is to be mounted parallel to and within the limitations of the building wall on which same is to be mounted, the same is deemed to be a wall sign and not a roof sign.

Sign, Marquee: A canopy or covered structure projecting from and supported by a building when such canopy or covered structure extends beyond the building line or property line.

Sign, Multi-vision: A 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 position.

Sign, Non-commercial: A temporary sign advertising or related to an election or other one-time event.

Sign, Non-conforming: Any sign which does not conform to the requirements of the current sign ordinance.

Sign, Occupancy: Signs which identify the occupants of the property.

Sign, Off-premise or off-site: *A* sign whose purpose is to advertise, display, identify, direct attention to or in any other way present to the public a message that relates to a product, business merchandise, service, institution, residential area, entertainment, charitable organization, religious organization, or any other organization or activity conducted by any company, person, or organization that is not located, purchased, rented, based, offered, furnished, or otherwise associated with the property on which the sign is located. This includes a sign erected by an outdoor advertising business, an animated billboard sign, a multi-vision sign, or any other sign meeting the definition of off-site sign. An off-site sign shall include a sign structure and sign display surface, upon which copy

or information content is intended to be displayed; a sign structure without display surface shall not be construed to be an off-site sign; nor, shall a sign structure with only nondurable paper, cloth, or plastic sheeting, without a rigid frame, be construed to be an off-site sign.

Sign, Off-premises directional: Those which direct the motorist or pedestrian to a business establishment.

Sign, On-premise or on-site: A sign erected on the premises of an establishment relating its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises.

Sign, Portable: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. Signs shall be affixed only by temporary and removable anchoring systems (non-permanent).

Sign, Projecting: Any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.

Sign, Real Estate: A sign which advertises the sale, rental or lease of the premises upon which it is located.

Sign, Roof: Any sign erected, constructed, and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

Sign, Spot-lit: A sign illuminated by a spot light.

Sign, Temporary: A sign or advertising display constructed of cloth, canvas, fabric, paper, plywood, or other light material and intended to be displayed for a period not to exceed ninety (90) days.

Sign, Wall: A sign attached to or erected against the wall of a building with the face in a parallel plane to the plane of the building wall.

Sign, Wall Mural: A sign that is a painting or an artistic work composed of photographs or arrangements of color and that displays a commercial or noncommercial message, relies solely on the side of the building for rigid structure and support, and is painted on the building or depicted on vinyl, fabric, or other similarly flexible material that is held in place flush or flat against the surface of the building.

Sign Area: The entire face of a sign and all wall work including illuminating tubing incidental to its decoration shall be included for measurement of sign areas excluding architectural trim and structural embellishments. In computing sign area, only one (1) side of a double face sign structure shall be considered.

Site Improvement: Any man-made alteration to a parcel of land for purposes of preparing the land for future construction, the actual construction of structures or paved surfaces and/or the planning or installation of permanent landscaping.

Site Plan: The development plan for one or more lots or parcels on which is shown the existing and proposed conditions of the lot(s) or parcel(s) including all of the

requirements set forth in this Code.

Slope forests: Slope Forests are mesic ecological communities characterized as well-developed, closed canopy forests of upland hardwoods on steep slopes, bluffs and ravines. In unaltered areas, pinelands often transition into slope forests at the upper elevations, and slope forests transition into bottom land forest, seepage slope, or floodplain communities at the lower elevations.

Solar access. The access of a solar energy system to direct sunlight.

Solar collector. A device, structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy System. A set of components that can collect, store and convert solar energy for the purpose of providing electric generation, water heating, pool/spa heating, space heating or space cooling as an accessory use to a permitted principal use.

Solar Farm: (See Solar Power Generation Facility)

Solar Power Generation Facility. A production facility for electric power that utilizes photovoltaic modules (panels) to convert solar energy to electricity whereby all of the electricity that is produced is consumed off-site and is distributed and sold by an electric utility provider. Solar generation stations typically utilize photovoltaic solar cells, but can also be a combination of light reflectors, concentrators, and heat exchangers. A solar generation station is also known as a solar farm, solar power plant, solar generation plant, solar photovoltaic farm or park, solar power plant or solar thermal power plant. It is generally the principal use of the property.

Special Exception Uses: A use that is not prohibited within a particular Future Land Use Category but may not be generally appropriate unless it is demonstrated that the use will comply with special criteria and standards for location and operation of such use.

Special Flood Hazard Area (SFHA): An area having special flood, mudflow or flood-related erosion hazards and shown on a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM) Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V. For the purpose of determining Community Rating System (CRS) premium discounts, all AR and A99 zones are treated as non-SFHAs.

Spectator Activities: Those outdoor recreational activities which are carried on primarily for the visual benefit of others rather than for the direct enjoyment of the active participants, such as stadium sports, horse races, etc.

Start of Construction: (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P. L. 97-348)). Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one-hundred eight (180) days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as rough grading, the pouring

of slabs or footings, installation or piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement per Subsection 7107.C., 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.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the next floor above it, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six feet above grade as defined herein for more than fifty (50) percent

Street: A thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley.

Street line: See right-of-way.

Structure: ~~Means a~~ Awalled and roofed building, a manufactured home, storage facilities or units, or other man-made facilities or infrastructures.

Structure, accessory: A structure which is on the same parcel as a primary structure and the use of which is incidental to the use of the primary structure.

Structure, primary: A structure(s) that houses the primary use on a parcel or lot.

Structural alterations: Any change, except for repair or replacement in the supporting members of the building, such as bearing walls, columns, beams, or girders.

Substantial improvement: Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a ten (10) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the building or sign. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage, the value of the building prior to the damage occurring. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions.

Substantially improved existing manufactured home parks or subdivisions: The repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or

exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

Subdivision: The division of land into two 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.

Subdivision (exempt) (also see immediate family): A subdivision of land in which the transfer of title passes as a result of gift to immediate family members or by inheritance or court decision, provided that such subdivision does not involve a planned unit of development, any new street, or the extension of a municipal utility or municipal facility. Beneficiaries under this subsection shall meet all the requirements contained the subdivision design and improvement standards sections contained in this Code.

Subdivision, Cluster or Conservation: A subdivision where a reduction in lot area and bulk regulations, is permitted provided there is no increase in the overall allowable density of the development, so that the remaining land area may be devoted to open space, recreation, or preservation of environmental resources.

Substantial Deviation: Any change to a previously approved site plan, subdivision plat, or other approved development order not previously reviewed by the County that falls within the substantial deviation thresholds outlined in this Code.

Surveyor: A Florida registered land surveyor.

Swale: A manmade trench which:

(1) Contains contiguous areas of standing or flowing water only during or following a rainfall event;
(2) Is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and
(3) Is designed to take into account the tendency of the soil to erode ~~soil erodibility~~, soil percolation, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

Tavern/Bar: A building or part of a building used or designed primarily for the sale of alcoholic beverages on the premise. Tavern shall also include a private club, the primary purpose of which is to sell alcoholic beverages to its customers or members on-premise. A tavern must comply with all rules and regulations of the State of Florida concerning sale, possession and consumption of alcoholic beverages.

Technical Tree Removal: Any tree that is damaged as a result of pre-construction or construction activities, that is not killed outright but has sustained damage to more that fifteen percent (15%) of its bark circumference, or has sustained root damage within the Critical Protection Zone shall be considered to be technically removed.

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.

Tree, Canopy: A deciduous tree, rarely an evergreen, that is planted primarily for its high crown of foliage or overhead canopy. May also be referred to as a shade tree.

Tree, Protected: Any tree, except for Genus Pinus (pine trees) that has attained a Diameter at Breast Height, DBH, of twenty inches (20") and is free of disease or major structural defect or any Champion Tree shall be considered a protected tree. On Corridor Roads, a protected tree is any tree, except for genus pinus (pine trees) that has attained a DBH of eight inches (8"). ~~within the Corridor Road Protection buffer in Urban Service Area, Rural Residential, Commercial, Light Industrial and Industrial Land Use districts. It shall be the responsibility of an applicant to provide verification that a protected tree is diseased to not incur penalties for removal or further damage.~~

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.

Tourist home: See Guest house.

Tower, Camouflaged A communication tower designed to unobtrusively blend into the existing surroundings and be disguised so as not to have the appearance of a communication tower.

Tower, Communication: Any structure that supports communication equipment. The term communication equipment shall not include amateur radio operators' equipment, including citizen band (CB), ham radio operations, VHF Marine, broadcast tower's for radio or television, or communication towers utilized by rural electric cooperatives for the provision of essential services which include, water, wastewater, natural gas and electric, or communication towers utilized for two way radio communication where the communication is between the base and the individual radio unit, and other similar operators.

Towing service: An establishment that provides services for the removing of an automobile by towing, carrying, hauling or pushing from public or private property. Towing services may be provided as part of an automobile servicing use. Towing services shall not include the outdoor storage of towed vehicles for more than 24 hours unless they are part of an automobile servicing use.

Undisturbed area: An area which is left in its natural state with the exception that shrubs, weeds, and other undergrowth having a diameter of less than three inches (3"), measured at a Diameter Breast Height of four and one half feet (4.5') above ground level, may be removed.

Unified control: As applied with respect to planned unit developments, this phrase shall mean ownership of the entire tract at the time of application by one (1) person, firm, partnership, corporation or joint venture; or ownership by such person or entity of an enforceable, recorded option or options to purchase the entire tract.

Unrecorded Plat: Any sketch, survey or other description of a subdivision that has not been recorded with the County Clerk. (Individual lots may have been recorded by metes and bounds.) If any such document has been created prior to the adoption of the Land Development Code's first effective date and no lots have been purchased by that date, it

shall be considered invalid as a legal instrument.

Used car junk yard: A lot or group of contiguous lots used for the dismantling or wrecking of used automobiles or the storage, sale, or dumping of dismantled or wrecked cars or their parts.

Utility/Utilities: Man made systems that supply the basic necessities for habitation. This includes but is not limited to retail provision of water systems, sewer systems, natural gas and power supply.

Utilities, Class I: Transmission lines, whether subterranean or overhead: including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drainfields; effluent disposal systems for septic tank; cable television and telephone transmission lines; and similar utility lines.

Utilties, Class II: Booster stations, pumping stations, switching facilities, substations, package plants and effluent disposal systems, lift stations, or other similarly required facilities in connection with telephone, electric, steam, gas, water, sewer or other similar utilities.

Utilties, Class III: Production or treatment facilities such as sewer treatment plants, water treatment plants, elevated water storage towers; non-accessory ground storage tanks, or similar facilities. This definition does not include power generation plants or facilities.

Use: The purpose for which a parcel, site or structure is arranged, designed, intended, constructed, erected, moved, altered, or enlarged for which either a site or a structure is or may be occupied or maintained.

Variance: A grant of relief from the requirements of this Code.

Vested lot of record: Any parcel of land which has been legally recorded in the office of the Clerk of the Court prior to the adoption of the Comprehensive Plan on November 26, 1991.

Warehouse (distribution): A use engaged in distribution of manufactured products, supplies, and equipment.

Warehouse (storage): A use engaged in storage of manufactured products, supplies and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

Water System, Central: A public or private water system created to serve more than two (2) structures or dwelling units. This system must be approved and regulated by the Environmental Health Department and/or F.D.E.P.

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 circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils.

Wholesale sales (all uses): Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users; or to other wholesalers. The term "wholesale establishment" does not include

office or retail sales of business supplies/office equipment.

Yard: An open space on the same lot with a building, which is the area between the primary structure and the parcel or lot line.

Yard, front: A yard across the full width of the lot, extending from the front line of the primary structure to the front line of the lot or parcel, excluding steps, but including all porches closed, unclosed or covered.

(Ord. #2016-016, 11-15-2016)

CHAPTER 2

DEFINITIONS AND INTERPRETATIONS.

SECTION 2000. Interpretation. The following rules shall be observed in the application and interpretation of provisions of this Code, except when the context clearly requires otherwise.

A. The words "shall" or "must" are mandatory. The words "should" or "may" are permissive.

B. Words used or defined in one tense or form shall include other tenses or derivative forms.

C. Words in the singular shall include the plural; words in the plural shall include the singular.

D. Words referencing the masculine gender shall extend and be applied to the female gender and shall be considered to be gender neutral.

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

In the event that a question arises concerning the application or meaning of the regulations, the Planning Official shall be responsible for the interpretation of this Code.

SECTION 2100. DEFINITIONS.

Subsection 2101. Generally. When used in this Code, the following terms shall have the meanings given herein:

A. The word "Board" shall mean the Gadsden County Board of County Commissioners.

B. The word "County" shall mean Gadsden County, Florida.

C. The words "Local Planning Agency", "Commission," or "Planning Commission," shall mean the Gadsden County Planning Commission.

D. The word "person" means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

E. The words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.

F. The word "structure" shall include the word "building."

DEFINITIONS.

Subsection 2102. Specifically.

Abandon: To leave, desert or discontinue a use for at least one (1) calendar year.

Abut or Abutting: To physically touch or border upon, or to share a common property line or be separated from such common border by a right-of-way, alley or easement.

Abutting property/abutting parcel: Any property that is immediately adjacent or contiguous to or immediately across any road or right-of-way from the subject parcel. For the purpose of buffering only, adjacent shall not mean across a divided roadway.

Access, Legal: The right to enter and exit property from a public or private street, or access easement. These rights are created by deed or easements recorded in the public records. If the parcel proposed for development is adjacent to a county or state right-of-way and meets all other standards, then legal access is provided.

Access, public: The ability for the public to physically reach, approach, enter, exit, communicate with or make use of a community interest.

Accessory use: A use conducted on the same parcel as a primary use, of a nature customarily incidental and subordinate to the primary use of the parcel.

Active recreation: Refers to a structured individual or team activity that requires the use of special facilities, courses, fields, or equipment. These activities include but are not limited to baseball, hockey, football, tennis, soccer, golf and skateboarding.

Adult Congregate Living Facility (ACLF): A type of residential care facility, defined in Chapter 400, Part 2, Florida Statutes

Adult Day Care: A center which provides non-medical care and supervision for adult persons on a less than 24-hour basis.

Adverse Impact: Any direct or indirect action likely to cause, or actually causing, a measurable decline in the stability, natural function, or natural diversity of a body of water or flood prone lands or the quiet, peaceful, safe or healthful use
of occupancy of any property. This includes, but is not limited to the quality, quantity, hydrodynamics, surface area, species composition, living resources, aesthetics or usefulness for human or natural uses which are or potentially may be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity or stability or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation. The term includes secondary (indirect) and cumulative as well as direct impacts.

Advertising: Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

Affordable Housing: As defined by §420.0004, Florida Statutes.

Agriculture: The science and art of production of plants and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees and any and all forms of farm products and farm production. Commercial feed lots of any size, the raising of furbearing animals,

riding academies, livery or boarding stables or dog kennels are not considered to be normal agricultural uses.

Agritourism activities: Activities relating to the preserving, processing, packaging or sale of locally grown agricultural products such as farm tours, farm meals, "u-pick" opportunities, cooking classes, agricultural workshops or agricultural education activities.

Airport, private. An airport publicly or privately owned which is not open or available for use by the public but maybe made available to others by invitation of the owner or manager (See Sec. 330.27, Florida Statutes.).

Aisle: The path for a vehicle providing internal circulation between rows of parking.

Alcoholic Beverage: Distilled spirits, beer, malt beverages, or any other beverage containing one-half of one percent or more alcohol by volume as defined by §561.01.01(4)(a), Florida Statutes.

Alley: A narrow public thoroughfare, not intended for general traffic circulation, which affords only a secondary means of access to abutting property.

Alteration, building/structure: Any change in size, shape, character, occupancy, or use of a building.

Antenna: An antenna designated to transmit and/or receive communications as authorized by the Federal Communications Commission. The term communication antenna shall not include antennas utilized by amateur radio operators licensed by the FCC, or communication antennas utilized by rural electric cooperatives for the provision of essential services which include, water, wastewater, natural gas and electric, or communication antennas utilized for two-way radio communication where the communication is between the base and the individual radio unit.

Apartment: A room or suite of one (1) or more rooms in a multiple-dwelling intended for use as a residence by a single-family.

Apartment house: See Dwelling, multi-family.

Aquaculture: The cultivation of aquatic organisms in fresh or salt water for human use.

ARPC: Apalachee Regional Planning Council.

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, whether operated for profit or not, which undertakes through its ownership or management to provide, housing, and one or more personal services for a period exceeding 24 hours to one or more adults, not related to the owner or administrator by blood or marriage, who require such services; or to provide extended congregate care, limited nursing services, or limited mental health services, when specifically licensed to do so pursuant to § 400.407 Florida Statutes (see also adult day care center, community residential home, group home facility and nursing home).

Automatic changeable facing: A facing that is capable of delivering two or more advertising messages through an automated or remotely controlled process.

Automobile graveyard: Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

Automotive service station: Any building or structure or land used for retail sales of automobile fuels, oils or accessories as its primary use with the sale of convenience store items allowed, and which may also include automobile maintenance, servicing, and towing and overnight parking of disabled vehicles for immediate repair (within 24 hours.).

Bar: See tavern.

Bar, tavern, cocktail lounge or nightclub: A commercial establishment dispensing alcoholic beverages for consumption on the premises in which the service of food is merely incidental defined as the establishment deriving no more than 50 percent of its gross revenue from the sale of food consumed on the premises. Dancing and musical entertainment may be permitted. The term nightclub may also include facilities in which dancing and musical entertainment are permitted whether or not alcoholic beverages are served.

Berm: An earthen embankment designed to direct, control or retain stormwater; an earthen embankment designed to be used as a buffer from adjacent uses.

Bed and breakfast: A private residence, generally a single-family dwelling, in which guestrooms are made available to transient visitors. The establishment shall not contain restaurant facilities, but may provide breakfast service for guests only.

Bed and breakfast inn: A use that provides guestrooms in an operator- or owner-occupied residential unit that is primarily used for inn activities and are operated as a commercial enterprise. They may provide meals for guests and the general public. Accommodations for overnight stays are limited to ten guestrooms.

Berm: An artificial bank, mound, or hill of earth or other material designed to provide visual interest, screen undesirable views, decrease noise, and/or reduce wind effects.

Best Management Practices (BMP): A practice or principle designed to reduce and manage pollution, the adverse impact of changes in the natural ecosystem, and in some cases, protect wildlife and habitat. These principles and practices are generally outlined in the latest updated version of various BMP manuals including Silviculture Best Management Practices; Best Management Practices, a Landowner's Handbook for Controlling Erosion for Forestry Operations for Forestry Operations, Management guidelines for Forested Wetlands, DER: Florida Development Manual, A Guide to Sound Land and Water Management, and other publications on best management practices that are generally accepted by industries and regulatory bodies.

Bicycle facility. Includes improvements constructed or provided to accommodate bicycle traffic and parking. Bicycle facilities may include bikeways, bicycle lanes within the street, paved shoulders, wide curb lanes, pedways which are a minimum of eight feet in width, trails where bicycling in permitted, bicycle racks and lockers, and other facilities and

markings intended to designate areas available for exclusive use or shared use for bicyclists.

Bikeway (bicycle way): A facility within the street, within the street right-of-way, or within a separate right-of-way or easement improved for use by bicyclists.

Billboard: A sign as defined in §479.01(19), Florida Statutes and is an off-premise sign.

Block: A parcel or parcels of land entirely and immediately surrounded by streets or highways, water courses, subdivision boundaries and/or right-of-ways or any combination thereof.

Boarding House: A single dwelling unit that does not house more than ten individual sleeping quarters where lodging is provided with or without meals, for compensation for more than one week.

Borrow Pit: An area where material (usually soil, gravel, or sand) is extracted for use at another location.

Boundary Adjustment: An amendment or change to the perimeter of a recorded parcel.

Buffer: An area of land planted with trees, shrubs, berms, or other approved method which separates a project's pavement and structures from adjacent property or rights-of-way. A buffer is also a combination of space and vertical elements, such as trees, plants, berms, fences, or walls, for the purpose of separating and screening land uses from one another.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building, height of: The vertical distance from grade plane to the average height of the highest roof structure.

Building, High-rise: A building which has habitable space nine floors or greater. An enclosed habitable space below grade cannot be considered as a floor for the purpose of this definition.

Building, Low-rise: A building which has habitable space and is three floors or less. An enclosed habitable space below grade cannot be considered as a floor for the purpose of this definition.

Building, Mid-rise: A building which has habitable space and is between four and eight floors. An enclosed habitable space below grade cannot be considered as a floor for the purpose of this definition.

Building, Temporary: A building used during the duration of an active construction project for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, structures, or other facilities. For the purposes of this definition, "active" shall mean having a valid development order or building permit which has not expired.

Building, Primary: See Primary Structure.

Campground: A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes. A commercial campground may include RV spaces and tent camper spaces. Non-commercial campgrounds include church, Boy Scout and other non-commercial, non-profit uses.

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

Change of Use: a discontinuance of an existing use and the substitution of a different kind or class of use.

Champion Trees: Champion trees are those listed in the Florida Champion Tree Register with the Florida Department of Agriculture and Consumer Services, Florida Forest Service.

Child Care Facility: A business which provides for care of persons which are of pre-school age, that care for five (5) or more children unrelated to the operator of the facility, and which receives a payment, fee, or grant for said service, whether operated, and whether or not operated for profit.

Clear Sight Triangle: A triangular shaped area at street intersections and street and driveway intersections established pursuant to and in accordance with the Florida Department of Transportation Design Standards, Index Number 546 Sight Distance at Intersections.

Cluster Development: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive or other portions of the site having existing characteristics worth of preservation or conservation.

Commission: Gadsden County Planning Commission, first established by Gadsden County Ordinance #76-004.

Commercial animal boarding facility: A facility that provides the service of temporary care of domestic animals.

Commercial recreation, indoor: A private indoor (entirely within enclosed structure) use providing for sport and recreation activities, which are operated or carried on primarily for financial gain. Examples of indoor commercial recreation uses include, but are not limited to, fitness centers, Yoga studios, Pilates studios, bowling alleys, dancehalls, skating rinks, indoor commercial swimming pools and racquet and tennis club facilities (indoor).

Commercial recreation, outdoor: A private outdoor use providing facilities for sport activities, which is operated or carried on primarily for financial gain, outdoors. Examples of outdoor commercial recreation uses include, but are not limited to, privately owned golf driving ranges, miniature golf facilities, outdoor commercial tourist attractions, and privately owned active sports facilities such as ballfields and basketball courts, and racquet and tennis club facilities (outdoor).

Community residential home, large: A dwelling unit licensed to serve clients of the Department of Children and Family Services, which provides a living environment for seven or more unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Community residential home, small: A dwelling unit licensed to serve clients of the Department of Children and Family Services, which provides a living environment for six or fewer unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Community 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.

Connections: Driveways, streets, turnouts, access ways or other means of providing for the movement of vehicles, pedestrians or bicycles to or from the public street system.

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 §704.06, Florida Statutes.

Compatibility: A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

Comprehensive Plan: The collective goals, objectives and policies of Gadsden County adopted by Ordinance 81-2, as amended over time.

Conceptual Review: An initial review to determine if a proposed request for development furthers the intent of the adopted comprehensive plan and is consistent with other applicable land development regulations.

Concurrency: A process to insure that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

Concurrency Management System: The procedures and/or process of evaluating the impact of a specific development on public facilities and the adopted level of service standards to ensure that the necessary facilities and services are available with the impacts of development.

Connection: Driveways, streets, turnouts, or other means of providing for the right of reasonable access to or from the State Highway System (§ 335.182(3)(a)) Florida Statutes.

Convenience store. A small retail store, which sells convenience items (day-to-day needs of a residential neighborhood) as its primary sales. A convenience store may include the sale of gasoline and diesel fuel but such sales shall be accessory to the primary sale of convenience goods.

County: Gadsden County, Florida.

County Commission: The local governing body for Gadsden County, Florida, also known as the Gadsden County Board of County Commissioners.

County Engineer: A person currently licensed and registered to practice engineering in the State of Florida and retained by Gadsden County to implement the appropriate provisions of this Land Development Code.

Contiguous: See abut.

Critical Protection Zone (CPZ): An area around the base of a tree calculated as 75% of the radius of the drip line of the tree.

Crown: The main mass of branching of a tree, which features branches that grow out from the main trunk and support the various leaves.

Cul-de-sac: A short, local road having but one end open for vehicular traffic, the opposite end being terminated with a permanent turn-around.

Cultural facility: Establishments such as museums, art galleries, botanical and zoological gardens of an historic, educational or cultural interest, which are not operated commercially.

Dead-end street: A street terminated at the end by a vehicular turnaround, such as a cul-de-sac or T-turnaround.

Deciduous: A plant with foliage that is shed annually.

Dedication: The legal transference of land without sale by the original owner to a public agency.

De Minimis Impact: A proposed development that relates to a land use of such a low intensity as to have a minimal effect upon the Level of Service Standards (LOSS) adopted in the Gadsden County Comprehensive Plan. Such impact would not have more than one percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the current trip counts, provided however, that an impact of a single family home on an existing lot of record will constitute a de minimum impact.

Density: A unit of measurement; the number of dwellings per acre of land.

Density, Gross: A unit of measurement, the number of dwelling units per acre of land without removal of any natural or man-made area of such acre.

Density, High: Five (5) or more dwelling units per acre.

Density, Low: Two or less dwelling units per acre.

Density, Medium: More than two and less than five dwelling units per acre.

Density, Net: A unit of measurement, the number of dwelling units per acre of land, after removal of any specified features.

Department: Gadsden County Planning and Community Development Department.

Detention: The collection and storage of surface water for subsequent gradual discharge.

Developer: Any person or corporation, including a governmental agency, undertaking any development.

Development: Shall be as defined in §163.3221(4), Florida Statutes.

Development Order: Any order granting, denying, or granting with conditions an application for development on a specific site.

Development Review Committee: A committee formed which reviews development proposals.

Deviation, Substantial: Any proposed change to a previously approved development which creates a reasonable likelihood of additional impact to the local facilities. The thresholds for a substantial deviation shall be any one of the following:

- Any increase in the number of previously approved parking spaces by fifteen percent or more.
- Any increase in impervious surface by ten (10) percent or more.
- An increase in the number of dwelling units by ten (10) percent or more, so long as the density conforms to the requirements of the Comprehensive Plan and Land Development Code, except that, if the dwelling units are developed and meet the criteria of affordable housing, this threshold shall increase to fifteen (15) percent or more.
- An increase in the number of external vehicle trips generated by the development above that which was projected during the original development approval, by fifteen (15) percent or more.

Diameter Breast Height (DBH): The diameter of a tree, in inches, measured at approximate breast height or a height of four and one half feet above grade. For irregular trees, this can be the average of the greatest and smallest diameters or the circumference at DBH, divided by Pi (π).

Discharge: The release of stormwater by any means, including spilling, leaking, seeping, pouring, emitting, emptying, or dumping, but not including evaporation, transpiration, or natural percolation to the groundwater.

Dormitory: A structure used for sleeping accommodations related to an educational facility.

Domestic animals: Dogs, Cats, Rabbits, Birds, Reptiles, Amphibians and/or Fish

Double frontage lot: A lot other than a corner lot with frontage on more than one (1) street. Double frontage lots are also known as through lots. Double frontage lots are prohibited in Gadsden County.

Drainageway(s): Any natural or artificial watercourse, trench, ditch, swale or similar depression into which surface water flows.

Drainage Right-Of-Way: The land required for the installation of stormwater sewers, ditches, swales or other structures necessary to ensure the proper flow and disposal of stormwater as required in Rule 17.25, F.A.C, the stormwater discharge regulation of F.D.E.P.

Dripline: An imaginary perpendicular line that extends downward from the outermost tips of the tree branches to the ground.

Drive-in restaurant: A restaurant where service may be obtained while remaining in one's automobile or where service may be obtained at a takeout counter.

Driveway: The area that provides vehicular access to a zoning lot. A driveway begins at the property line and extends into the ~~zoning~~ lot. Driveway does not include parking, maneuvering, or circulation areas in parking areas. See also garage (private and public), parking area, parking lot or garage (commercial), parking space, structured parking, surface parking, and vehicle areas.

Dry cleaning and commercial laundry facilities: A business which cleans clothing by the use of a process of nonflammable solvents. Additionally, such establishments may provide laundry services of washing, drying, folding, and packaging of clothing and linens. Laundry facilities shall not include self-service washer and dryer facilities or Laundromat.

(See multi-family development.)

Dwelling or Dwelling Unit: Any building, portion thereof, or other enclosed space or area, used as or intended for use as a residence with eating, cooking, and bathing facilities

(1) *Dwelling, single-family* - any dwelling used as or intended for use as the home of one family, either temporarily or permanently
(2) *Dwelling, two-family (duplex)* - any dwelling which has common walls designed to be occupied by two families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.
(3) *Dwelling, multiple family* - any dwelling designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels, and not including townhouses.
(4) *Dwelling, townhouse* - a single-family dwelling forming one of a group of three or more attached single-family dwellings, each built upon an individual plot, separated by fire or party walls which do not permit passage or visibility between such units, with separate utilities and services.

Easement: That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property.

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.

Engineer: A professional engineer licensed to practice in the State of Florida.

Endangered Species: Any species of plant or of the animal kingdom, , naturally occurring in Florida, whose prospects of survival are in jeopardy Species shall include only those species listed as endangered in Ch. 68A-27, Florida Administrative Code, and those species listed as endangered by any other official state or federal law, rule, or regulation.

Engineer, registered (or professional engineer, or licensed engineer) An individual licensed to engage in the practice of engineering in the State of Florida pursuant to Ch. 471 Florida Statutes.

Environmentally Sensitive Areas or Resources: The following resources or areas on a parcel are designated as environmentally sensitive:

a. Wetlands;
b. Lands designated as Special Flood Hazard Areas on the currently adopted Federal Emergency Management Agency Flood Insurance Rate Maps.
c. All Outstanding Florida Waters.
d. All Class I surface waters.
e. All Endangered, Threatened and Species of Greatest Conservation Need as listed by the Florida Fish and Wildlife Conservation Commission, and published in the "Florida's Endangered and Threatened Species" document dated January, 2013.
f. Seepage slopes.

Existing Use: The use of a lot, parcel or structure at the time of the adoption of the Comprehensive Plan. (November, 1991), or as specifically named in any update of the Plan.

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 the effective date of the floodplain management regulations adopted by a community, May 21, 1991.

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).

FDEO or DEO: The Florida Department of Economic Opportunity.

FDEP or DEP: The Florida Department of Environmental Protection.

FDOT or DOT: The Florida Department of Transportation.

Family: A number of individuals living together as a single housekeeping unit.

Family [conveyance] **Exception:** A process for conveying a parcel to be used solely as a homestead by an owner applicant who is the grandparent, parent, step-parent, adopted parent, sibling, child, step-child, adopted child, niece, nephew, aunt, uncle or grandchild of the person who conveyed the parcel to such applicant, notwithstanding the density or intensity of use assigned to the parcel by a particular zoning district. An affidavit of qualifying family relationship shall be filed with the application for this exception and shall be recorded in the Official Records of Gadsden County, Florida with a copy to the Gadsden County Property Appraiser, at the expense of the applicant. This exception shall apply only once to any owner-applicant.

Farm market: A principal use which includes the sale of horticulture or agriculture products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider and similar agriculture products. A minimum of 25 percent of the products sold must be agricultural products produced on site.

Farm produce stand: A structure or land used for the sale, by the owner or the owner's family or tenant, of agriculture or horticulture produce principally produced on the farm or agriculture operation on which the farm produce stand is located. The term "farm produce stand" may include produce grown on other farms in the vicinity and accessory products, which are clearly a secondary use of the premises and do not change the character of the farm produce stand.

Fees or Applicable Fees: The fees set from time to time by the governing body in a schedule of fees for the various types and stages of development application and approval.

Fence: A man-made barrier of any material or combination of materials erected to enclose or screen areas of land.

Filling, land: The placement of any material into a wetland, waterbody, or on land.

Filling, station: See Service station.

Final plat: The final map or drawing of the plat, subdivision or dedication prepared and intended for filing and recording after approval by the Board of County Commissioners in accordance with Article VII and Ch. 177, Part I, Florida Statutes.

Finished Habitable Area: An enclosed area used for any purpose other than solely for parking of vehicles, building access, or storage.

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.

Flag: A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as the symbol or emblem of a country or institution or as a decoration during public festivities.

Flag Lot: A parcel of land shaped like a flag with a narrow strip providing access; the bulk of the property contains no frontage and where the road frontage is less than 75 percent of the required width at the building line for its particular zoning classification, provided, however, that lots within 50 feet of the radius point of a cul-de-sac street shall not be considered flag lots. For the purpose of this article, a "flag lot" shall not be considered to abut a road.

Flashing: A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated in a time frame of fewer than four seconds.

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

a. the overflow of inland or tidal waters; or
b. the unusual and rapid accumulation or runoff of surface waters from any source; or
c. mudflow; or
d. collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels in a flood as defined above.

Flood Hazard Boundary Map (FHBM): The official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood, mudflow, and related erosion areas having special hazards have been designated.

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Emergency Management Agency has delineated the Special Flood Hazard Areas (SFHAs), the Base Flood Elevations (BFEs) and the risk premium zones applicable to the community.

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

Floodplain: Any land area susceptible to being inundated by floodwaters from any source.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

Flood Prone Areas: See Special Flood Hazard Area.

Floor Area Ratio, (FAR): A mathematical expression of land use intensity calculated by dividing the total area of all floors of a structure (a.k.a. gross floor area), by the area of

the lot on which it is located.

$$\frac{\text{Gross Floor Area}}{\text{Parcel Area}} = \text{FAR}$$

Floor Area: The heated and cooled space of a building or structure.

Food Trucks self-propelled or otherwise moveable from place to place such as a truck, trailer, or similar self-propelled conveyance which is used to vend food and beverage products and is classified as one of the following:

a. Class I—Mobile kitchens. In addition to the vending of products allowed for class II and class III mobile food trucks, these vehicles may cook, prepare and assemble food items on or in the unit and serve a full menu.
b. Class II—Canteen trucks. These vehicles vend fruits, vegetables, hot dogs, pre-cooked foods, pre-packaged foods and pre-packaged drinks. No preparation or assembly of foods or beverages takes place on or in the vehicle, however, the heating of pre-cooked foods is allowed. A cooking apparatus or grill top for the heating of pre-cooked foods is permitted so long as it complies with state regulations.
c. Class III—Ice cream trucks. These vehicles vend only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy products

Freeboard (for stormwater purposes): The vertical distance between the maximum staging elevation of the stormwater facility and the elevation at which uncontrolled overtopping of the structure or facility that contains the water would occur. Uncontrolled overtopping would not include discharge for emergency purposes.

Frontage: That side of a building or structure, lot, lots, or tract of land abutting and/or facing a public right-of-way, ordinarily regarded as the front of the site.

Functionally Dependent Facility: A facility which cannot be used for its intended purpose unless it is located or carried out in proximity to a resource.

Future Land Use Map (FLUM)/Land Use Map: A graphic representation of the land use districts used in the County and their placement on the land adopted as part of the Gadsden County Comprehensive Plan and used as the regulatory map for implementation of the Comprehensive Plan and this Code.

Garage, private: A building or space used as an accessory to or a part of the main building permitted in any residential district, and providing for the storage of personal motor vehicles and in which no business, occupation, or service for profit is in any way conducted.

Garage, public: Any building or premises, except those described as a private or storage garage, used for the storage of cars of motor vehicles or where any such vehicles are equipped for operation, repair, or kept for remuneration, hire or sale.

Garage, storage: Any building or premises, other than a private garage, used exclusively for the parking or storage of motor vehicles.

G.I.S., Geographic Information Systems: Integrated graphic and database software designed to aid in reporting phenomena or displaying data that are distributed across wide areas.

Go-cart tracks: A lot or other area of land, the primary purpose of which is to offer members of the public rides on small motorized non-highway type vehicles. Go-Cart Tracks are Class II land uses.

Governing Body: The Board of County Commissioners, Gadsden County, Florida.

Grade: The lowest point of elevation of the existing surface of the ground, within the area between the building and a line five feet from the building.

Grade Plane: A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

Grandfathered/grandfathering: An exemption to the requirements of this Code based on previously existing circumstances. See: Non-conforming lot of record, lawful and Non-conforming use, lawful

Grantee: A person to whom a grant or conveyance is made.

Grantor: A person who makes a grant or conveyance.

Greenhouse: A structure used for cultivating plants that require controlled temperature and humidity.

Ground Cover: Low growing plants other than turf grass planted in such a manner as to form a continuous cover over the ground.

Guest house (seasonal home): Any dwelling occupied by owner or operator in which rooms are rented for guests, and for lodging of transients and travelers for compensation, when not more than four (4) rooms are used for such purposes. Bed and Breakfast establishments are considered a guest house.

Hazardous waste: Waste, or a combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. These materials may include, but not be limited to, volatile, chemical, biological, explosive, flammable, radioactive, and toxic materials.

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

Home occupation: Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and which use does not change the character of said dwelling as a residence.

Homeowners' association or property owners' association: A private nonprofit association as defined by §720.301(9), Florida Statutes which is organized by the developer of a development in which individual owners share common interests in open space, easements and/or facilities and are in charge of preserving, managing and maintaining the common property, and enforces improvements or other certain covenants and restrictions.

Hospital: An institution providing services of a medical nature to human patients, allowing for in-patient care of such patients, and including related facilities such as laboratories, out-patient departments, training facilities, staff offices, and food services.

Hotel and motel: Any building or group of buildings containing sleeping room accommodations for guests and providing the services generally provided by a hotel or motel and recognized as a hotel or motel in the community in which it is situated, or by the hotel and motel industry, and offering daily or weekly rates, with a bath or connecting bath for every rental unit and occupied primarily by transient guests. It is the intent of this section that any structure offering a residential room or combination of rooms for rent or lease for longer than a month at a time shall not be considered a hotel or a motel. These facilities may provide additional services such as restaurants, meeting rooms and recreational facilities.

House of Worship: See Religious Institutions.

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.

Hydrograph: A graphic representation of the variation of drainage flow with time in relationship with a particular storm frequency.

Immediate Family Member: The parent, step-parent, grandparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild, of a person.

Immediate Family Exception: A process for conveying land to an immediate family member.

Impervious surface. A surface which has been compacted, constructed or covered with a layer of material with the result that it is highly resistant to infiltration by water.

Improvements (or site improvements). Any grading, filling, or excavation of unimproved property; additions or alterations to existing buildings or other structures requiring alterations to the ground; the construction of new buildings or other structures, including parking lots; and street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, signs, landscaping or any other improvement required by land development regulations. Any physical changes made to raw land, and structures placed on or under the land surface.

Impervious Surface: Area in which rain cannot penetrate to the soil or natural ground.

Improvement: Physical changes made to raw land, and structures placed on or under the land surface in order to supply the infrastructure needed to serve the projected population.

Incarceration Facilities: Prisons, jails, correctional facilities, halfway houses, boot camps, weekend programs, and other facilities in which individuals are locked up overnight.

Inconsistent: Mutually contradictory; contrary, one to the other, so that both cannot stand, the acceptance of one implies the abrogation of the other.

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".

Industrial, heavy: The use of land for the manufacture of material or products from extracted or raw material; processing of wood to lumber or wood pulp, or wood pulp to paper; any refinement or distillation of petroleum resources, and conversion or smelting of ores to metals; and which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

Industry, light: Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building and do not generate a noticeable amount of noise, dust, odor, smoke, glare or vibration outside the building in which they are conducted.

Infill Development: The addition of new housing or other buildings on scattered vacant sites or platted lots in a developed area or subdivision.

Infrastructure: Man-made structures which serve the common needs of the population including but not limited to storm and sanitary sewage disposal systems, potable water systems, utility systems and roadways.

Intensity: The measure or extent to which a non-residential parcel is developed.

Internet café/simulated gambling establishment: A building, edifice, structure, or location, along with its grounds, in which simulated gambling devices are used, operated, or stored, including but not limited to game rooms, arcades, internet cafes, internet centers or sweepstakes redemption centers. The definition does not include any establishment that is expressly permitted by state law, including but not limited to an "arcade amusement center" as defined in § 849.161 Florida Statutes .

Institutional uses: Any land use authorized by the governing body, established and intended to provide significant public benefit.

Intersection: A place of joining or crossing of streets.

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.

Junk: Any old, dilapidated, abandoned, or scrap machinery, more than two dismantled, inoperable, unregistered or dilapidated motor vehicles including parts, building materials, iron, steel, other ferrous and nonferrous metals, tanks and drums, tires, pipes, household goods, non-functional furniture, appliances or tools, implements or portions thereof, glass, plastic, cordage, and other kind of salvage or waste material that has been abandoned from its original use and may be used again in its present or in a new form.

Junkyard. Any establishment, place of business area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing purchase, sale or abandonment of household goods, wastepaper, rags, used lumber or building materials, scrap metal or other scrap or discarded goods, materials, machinery or two or more inoperable, unregistered or dilapidated motor vehicles or other type of junk. "Junkyard" includes auto wrecking yards and salvage yards.

Karst. A type of topography that is formed over limestone, dolomite, or gypsum by dissolving or solution and that is characterized by closed depressions or sinkholes, caves, and underground drainage.

Kennel. Any building or buildings, or land used, designed, or arranged to facilitate the raising, breeding, boarding, training and grooming of domesticated animals such as dogs and cats.

Landfill. A solid waste disposal facility, which is an area of land or an excavation where wastes are or have been placed for disposal, for which a permit, other than a general permit, is required by § 403.707, Florida Statutes. This term shall not include:

(a) A land spreading site;

(b) A surface impoundment;

(c) An injection well defined under and subject to the provisions of Chapter 62-528, Florida Administrative Code.; or

(d) A construction and demolition debris disposal site regulated by Rule 62-701.730, Florida Administrative Code

Landscaping: The purposeful creation of vegetated space to enhance the visual appeal of a development; whether by preservation of existing vegetation, augmentation of existing vegetation or by addition of native and non-invasive nursery vegetation, sod, mulch bed, or other decorative or mesophytic elements in a specified area.

Land Surveyor: A land surveyor duly licensed to practice in the State of Florida.

Level of Service (LOS): An indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of a facility. LOS indicates the capacity of a facility per unit of demand.

Limited Access Facility: Highway designed for through traffic to which owners or occupants of abutting land or other persons have no right or easement. Limited Access Facilities may limit access to trucks, buses and other commercial vehicles, or they may be freeways

open to use by all customary forms of street highway traffic, such as an interstate highway.

Listed species: Those species of plants and animals listed as endangered, threatened, rare, or species of special concern by an official state or federal 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.

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.

Lot: Land that has been duly recorded through a subdivision plat process with the Gadsden County Property Appraiser.

Lot, area: The total lot including easements.

Lot, standards (below):

a. **corner lot:** Any lot situated in the junction of and abutting on two or more intersections or intercepting streets or public highways, with the interior angle of such intersection no less than 45 degrees.
b. **front lot line:** The line separating the lot from the right-of-way of the principle street on which the lot abuts. Also, the easement line on lots which have been platted to the centerline of a private roadway.
c. **interior lot:** lot other than a corner lot with only one (1) frontage on a street.
e. **lot depth:** The depth between the mean front street line and the mean rear line, measured along the median between the two side lot lines.
f. **double frontage lot:** A lot having frontage and access on two or more public streets. A corner lot shall not be considered having double frontage unless it has frontage and access on three or more streets. Also known as a through lot.
g. **lot lines**: The lines bounding a lot.
h. **lot of record**: A lot which is part of a subdivision recorded in the office of the Register of Deeds, Gadsden County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
i. **lot width**: The average horizontal distance between the side lots, measured at right angles to the lot depth, with the minimum to apply with this code to be measured at the front setback lines.
j. **rear lot line**: The line opposite to and most distant from the front lot line.
k. **side lot line**: Any lot line other than a front or rear lot line. A side lot line of a corner lot, separating a lot from a street is called a street side lot line. A lot line separating a lot from another lot is called an interior lot line. Any lot line which meets the end of a front lot line or any other lot line within thirty (30) degrees of being parallel to such a line, except a front lot line.
l. **reverse frontage lot**: A lot having frontage on two or more streets, the access of which is restricted to one street.
m. **through lot:** See double frontage lot.

Lot split: The legal division of land from one lot or parcel into two.

Manufactured Building: Per the Florida Statute definition: § 553.36(11), Florida Statutes "Manufactured Building" is a closed structure, building assembly or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service system manufactured in manufacturing facilities for installation or erection, with or without other specified components, as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage and industrial structures.

Manufactured Home: As defined by §320.01, Florida Statute, which was fabricated on or after June 15, 1976.

Manufacturing, heavy: The manufacturing uses that involve the generation outside the property of noise, odor, vibration or dust. Examples include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants. Specifically prohibited are rendering, petroleum refining, , and the manufacturing of chemicals, paint and turpentine.

Manufacturing, light: The mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor or vibration. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; publishing and lithography; development, testing facilities and laboratories; apparel production; sign making; assembly of prefabricated parts; manufacture of electric, electronic, or optical instruments or devices; manufacturing and assembly of artificial limbs, dentures, hearing aids and surgical instruments; processing, and packing of food products, cosmetics; and manufacturing of components, jewelry, clothing, trimming decorations and any similar item.

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.

Manufactured home subdivision: A manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed.

Marina, commercial: A facility for the servicing, fueling, berthing and storage of boats that may include accessory retail and eating facilities including haul-out facilities, covered or uncovered wet storage slips, dry storage of watercraft, yacht brokerage, boat sales, and retail sales of boating supplies. Overnight accommodations may be provided at these facilities only by special exception.

Materials recovery facility: A solid waste management facility that provides for the extraction from solid waste of recyclable materials, reusable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials. Non-recoverable materials are transferred from the materials recovery facility and disposed of as solid waste.

Mobile farmers market: A mobile vehicle or trailer, licensed by the Department of Motor Vehicles, from which uncut perishable fruits, vegetables, and herbs are sold.

Mobile Home: As defined by §320.01, Florida Statute

Modular home: A detached residential dwelling unit designed for assembly on site with permanent utility connections.

Motor court (motel): A building or other structure(s) designed, constructed or altered and held out to the public to be a place where sleeping accommodations, with or without restaurant, are furnished for compensation to guests or tenants, and having the other necessary accessory structures in connection with such motor court.

Mining: The extraction or withdrawal from the soil or water of mineral resources, either on or below the surface, of any solid minerals and any rare earths which have heretofore been discovered or may be discovered in the future, which are contained in the soils, except water.

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.

Mixed use: A building or an area that contains a mix of uses. This may include uses such as retail, office, and residential.

Multifamily residential development: A type of residential housing where multiple separate dwelling units for residential inhabitants are contained within one building or several buildings within one complex.

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 northwest 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.

Non-native vegetation: Vegetation not natural to the northwest Florida region, including prohibited non-native vegetation listed in. Florida Administrative Code 62C-52.011, Florida Prohibited Aquatic Plants List, and Florida Administrative Code Rule 5B-57, Florida Noxious Weed List, as well as discouraged non-native vegetation listed in Table 406.08.4.

Net Buildable Area: That portion of a parcel of land, less wetlands, floodways and environmentally sensitive lands, that is developable and is not required for open space.

Non-conforming lot of record, lawful: A legal lot of record existing at the time of passage of this Land Development Code which does not conform to the area, frontage, or other provisions of this Code for permitted lots in the land use category or zoning district in which it is located as of the date of adoption, or amendments thereto.

Non-conforming parcel: A parcel that does not meet the requirements of this LDC, whether by size or area or other provisions of this LDC.

Non-conforming structure: A structure that does not conform to the provisions of this Land Development Code for permitted structures in the land use category or zoning district in which it is located as of the date of adoption, or amendments thereto.

Non-conforming use: A use which does not conform to the permitted uses for the land use or zoning district in which it is located.

Non-conforming use, lawful: A lawful use existing at the time of passage of this Land Development Code, or amendments thereto, which does not conform to the permitted uses for the land use or zoning district in which it is located.

Nursing home facility: Any facility which provides nursing services as defined in F.S. Chapter 464, pt. I and which is licensed in accordance with Chapter 400, pt. II, Florida Statutes. For the purposes of this definition a facility is defined as any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24-hour nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services. (Chapter 400, pt. II, Florida Statutes)

Office use: Activities that are conducted in an office setting and that generally focus on business, professional, or financial services. Accessory uses may include cafeterias, parking or other amenities primarily for the use of employees in the firm or building. Does not include medical and dental clinics or labs. Offices that are part of and located with a principal use in another use category are considered accessory to the establishment's primary activity. Headquarters offices, when in conjunction with or adjacent to a principal use in another use category, are considered part of the other use category.

Onsite Sewage Treatment and Disposal System, (OSTDS): Per§ 381.0065(2)j., Florida Statutes , a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a greywater system tank; a laundry wastewater treatment system tank; a septic tank; a grease interceptor; a dosing tank, a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on land to which the owner has legal right to install the system.

Open Space: Any parcel or designated land area in its natural state or essentially unencumbered by either principal or accessory uses, buildings, structures, or impervious surfaces. Buffer areas and stormwater facilities shall not be included in open space area calculations.

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.

Parcel: An area described by metes and bounds, or a lot or lot(s) combined, under one parcel ID number, as assigned by the Gadsden County Property Appraiser.

Package treatment plant: Any wastewater treatment facility having a permitted capacity of less than 100,000 gallons per day. This is a small treatment system consisting of a treatment plant and disposal system.

Parent tract: A parcel or lot of record that existed on November 26, 1991, the date of the Gadsden County Comprehensive Plan adoption.

Parking island: An area of ground within the boundary of any parking lot, which has curbing adjacent to all paved areas.

Park trailer (per Chapter 320.01(1)7), Florida Statute: A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud wall at the level of maximum dimensions, not including and bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including and protrusions.

Parking lot: An area used for the short-term (less than 7 days) and long-term (greater than 7 days) storage of operable vehicles and which is an ancillary use to the primary commercial operation/business.

Park, public: A piece of land that is owned by the State of Florida, Gadsden County, or an incorporated municipality within Gadsden County, that is developed and operated for active and/or passive recreational purposes, and that is open to the public on a regular schedule.

Passive recreation: Recreational activities that do not require prepared facilities like sports fields or pavilions. Passive recreational activities place minimal stress on a site's resources; as a result, they can provide ecosystem service benefits and are highly compatible with natural resource protection. These activities include but are not limited to camping; hunting; hiking; wildlife viewing; bicycling; running/jogging; horseback riding; and fishing.

Pedway (pedestrian way). A physical course or improvement, a minimum of eight feet (8') in width, provided within a right-of-way or access easement used exclusively by pedestrians and bicyclists.

Performance Guarantee: Any security which may be accepted in lieu of the requirements that certain improvements be made before the Planning Commission and the governing body approves a plat including cash deposits and escrow agreements on other similar collateral or surety agreements approved by the governing body. (Also known as a Performance Bond.)

Personal services establishments: An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include laundromats; laundry and dry cleaning drop-off establishments; photographic studios; mailing or packing service, photocopy and blueprint services; hair, tanning and personal care services; psychics and mediums; martial arts schools; dance or music classes; taxidermists; and mortuaries.

Pedestrian pathways: Interconnected, paved walkways that provide pedestrian passage through blocks running from street to street or within open space lots.

Playground: A recreation with play apparatus.

Private animal shelter: A structure that is owned, operated or maintained by a private or nonprofit organization used for the care of 10 or more lost, abandoned, or neglected domestic animals, including pet rescue organizations, with overnight boarding.

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.

Planning Commission: The Local Planning Agency first established by Ordinance #76-004, Gadsden County, Florida. Also known as the Planning Commission or Planning Board.

Planning Official: The designated employee of Gadsden County who administers the Comprehensive Plan and Land Development Code.

Planned unit development (PUD): An area of land under unified control, to be developed as a single entity for a number of dwelling units and commercial uses that may not correspond in lot size or type of dwelling or commercial use, density, lot coverage and required open space to the regulations established in any one (1) or more districts created, from time to time, under the provisions of these ordinances.

Plat: A plat may be either:

a. A map representing a tract of land showing the boundaries and location of individual properties and streets; or
b. A map of a subdivision or site plan of the subdivision.

Plat, Preliminary: The preliminary map indicating the proposed layout of the subdivision which is submitted for the Board of County Commissioner's consideration and tentative approval based on meeting the requirements of this regulation.

Plat, final: A finished drawing of a subdivision showing completely and accurately all legal and engineering information and certification necessary for recording.

Platted lot. A lot that is identified on a plat that was approved by the Board of County Commissioners and duly recorded.

Primary Residence: A residential structure that will be lived in for more than fifty (50) percent of the 365 days in a calendar year.

Principal Use: The primary or predominant use of any lot or parcel of land.

Private Subdivision: A subdivision in which all improvements are privately maintained.

Public Facility: Any major capital improvement, including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities.

Public Food Service Establishment (public restaurant): See §509.013(5)(a).

Public Improvements: Physical changes made to raw land in order to supply the infrastructure needed to serve the projected population and dedicated to the County.

Rear lot line: Any lot line which is not a front or side lot line and which if extended in either direction, would not cross the lot.

Recreation, Outdoor Activity: A specific, individual type of outdoor recreation. Activities are divided into two categories: active activities are those which involve some direct and specialized physical manipulation by the participant such as swimming, hiking, boating, etc.' passive activities are those which are more mental than physical, such as sightseeing, nature study, scenic appreciation, etc.

Recreation facility: A zoning lot, with or without improvements designed and equipped for the conduct of sports and leisure time activities.

Recreational facility (commercial): A sports or activity facility open to the general public for a fee. These include, but are not limited to, the following:

(1) **Indoor:** Roller or ice skating rink, bowling alley, billiard hall, dart pavilion, amusement arcade (video, pinball or other), swimming pools, slot cars, hard and soft courts, miniature golf. See also bingo, non-profit.

(2) **Outdoor:** Driving range, golf course, miniature golf; batting and pitching cages; hard and soft courts; facilities for radio controlled vehicle or airplanes, go-carts, pony rides; kiddie parks; swimming pools, water slides; ice skating rink; but not including amusement or theme parks.

Recreational Vehicle: A unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Types of recreational vehicles include those as specified in §320.01(1)(b), Florida Statutes

Recreational Vehicle Park: Any lot or parcel of land upon which one or more recreational vehicles, campers, travel trailers and tents are located, established, or maintained for transient occupancy by the general public as temporary living quarters for recreation or vacation purposes regardless of whether or not a charge is made for rental.

Recreational vehicle-type unit (per § 320.01(1)(b)). A vehicle that is primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle-type units, when traveling on the public roadways of this state, must comply with the length and width provisions of § 316.515, Florida Statutes as that section may hereafter be amended. Recreational vehicles (RV) shall not be used as a permanent residential dwelling unit in Gadsden County. "Permanent" shall be measured as greater than 180 days.

Recycling and salvage center: A facility engaged solely in the storage, processing, resale, or reuse of recyclable and recovered materials. Such a facility is not a solid waste management facility if it meets the conditions of Rule 62-701.220(2)(c), Florida Administrative Code.

Redevelopment: See Development.

Religious institution: A structure or place in which worship, ceremonies, rituals and education are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained and controlled under the direction of a religious group. The term "religious institutions" include churches, mosques, synagogues, and temples. Accessory uses may include school facilities, parking, caretaker's housing, pastor's housing and group living facilities such as convents.

Remove (tree): To relocate, cut down, damage, poison, or in any manner destroy or cause to destroy a tree.

Residential park: Any site or tract of land upon which are located two (2) or more dwelling units occupied for dwelling or sleeping purposes, regardless of whether or not a charge is made for such service.

Restaurant: See Public Food Service Establishment.

Residential structure or residence A structure designed specifically to support extended human habitation.

Restaurant, sit-down: 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 the roof of the main structure, or in an interior court. A cafeteria shall be deemed a restaurant.

Restaurant, drive-in (drive-thru) An establishment which accommodates customers placing orders and being served food and beverages, without having to depart the automobile. A drive-in restaurant may also cater to customers who order and consume food within the establishment.

Retention: The collection and storage of stormwater without subsequent discharge other than through percolation, evaporation, or transpiration.

Re-Subdivide: Any change in the map or plat of an approved or recorded subdivision. This includes an increase or reduction of number or size of lots. Requirements of Chapter 177, Florida Statutes, and Chapter 6 of this Code shall be followed.

Re-submittal: The submission of a development proposal that has been previously denied. Re-submittal shall not be accepted within a period of one year after denial by the governing body. Upon re-submittal, applicable fees will be imposed.

Retail sales and services: Types of uses involved in the sale, lease, or rent of new or *used* products to the general public. They may also provide personal services or entertainment or provide product repair or services for consumer and business goods. Accessory *uses* may include offices, storage of goods, manufacture or repackaging of goods for on-site sale and parking.

Right-of-way. Land dedicated, deeded, used, or to be used for a street, road, alley, pedestrian way, crosswalk, bikeway, drainage facility, or other public uses, wherein the owner gives up rights to the land so long as it is being or will be used for the dedicated purpose. Right-of-way also is a land measurement term, meaning the distance between lot property lines which generally contain not only the street pavement, but also the sidewalk, grass area, and underground or aboveground utilities.

Right-of-way. Land dedicated, deeded, conveyed, reserved, or used for public purposes.

Right-of-way, County. Any paved or graded public right-of-way, whether owned in fee simple by the county or not, which is maintained, graded, improved, or constructed by the county, or which the county is authorized by law or dedication to maintain, grade, or improve; or which has been dedicated by grant, easement, prescription, or otherwise, to the public use as a road right-of-way, and which has been, at any time in the past, graded, maintained, or improved by the county. Such term shall apply only to such of the rights-of-way as shall lie within the county, but outside the city limits of any incorporated municipality.

Right-of-way, Private: Any right of way restricted in use by deed or ownership.

Right-of-way, Public: Any dedicated county and/or city maintained right-of-way.

Road: Any avenue, street, boulevard, lane, parkway, place, or other way which is an existing State or County roadway, or a way or a road shown on a plat hereto and approved, pursuant to law, or approved by official action; or road or way shown on a plat duly filed and recorded in the Office of the Clerk of the Circuit Court of Gadsden County.

Road, Arterial: A roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every United States numbered highway is an arterial road.

Road, Collector: A roadway providing service which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. Collector roads collect and distribute traffic between local roads or arterial roads.

Road, Local: A road that provides only access to adjacent properties and by nature of its layout does not serve vehicles passing throughout the area with neither origin nor destination within the area.

Road, Regionally Significant: A road that is part of the roadway evacuation system as set forth in the Apalachee Regional Planning Council Hurricane Evacuation Plan.

Retention Pond: A drainage basin designed for the collection and storage of runoff without subsequent discharge.

Sale or Lease: Any immediate or future transfer of ownership, or any possessory interest in land, including contract for sale, rent, lease, devise, intestate succession, or transfer, if an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession or other written instrument.

Salvage yard: See junkyard

Service station: A building or lot where gasoline, oil, greases, and accessories are supplied and dispensed to the motor vehicles trade, also where battery, tire, and other similar services are rendered.

Setback: The distance between the lot line and the front, side, or rear line of a building or any projection thereof, excluding uncovered steps and roof eaves up to 18 inches.

Sewage System, Central: A public or private sewage system designed to serve more than two (2) structures or dwelling units including collection and advanced treatment facilities. This system must be approved by the County Environmental Health Department.

Sewer, On-Site: See Onsite Sewage Treatment and Disposal System.

Shopping center: As defined by the International Council of Shopping Centers (ICSC), a shopping center is a group of retail and other commercial establishments that is planned, developed, owned and managed as a single property, typically with on-site parking provided. The center's size and orientation are generally determined by the market characteristics of the trade area served by the center. A list of common shopping center terms and their definitions are provided below:

(1) Super-regional mall. Similar in concept to regional malls, but offering more variety and assortment (Typical GLA: 800,000+ SF).
(2) Regional mall. General merchandise or fashion-oriented offerings. Typically, enclosed with inward-facing stores connected by a common walkway. Parking surrounds the outside perimeter (Typical GLA: 400,000 - 800,000 SF).
(3) Community center ("large neighborhood center"). General merchandise or convenience-oriented offerings. Wider range of apparel and other soft goods offerings than neighborhood centers. The center is usually configured in a straight line as a strip, or may be laid out in an "L" or "U" shape, depending on the site and design (Typical GLA: 125,000—400,000 SF).
(4) Neighborhood center. Convenience oriented (Typical GLA: 30,000—125,000 SF).
(5) Strip/convenience. Attached row of stores or service outlets managed as a coherent retail entity, with on-site parking usually located in front of the stores. Open canopies may connect the store fronts, but a strip center does not have enclosed walkways linking

the stores. A strip center may be configured in a straight line, or have an "L" or "U" shape. A convenience center is among the smallest of the centers, whose tenants provide a narrow mix of goods and personal services to a very limited trade area (Typical GLA: <30,000 SF).

Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen; customarily included in landscape designs to provide for lower scale buffering and visual interest; generally have stem sizes larger than one-half inch.

Sidewalk: Improved hard surface way constructed within right-of-way, along exclusive easements, or on private property intended to be used for pedestrian traffic.

Sign: Any combination of structure and message in the form of an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, advertising structure, advertisement, logo, symbol, or other form, whether placed individually or on a V-type, back-to-back, side-to-side, stacked, or double-faced display or automatic changeable facing, designed, intended, or used to advertise or inform, any part of the advertising message or informative contents of which is visible from any place on the main-traveled way. The term does not include an official traffic control sign, official marker, or specific information panel erected, caused to be erected, or approved by the FDOT.

Sign, Animated: A sign which utilizes motion of any part by any means, including wind power, or displays color changing, flashing, oscillating or intermittent lighting, electronic messages or moving images or scenes, or which emits visible smoke, vapor, particles, noise or sounds. Animated signs shall not include changeable copy signs, where text can easily be changed (i.e. fuel signs), multi-faced mechanical (multi-vision signs).

Sign, Back-lit: A sign illuminated by a light from the rear of a sign.

Sign, Banner: A square or rectangular non-rigid sign intended to be hung by being tethered by lines at each of the four corners, made of paper, plastic, or fabric of any kind.

Sign, Billboard: An off-premise or off-site sign that exceeds 32 square feet and advertises a business, organization, event, person, place or thing or other commercial message.

Sign, Construction: A temporary sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction of the site where the sign is placed, together with other information included thereon.

Sign, Directional: A sign permanently or temporarily erected by or with approval of any authorized government agency to denote the route to any city, town, village, historic place, shrine, or hospital; signs directing and regulating traffic; notices of any railroad bridge, or other transportation activity necessary for the direction or safety of the public; signs, notices, or symbols for the information of aviators as to location, directions, and landings, and conditions affecting safety in aviation; and signs or notices erected or maintained upon public property giving the name of the owner, lessee, or occupant of the premises or the street number thereof.

Sign, Electronic message board: A type of sign whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.

Sign, Flashing: A sign which contains an intermittent, sequential, or rotating light source or which, through reflection or other means, creates an illusion of flashing, intermittent, or rotation or rotating light, provided that "flashing sign" shall not include changeable copy signs.

Sign, Ground: Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

Sign, Internally Illuminated: A sign illuminated by an internal lighting system.

Sign, Mansard: Any sign attached to or erected against a mansard of a building, with the face horizontally parallel to the building wall. Since said sign is to be mounted parallel to and within the limitations of the building wall on which same is to be mounted, the same is deemed to be a wall sign and not a roof sign.

Sign, Marquee: A canopy or covered structure projecting from and supported by a building when such canopy or covered structure extends beyond the building line or property line.

Sign, Multi-vision: A 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 position.

Sign, Non-commercial: A temporary sign advertising or related to an election or other one-time event.

Sign, Non-conforming: Any sign which does not conform to the requirements of the current sign ordinance.

Sign, Occupancy: Signs which identify the occupants of the property.

Sign, Off-premise or off-site: *A* sign whose purpose is to advertise, display, identify, direct attention to or in any other way present to the public a message that relates to a product, business merchandise, service, institution, residential area, entertainment, charitable organization, religious organization, or any other organization or activity conducted by any company, person, or organization that is not located, purchased, rented, based, offered, furnished, or otherwise associated with the property on which the sign is located. This includes a sign erected by an outdoor advertising business, an animated billboard sign, a multi-vision sign, or any other sign meeting the definition of off-site sign. An off-site sign shall include a sign structure and sign display surface, upon which copy or information content is intended to be displayed; a sign structure without display surface shall not be construed to be an off-site sign; nor, shall a sign structure with only nondurable paper, cloth, or plastic sheeting, without a rigid frame, be construed to be an off-site sign.

Sign, Off-premises directional: Those which direct the motorist or pedestrian to a business establishment.

Sign, On-premise or on-site: A sign erected on the premises of an establishment relating its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises.

Sign, Portable: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. Signs shall be affixed only by temporary and removable anchoring systems (non-permanent).

Sign, Projecting: Any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.

Sign, Real Estate: A sign which advertises the sale, rental or lease of the premises upon which it is located.

Sign, Roof: Any sign erected, constructed, and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

Sign, Spot-lit: A sign illuminated by a spot light.

Sign, Temporary: A sign or advertising display constructed of cloth, canvas, fabric, paper, plywood, or other light material and intended to be displayed for a period not to exceed ninety (90) days.

Sign, Wall: A sign attached to or erected against the wall of a building with the face in a parallel plane to the plane of the building wall.

Sign, Wall Mural: A sign that is a painting or an artistic work composed of photographs or arrangements of color and that displays a commercial or noncommercial message, relies solely on the side of the building for rigid structure and support, and is painted on the building or depicted on vinyl, fabric, or other similarly flexible material that is held in place flush or flat against the surface of the building.

Sign Area: The entire face of a sign and all wall work including illuminating tubing incidental to its decoration shall be included for measurement of sign areas excluding architectural trim and structural embellishments. In computing sign area, only one (1) side of a double face sign structure shall be considered.

Site Improvement: Any man-made alteration to a parcel of land for purposes of preparing the land for future construction, the actual construction of structures or paved surfaces and/or the planning or installation of permanent landscaping.

Site Plan: The development plan for one or more lots or parcels on which is shown the existing and proposed conditions of the lot(s) or parcel(s) including all of the requirements set forth in this Code.

Slope forests: Slope Forests are mesic ecological communities characterized as well-developed, closed canopy forests of upland hardwoods on steep slopes, bluffs and ravines. In unaltered areas, pinelands often transition into slope forests at the upper elevations, and slope forests transition into bottom land forest, seepage slope, or floodplain communities at the lower elevations.

Solar access. The access of a solar energy system to direct sunlight.

Solar collector. A device, structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy System. A set of components that can collect, store and convert solar energy for the purpose of providing electric generation, water heating, pool/spa heating, space heating or space cooling as an accessory use to a permitted principal use.

Solar Farm: (See Solar Power Generation Facility)

Solar Power Generation Facility. A production facility for electric power that utilizes photovoltaic modules (panels) to convert solar energy to electricity whereby all of the electricity that is produced is consumed off-site and is distributed and sold by an electric utility provider. Solar generation stations typically utilize photovoltaic solar cells, but can also be a combination of light reflectors, concentrators, and heat exchangers. A solar generation station is also known as a solar farm, solar power plant, solar generation plant, solar photovoltaic farm or park, solar power plant or solar thermal power plant. It is generally the principal use of the property.

Special Exception Uses: A use that is not prohibited within a particular Future Land Use Category but may not be generally appropriate unless it is demonstrated that the use will comply with special criteria and standards for location and operation of such use.

Special Flood Hazard Area (SFHA): An area having special flood, mudflow or flood-related erosion hazards and shown on a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM) Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V. For the purpose of determining Community Rating System (CRS) premium discounts, all AR and A99 zones are treated as non-SFHAs.

Spectator Activities: Those outdoor recreational activities which are carried on primarily for the visual benefit of others rather than for the direct enjoyment of the active participants, such as stadium sports, horse races, etc.

Start of Construction: (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P. L. 97-348)). Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one-hundred eight (180) days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as rough grading, the pouring of slabs or footings, installation or piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement per Subsection 7107.C., 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.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the next floor above it, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six feet above grade as defined herein for more than fifty (50) percent

Street: A thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley.

Street line: See right-of-way.

Structure: A walled and roofed building, a manufactured home, storage facilities or units, or other man-made facilities or infrastructures.

Structure, accessory: A structure which is on the same parcel as a primary structure and the use of which is incidental to the use of the primary structure.

Structure, primary: A structure(s) that houses the primary use on a parcel or lot.

Structural alterations: Any change, except for repair or replacement in the supporting members of the building, such as bearing walls, columns, beams, or girders.

Substantial improvement: Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a ten (10) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the building or sign. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage, the value of the building prior to the damage occurring. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions.

Substantially improved existing manufactured home parks or subdivisions: The repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

Subdivision: The division of land into two 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 re-subdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

Subdivision (exempt) (also see immediate family): A subdivision of land in which the transfer of title passes as a result of gift to immediate family members or by inheritance or court decision, provided that such subdivision does not involve a planned unit of development, any new street, or the extension of a municipal utility or municipal facility. Beneficiaries under this subsection shall meet all the requirements contained the subdivision design and improvement standards sections contained in this Code.

Subdivision, Cluster or Conservation: A subdivision where a reduction in lot area and bulk regulations, is permitted provided there is no increase in the overall allowable density of the development, so that the remaining land area may be devoted to open space, recreation, or preservation of environmental resources.

Substantial Deviation: Any change to a previously approved site plan, subdivision plat, or other approved development order not previously reviewed by the County that falls within the substantial deviation thresholds outlined in this Code.

Surveyor: A Florida registered land surveyor.

Swale: A manmade trench which:

(1) Contains contiguous areas of standing or flowing water only during or following a rainfall event;
(2) Is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and
(3) Is designed to take into account the tendency of the soil to erode, soil percolation, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

Tavern/Bar: A building or part of a building used or designed primarily for the sale of alcoholic beverages on the premise. Tavern shall also include a private club, the primary purpose of which is to sell alcoholic beverages to its customers or members on-premise. A tavern must comply with all rules and regulations of the State of Florida concerning sale, possession and consumption of alcoholic beverages.

Technical Tree Removal: Any tree that is damaged as a result of pre-construction or construction activities, that is not killed outright but has sustained damage to more that fifteen percent (15%) of its bark circumference, or has sustained root damage within the Critical Protection Zone shall be considered to be technically removed.

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.

Tree, Canopy: A deciduous tree, rarely an evergreen, that is planted primarily for its high crown of foliage or overhead canopy. May also be referred to as a shade tree.

Tree, Protected: Any tree, except for Genus Pinus (pine trees) that has attained a Diameter at Breast Height, DBH, of twenty inches (20") and is free of disease or major structural defect or any Champion Tree shall be considered a protected tree. On Corridor Roads, a protected tree is any tree, except for genus pinus (pine trees) that has attained a DBH of eight inches (8").

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.

Tourist home: See Guest house.

Tower, Camouflaged A communication tower designed to unobtrusively blend into the existing surroundings and be disguised so as not to have the appearance of a communication tower.

Tower, Communication: Any structure that supports communication equipment. The term communication equipment shall not include amateur radio operators' equipment, including citizen band (CB), ham radio operations, VHF Marine, broadcast tower's for radio or television, or communication towers utilized by rural electric cooperatives for the provision of essential services which include, water, wastewater, natural gas and electric, or communication towers utilized for two way radio communication where the communication is between the base and the individual radio unit, and other similar operators.

Towing service: An establishment that provides services for the removing of an automobile by towing, carrying, hauling or pushing from public or private property. Towing services may be provided as part of an automobile servicing use. Towing services shall not include the outdoor storage of towed vehicles for more than 24 hours unless they are part of an automobile servicing use.

Undisturbed area: An area which is left in its natural state with the exception that shrubs, weeds, and other undergrowth having a diameter of less than three inches (3"), measured at a Diameter Breast Height of four and one half feet (4.5') above ground level, may be removed.

Unified control: As applied with respect to planned unit developments, this phrase shall mean ownership of the entire tract at the time of application by one (1) person, firm, partnership, corporation or joint venture; or ownership by such person or entity of an enforceable, recorded option or options to purchase the entire tract.

Unrecorded Plat: Any sketch, survey or other description of a subdivision that has not been recorded with the County Clerk. (Individual lots may have been recorded by metes and bounds.) If any such document has been created prior to the adoption of the Land Development Code's first effective date and no lots have been purchased by that date, it shall be considered invalid as a legal instrument.

Used car junk yard: A lot or group of contiguous lots used for the dismantling or wrecking of used automobiles or the storage, sale, or dumping of dismantled or wrecked cars or their parts.

Utility/Utilities: Man made systems that supply the basic necessities for habitation. This includes but is not limited to retail provision of water systems, sewer systems, natural gas and power supply.

Utilities, Class I: Transmission lines, whether subterranean or overhead: including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains;

underground septic tanks and drainfields; effluent disposal systems for septic tank; cable television and telephone transmission lines; and similar utility lines.

Utilities, Class II: Booster stations, pumping stations, switching facilities, substations, package plants and effluent disposal systems, lift stations, or other similarly required facilities in connection with telephone, electric, steam, gas, water, sewer or other similar utilities.

Utilities, Class III: Production or treatment facilities such as sewer treatment plants, water treatment plants, elevated water storage towers; non-accessory ground storage tanks, or similar facilities. This definition does not include power generation plants or facilities.

Use: The purpose for which a parcel, site or structure is arranged, designed, intended, constructed, erected, moved, altered, or enlarged for which either a site or a structure is or may be occupied or maintained.

Variance: A grant of relief from the requirements of this Code.

Vested lot of record: Any parcel of land which has been legally recorded in the office of the Clerk of the Court prior to the adoption of the Comprehensive Plan on November 26, 1991.

Warehouse (distribution): A use engaged in distribution of manufactured products, supplies, and equipment.

Warehouse (storage): A use engaged in storage of manufactured products, supplies and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

Water System, Central: A public or private water system created to serve more than two (2) structures or dwelling units. This system must be approved and regulated by the Environmental Health Department and/or F.D.E.P.

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 circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils.

Wholesale sales (all uses): Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users; or to other wholesalers. The term "wholesale establishment" does not include office or retail sales of business supplies/office equipment.

Yard: An open space on the same lot with a building, which is the area between the primary structure and the parcel or lot line.

Yard, front: A yard across the full width of the lot, extending from the front line of the primary structure to the front line of the lot or parcel, excluding steps, but including all porches closed, unclosed or covered.

(Ord. #2016-016, 11-15-2016)