CHAPTER 6. OTHER DEVELOPMENT STANDARDS

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~~Article 6.1 General~~

~~Article 6.2~~Article 6.1 Signs

~~6.2.1~~6.1.1 Intent

The intent and purpose of this Article is to permit such signs that will not, by their reason, size, location, construction or manner of display, endanger the public safety of individuals, confuse, mislead or obstruct the vision necessary for traffic safety, or detract from the community appearance as part of the county's concerted effort to enhance the aesthetic qualities of the County.

~~6.2.2~~6.1.2 Sign Permit Required

A. A sign permit is required prior to erection, construction, or installation of any Primary Sign.

B. An annual permit shall be required for all Additional Signs.

C. Normal maintenance, as defined by the adopted County building code, of existing permitted signs such as painting, or repairs to existing signs which do not alter the sign face, size, or height of the sign shall not require a permit or inspection. Removal and re-installation of a sign face shall not be considered normal maintenance, and a sign permit shall be required.

~~6.2.3~~6.1.3 General Provisions

A. Florida Building Code

The adopted County building code shall control the construction, inspection, maintenance, and removal of signs. Prior to the erection of any sign the building department of the County should be consulted to determine if a building permit shall be required.

B. Signs on Public Property

1. No private sign shall be erected, altered or maintained over or upon any public property or right-of-way without the express permission of the public authority. For County-owned interests, such person shall be the County Administrator or designee.
2. Any sign placed on public property or upon any public right-of-way must conform to the requirements of this Article.
3. Violators of this subsection shall be guilty of a misdemeanor of the second degree punishable by fine not to exceed $500 per violation or term of 60 days imprisonment per violation, or both. A second conviction may result in penalties of $1,000 per violation or up to one year imprisonment, or both.
4. Existence of an unauthorized sign on public property shall not alone be sufficient evidence of a violation of this subsection for the criminal penalties to attach without an eyewitness to the placement of the unauthorized sign.
5. The County may remove any such sign, which shall then be held for a minimum period of five days. At any time during the five-day holding period the owner of the sign may reclaim the sign after having paid a removal and storage fee of $20. Signs not reclaimed by the owner during this period shall be discarded.

C. Sign Area Calculation

1. The sign area shall be calculated as the area within the smallest regular geometric shape or combination of shapes which encompasses all the display elements (letters, numbers, figures, characters, corporate logos, etc.) of the sign, including blank areas between display elements, but not including structural elements or any part outside of the sign area. The area of the sign shall include all changing copy features such as letterboards or light boards.
2. Murals and other artwork will not be calculated towards allowable sign area to the extent it does not contain text, registered corporate logos, or other symbols that advertise the particular use, business, product or service rendered on the premises.
3. For irregularly shaped signs, the sign area shall be calculated as 80 percent of the area within the smallest regular geometric shape or combination of shapes which

encompasses all the display elements (letters, numbers, figures, characters, corporate logos, etc.) of the sign, including blank areas between display elements, but not including structural elements or any part outside of the sign area.

4. In the case of two-sided or multisided signs with the same face on each side, only one face shall count toward the total aggregate area so long as:

   a. With respect to multisided signs the angle of separation from the connection point cannot exceed 90 degrees.

   b. With respect to a double-faced (back-to-back) sign, there can be no separation between the backs of each face of the sign other than the structural supports to which each sign face is attached.

D. Illumination

1. No illuminated sign may exceed 10 candlepower per square foot, as measured 10 feet from the sign, and must shield lights from direct view.
2. A sign may be lighted internally or externally, but illumination shall be shielded or indirect to prevent glare, reflection or shining onto any road or adjacent property.
3. A sign in any residential district may not be illuminated, except for a sign identifying a place open to the public, a sign giving the name of a subdivision or community identification sign, a sign erected in conjunction with an approved special exception, principally permitted land uses, or signs used in connection with essential services. Any sign permitted to be lighted may be lighted only indirectly in a manner that will prevent glare, reflection or shining onto any street or adjacent property.

E. Other Provisions

1. No sign of any type or classification, including exempt signs, shall be erected, altered or maintained in such location or position as to present any unfinished side toward adjacent property.
2. Other than primary building signs, no sign shall have a total height at any point greater than 20 feet above the crown of the adjoining right-of-way on which the parcel fronts. Where the parcel abuts more than one right-of-way, the highest shall control.
3. All nonprimary signs must be removed or otherwise prevented from becoming a potential projectile in the event that a tropical storm or hurricane warning has been issued in the county.
4. Individual handheld signs are permitted, provided it is done only on private property or, if on a public right-of-way, either on or beyond, when viewed from the road, designated pedestrian sidewalks and pathways.
5. All signs, except for vacant lots as provided for in this article, are considered accessory structures to a principle use and structure.
6. All signs must be maintained in good repair, acceptable appearance and substantially similar to their original condition.

~~6.2.4~~6.1.4 Non-Residential Signage

A. General Provisions

1. Any Unit containing a legal non-residential use is entitled to a Sign Allocation as provided in this Article. Such allocation may be divided by the Unit's owner between Primary and Additional signage in any manner they see fit. However, in no case shall the signage of a Unit exceed its allocation.
2. In the event that one or more contiguous Units are engaged in a single commercial enterprise, the individual Units will be treated as a single unified Unit under the terms of this Article. For the purposes of this Article, separate commercial enterprises are those which maintain separate financial records, capital, property, and personnel.
3. Each Unit is permitted one freestanding Primary sign per right-of-way frontage not to exceed 150 square feet. Where the size and shape of the Unit would permit

additional freestanding Primary signs along other right-of-way frontages, such signs may not be located within 100 feet of another on the same Unit.

4. Additional Primary signs, utilized for directional and wayfinding purposes only, such as "drive-thru" signs, are permissible provided they do not exceed four square feet.
5. Except for directional signs, all freestanding Primary signs are required to display the street number of the Unit, with the numbers being not less than eight inches in height.
6. There are no setback requirements for signs, provided no portion of any sign shall extend beyond a private property line or into a Sight Triangle.
7. Each Unit is permitted an unlimited number of Primary building signs within the Unit's sign allocation provided that no individual building sign may exceed 300 square feet.
8. Primary building signs shall not be located above the upper line of the parapet or the peak of the pitched roof. For purposes of this Article, height shall be measured on a vertical line from the sign to the parapet or peak from each point along the top of the sign. Roof ornaments (such as domes, cupolas, steeples, and roof decks and rails) shall not be used in the calculation of sign heights.
9. No portion of any sign, including frames or supporting structures, shall be less than eight feet above a walkway or sidewalk or 13 feet above a driveway or alley.
10. No single item of Additional Signage, excluding window signage, may exceed 32 square feet.
11. Primary signs may have either digital or mechanical changeable copy, provided the message is not animated and that the message remains static for a minimum of 15 seconds between cycles.
12. Vacant Units are limited to three Additional Signs provided their aggregate square footage does not exceed 32 square feet.
13. In multi-tenant commercial properties each individual storefront unit shall be treated similar to any Unit as defined herein, provided that multi-tenant parcels shall not be entitled to more than one freestanding Primary sign per right-of-way.

B. Calculation of Sign Allocation

1. Each Unit is entitled to an allocation of signage based on the greater of the Unit's right-of-way or building frontage, calculated at a rate of three square feet per linear foot of frontage.
2. Each Unit shall be entitled to a minimum of 200 square feet of signage and no Unit may exceed 750 square feet of signage.
3. For multi-tenant structures, each individual Unit as defined herein is entitled to its own allocation separate and apart from any allocation for commonly owned property.

C. Non-Commercial Messages Permitted in Substitution

1. No sign shall be subject to any limitation based upon the content of the message contained on such sign or displayed on such sign structure.
2. Whenever this Article permits the erection of signs for commercial purposes or for the identification of the property on which the sign is located, the sign owner may substitute a non-commercial message in lieu of the message otherwise permitted.
3. The right to substitute the non-commercial message does not waive any other requirement imposed by the County as to number, size, construction, location, lighting, obscenity, safety or any other regulated attribute.
4. The right created by this subsection is one of substitution and not one of addition and may be performed as frequently as desired by the owner of the sign provided all other requirements of this Article are met.

D. Sign Classes

1.

Type	Definition

Type	Definition
Freestanding 	Signs that are not attached to another building or structure. Generally, these signs include pole signs, pylon signs, or monument signs.
Primary - Building 	Signs that are attached to another building or structure. Generally, these signs include wall signs, canopy signs, awning signs, marquee signs, projecting signs, and other types of signs that are not freestanding.
Additional Signage	Signs that are temporary in nature, do not require a building permit, are non-electrified, and can be removed in the event of a hurricane. Generally, these signs include window signs, flags, banners, streamers, and yard signs.

2. **Form Allowed By Location**

On-Premise Signs		Off-Premise Signs	
Freestanding	Building	Freestanding	Building
Monument	Awning	Monument	Wall

Pole	Canopy Marquee Projecting Wall Window	Pole	

~~6.2.5~~6.1.5 Residential Signage

A. Every single-family residential parcel is permitted two freestanding yard signs provided they are located on private property and do not exceed four square feet in area individually or one sign up to six square feet. Such yard signs must be temporary in nature and shall be removed 15 days after their purpose has been fulfilled. Examples include, but are not limited to, signs advertising the particular parcel for sale or lease, denoting the building contractor or architect of a structure on the parcel, advertising garage sales, free expression, and special event signs.

B. Every residential parcel is entitled to three freestanding flags, not to exceed 24 square feet individually.

C. Multi-family residential parcels shall be treated as a single Unit under this Article; however individual residential dwelling units in a multi-family complex are entitled to two temporary window signs each not to exceed four square feet in area individually which shall be removed 15 days after their purpose has been fulfilled.

D. Community signs, such as those at the entrance to a subdivision or multi-family complex are permitted provided they do not exceed 40 square feet and are monument signs.

E. No residential signage is permitted to be internally illuminated or backlit.

F. Vacant properties zoned multi-family are limited to three Additional Signs, as defined in this Article, provided their aggregate square footage does not exceed 32 square feet.

~~6.2.6~~6.1.6 Variances

The Board of Zoning Appeals may grant a variance to the size and height limitations of this Article or to exceed the number of signs permitted by this Article, provided that all of the following conditions are found to exist:

A. That the characteristics unique to the parcel of land on which the sign(s) are to be located would render the visibility of the sign on that parcel significantly less than that enjoyed by similarly situated parcels.

B. That the request would not create a visibility hazard to adjoining parcels or the traveling public.

C. The height of the sign(s) would not exceed 40 feet.

~~6.2.7~~6.1.7 Prohibited Signs

It shall be unlawful for any person to construct, maintain or permit the following signs:

A. Any sign prohibited by State or Federal law.

B. Any sign creating a traffic hazard by obstructing vision in any Sight Triangle.

C. Any sign preventing free ingress or egress from any door, window, fire escape or other entrance or exit to any building, or any sign attached to a standpipe or fire escape.

D. Any sign that is obscene, such as a sign depicting nudity or sexual conduct.

E. Any sign that constitutes a public nuisance, such as signs that produce a hazardous amount of glare, advertise an illegal activity, or convey false information, or lead the public into errors of conduct, thought or judgment, especially by intentionally deceiving.

F. Any sign that emits a sound, smell, or smoke.

G. Any sign that has been abandoned, unless the sign panel within the abandoned sign structure has been removed and replaced with a sign panel of neutral color containing no message.

H. Any sign designed with mechanized or electronic changeable copy to display more than one image on an ongoing basis where any information flashes, fades, dissolves, or scrolls, or signs that move or create the illusion of movement, or signs that are or appear to be animated or projected.

I. Any sign affixed to a tree or utility pole.

J. Portable signs which are manifestly designed to be transported as a trailer is transported, on its own wheels even where the wheels may be removed and the remaining chassis may be permanently attached to the ground.

~~6.2.8~~6.1.8 Signs Exempt from Permits

The following signs shall be exempt from the permit requirements and also from any permit or inspection fees. All other provisions of this Article shall apply.

A. Signs required by law (legal notices, traffic control signage, warning signs, etc.).

B. Holiday decorations on residential properties.

C. Signage authorized under a temporary event permit, provided that such signage does not exceed 40 square feet. Any signage over 40 square feet must be available under the Unit's Sign Allocation.

D. Temporary signage used for elections, provided said signs are subject to the following restrictions. For the purpose of this Article, election signs mean signs related to candidates for public office or measures on election ballots.

1. Said signs shall be erected not earlier that 45 days prior to the primary election day and shall be removed within 15 days after the earliest of the following events:
   - **a.** Withdrawal of the candidate or measure.
   - **b.** The candidate or measure having been eliminated as a candidate or measure.
   - **c.** The date of the general election.
2. Only one sign per candidate or measure is permitted on any one lot, parcel or tract of land. No election sign shall exceed 32 square feet in area or six feet in height. Said sign shall not be erected in such a manner as to constitute a roof sign.
3. Pursuant to Chapter 106.1435(3), F.S., as amended, no such sign shall be erected, posted, painted, tacked, nailed or otherwise displayed, placed or located within, on or above any State or County right-of-way. Upon a determination by the County that a violation of this restriction exists at one or more locations, the signs may be immediately removed or be caused to be removed by the County.
4. Upon a determination by the County of any violation of this exemption, other than addressed above, the affected candidate or sign owner, if determinable, will be contacted and advised of the violation. The candidate or sign owner will have no more than 24 hours to remove the sign or cause the sign to comply with the requirements of this Article.
5. The affected candidate or sign owner, if determinable, will then be notified of said removal. Any election signs removed by the County shall be stored for five business days and will be returned upon payment of a removal and storage fee of $20 per sign. Election signs not picked up within this period shall be discarded.

E. Vehicle signs located on a truck, bus, trailer, taxi, or other vehicle which is being operated or parked on-site while in the course of business, provided:

1. The primary use of the vehicle is not for the purpose of advertisement, such as a delivery vehicle.
2. The vehicles must have a current license plate and be in operable condition, and shall only be parked in designated parking areas as defined by this Code.
3. The vehicle's signs must be painted on, attached by magnet, graphic wrap, window tinting, or by some other means incorporated into the vehicle in an aesthetic and safe manner.
4. Hanging banners, placing placards or signs inside the windows of vehicles, painting the windows of, or otherwise attaching signs to a vehicle in a manner which would endanger the driver's safety is prohibited, except where the vehicle itself is advertised for sale and the vehicle is not being driven regularly as a result.
5. In no case shall such vehicles be parked in rights-of-way or on publicly-owned land unless in the course of business and only for the duration of the actual business transaction which necessitated the temporary placement of the vehicle at that location.

~~6.2.9~~6.1.9 Master Sign Plan

A. Applicability

1. A master sign plan shall be required for the following types of development.
   - **a.** A nonresidential multi-building development with two or more buildings.
   - **b.** A nonresidential multi-tenant development with two or more tenants.
   - **c.** Any Planned Development that will include signs.
2. The Zoning Official shall review and approve or deny all master sign plans.

B. Master Sign Plan Contents

The Master Sign Plan is a document combining text descriptions of the physical properties of all signs and typical elevation graphics. The Master Sign Plan shall provide at least the following elements:

1. A designated review person for the project to whom all proposed signs must be submitted for internal review by any tenants prior to application for a County sign permit.
2. A section addressing the internal procedure each tenant must follow prior to application to the County for a sign permit. Written approval of the project's designated reviewer shall be required in order to receive any individual sign permit from the County issued under the Master Sign Plan.
3. A section addressing the process for approval of changes to the Master Sign Plan.
4. A statement that:

   "Any proposed sign by any tenant that creates a uniform change from the approved Master Sign Plan will require the applicant to obtain a statement from the property owner or manager's designated reviewer assessing the extent to which the variation is in keeping with the intent and goals of the Master Sign Plan, and the extent to which the change is acceptable to the property owner or manager."

C. Review Criteria

A Master Sign Plan shall not be approved until and unless the Zoning Official finds that:

1. The plan provides that signs of a similar type and function within the development will meet the following criteria.
   - **a.** The proposed signs provide a consistent shape or theme of shapes.
   - **b.** The proposed signs use a consistent style and type of illumination.

c. Any proposed building signs are mounted in a consistent location on the building.

2. The plan provides for signs that meet the size limitations, location requirements and other applicable requirements of this article; and

3. The plan provides for uniformity of proportions of tenant signs.

D. Amendments to Approved Master Sign Plans

1. After approval of a Master Sign Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan or provided that the plan is amended.

2. All amendments to Master Sign Plans shall be reviewed and approved or denied by the Zoning Official.

E. Applications for Sign Permits under a Master Sign Plan

Sign Permit applications may be submitted individually by building or development tenants, but shall be accompanied by a statement from the designated review person stating that the sign is consistent with the Master Sign Plan.

~~Article 6.3~~Article 6.2 Street Furniture

~~6.3.1~~6.2.1 Intent

The intent and purpose of this Article is to establish conditions and requirements under which street furniture may be allowed.

~~6.3.2~~6.2.2 Applicability

Street Furniture is any object not associated with Sidewalk Seating that is placed in the public right-of-way.

~~6.3.3~~6.2.3 Types of Street Furniture

Street Furniture may consist of benches, bicycle racks, bus stop shelters, waste receptacles, street planters for trees or other vegetation, or any other item placed upon the sidewalk within the public-right-of way.

~~6.3.4~~6.2.4 Construction

All Street Furniture shall be safe and sturdy and shall be maintained in good repair.

~~6.3.5~~6.2.5 Location

The location of Street Furniture shall be approved by the County Engineer.

~~6.3.6~~6.2.6 Signage

Signage of any type is prohibited on Street Furniture.

~~6.3.7~~6.2.7 Maintenance

The installer of the Street Furniture shall be solely responsible for maintaining it in a clean and sanitary condition and ensuring that the Street Furniture does not become a hazard to pedestrians, bicyclists, and motorists.

~~Article 6.4~~Article 6.3 Industrial Performance Standards

~~6.4.1~~6.3.1 Generally

In addition to standards imposed by other governmental authorities, the standards in this Article shall apply to industrial uses.

~~6.4.2~~6.3.2 Radioactive Emission

A. There shall be no radiation emitted from materials or byproducts that creates a dangerous level of radioactivity at any point.

B. Radiation emission shall not exceed those levels established as safe by the United States Bureau of Standards.

C. The storage or disposal of radioactive waste is prohibited.

~~6.4.3~~6.3.3 Electromagnetic Interference

A. No source of electromagnetic radiation may operate for any purpose unless it complies with the applicable regulations of the Federal Communications Commission. Further, operations in compliance with Federal Communications Commission regulations shall be unlawful if such radiation causes an abnormal degradation in the performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious-radiation, harmonic content, modulation, or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" shall be made in accordance with good engineering practices as defined in the principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers and the Radio Manufacturers' Association. In case of any conflict between the standards and principles of the above-named groups, the following priority of interpretation shall apply:

1. American Institute of Electrical Engineers.
2. Institute of Radio Engineers.
3. Radio Manufacturers' Association.

B. No person shall operate or maintain any source of electromagnetic energy exceeding 1,000 watts of effective radiated power without a permit.

~~6.4.4~~6.3.4 Smoke, Dust, and Dirt

A. The emission of visible smoke, dust, dirt, fly ash, or any particulate matter from any pipes, air vents, or from any other source into the air shall meet State and Federal standards.

B. Fuels shall be smokeless or shall prevent emission of fly ash or cinders into the air.

~~6.4.5~~6.3.5 Fumes, Vapors, and Gases

No fumes, vapors, or gases of a noxious, toxic, or corrosive nature which cause danger to humans, animals, vegetation, or any form of property may be emitted.

~~6.4.6~~6.3.6 Sewage and Industrial Waste

A. No liquid or solid waste may be discharged into any sewage disposal system in a manner which shall overload such system or create detrimental effects in the flow and treatment of sewage.

B. No industrial waste may be discharged into any sewage disposal system, waterbody, or into the ground.

C. No solid waste shall be accumulated so as to be conducive to the breeding of vermin.

D. The storage and disposal of industrial waste shall be consistent with the Solid Waste Siting provisions of this Code.

~~6.4.7~~6.3.7 Measurement of Emissions

Measurement of emissions shall be taken at the property line on which the principal use is located.

A. Vibration

There shall be no perceptible earth vibration. All stamping machines, punch presses, press brakes, hot forges, steam board hammers or similar devices shall be placed on shock-absorbing mountings and on suitable reinforced concrete footings. No machine shall be loaded beyond the capacity prescribed by the manufacturer.

B. Noise

The permitted level of noise or sound emission shall not exceed the values in any octave band of frequency in the following table. Sound pressure levels shall be measured with a sound level meter and an octave band analyzer that conform to the specifications published by the American Standards Association.

Maximum Sound Pressure Level in Decibels		
Cycles per sound	**Light Industrial Use**	**Heavy Industrial Use**
Below 75	0.0	1.0
75 – 150	2.0	10.0
150 – 300	0.2	1.0
300 – 600	1.0	5.0
600 – 1,200	0.2	1.5
1,200 – 2,400	0.2	1.0
4,800 – over	0.2	3.0

C. Odor

No odorous gases or other odorous matter may be emitted in such quantities as to be offensive at the points of measurement. Any process which may involve the creation or emission of any such odor shall be provided with both a primary and secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system. Chapter 5, Air Pollution Abatement Manual, copyright 1951, published by Manufacturing Chemists, Inc., or any subsequent amendments or revisions thereto, is hereby incorporated in this Section as a guide in determining quantities of offensive odors.

D. Glare

No direct or sky-reflected glare, whether from floodlights, high temperature processing, combustion, welding or other source of high intensity lighting, shall be visible at the points of measurement.

~~Chapter 7. ADDITIONAL REVIEW CRITERIA~~

~~Article 7.1 General~~

~~Article 7.2 Traffic Impact Statement~~

~~Standards being developed~~

~~Article 7.3 Concurrency Management~~

~~7.3.1 Purpose and Intent~~

~~The purpose and intent of this Article is to ensure that adequate public facilities and services are available concurrent with the impacts of development.~~

~~7.3.2 Applicability~~

~~Concurrency review shall be conducted on all Developments of Regional Impact and all development that requires Site Plan Review. Any modification or extension of a final development order shall require an updated concurrency review.~~

~~7.3.3 Exemptions from Concurrency~~

~~A. School Concurrency~~

~~The following forms of development are exempt from Public School Facilities concurrency only:~~

~~1. Any development calculated to generate less than one student.~~

~~2. Any development subject to a restrictive covenant limiting the age of residents to 18 years and older.~~

~~3. Development that has been authorized as a DRI pursuant to Chapter 380, F.S., as of July 1, 2005, except that any Notice of Proposed Change, or application of an exchange (equivalency matrix) that increases residential density shall be subject to review for school concurrency at the time of the Notice of Proposed Change.~~

~~B. Other Concurrency~~

~~Development may be exempt from concurrency for other public facilities if it is established that the site has vested rights, determined through the Determination of Vested Rights provisions of this Code.~~

~~7.3.4 LOS Standards~~

~~Levels of service (LOS) shall be maintained for seven categories of public infrastructure, as detailed below. No development order shall be issued if such development would result in a reduction in the level of service below the adopted LOS standards.~~

~~A. Transportation Facilities~~

~~1. Arterial Roads~~

~~Level of Service D.~~

~~2. Collector Roads~~

~~Level of Service D.~~

~~3. Florida Intrastate Highway System (FIHS), Strategic Intermodal System (SIS), or Transportation Regional Incentive Program (TRIP) Funded Roads~~

~~a. Within the Urban or Transitioning Area~~

~~Level of Service C.~~

~~b. Within the Rural Area~~

~~Level of Service B.~~

~~B. Potable Water Service Facilities~~

~~225 gallons per day per Equivalent Residential Connection (ERC).~~

~~C. Sanitary Sewer Service Facilities~~

~~190 gallons per day per ERC.~~

~~D. Public School Facilities~~

~~1. Elementary Schools~~

~~95 percent of Florida Inventory of School Houses (FISH) capacity.~~

~~2. Middle Schools~~

~~100 percent of FISH capacity.~~

~~3. High Schools~~

~~100 percent of FISH capacity.~~

~~E. Solid Waste Facilities~~

~~1. Solid Waste Disposal~~

~~5.0 pounds per day per permanent resident.~~

~~2. Recycling~~

~~2.2 pounds per day per permanent resident.~~

~~F. Stormwater Management Facilities~~

~~1. Flooding~~

~~a. New Arterial Roads~~

~~Flood-free during a 100-year rainfall event~~

~~b. New and Improved Collector Roads~~

~~Not less than one lane in each direction shall be above the design high-water elevation from a 25-year, 24-hour rainfall event~~

~~c. New Local Roads~~

~~Pavement center line shall be at or above the design high-water elevation from a 5-year, 24-hour rainfall event~~

~~d. New Parking Facilities~~

~~Facility shall have a maximum temporary detention depth of 9.0 inches~~

~~e. Other New Development~~

~~Developments shall manage a 25-year, 24-hour rainfall event distributed in accordance with methodologies approved by the appropriate WMD by either providing individual on-site facilities or a central facility or facilities.~~

~~2. Water Quality~~

~~a. No discharge from any stormwater management facility shall cause or contribute to a violation of water quality standards in waters of the State as provided for in Federal law, State statute, or County ordinance. Water quality LOS shall be set consistent with the protection of health, safety, and welfare and natural resources functions and values.~~

~~1) All stormwater systems for new development and redevelopment shall include features to minimize pollution from oil, suspended solids, nutrients, and other objectionable materials prior to discharge into natural systems. Such features shall be designed to treat the runoff resulting from the first one inch of rainfall or the first 1.5 inches in the case of projects discharging into an Outstanding Florida Water body. Stormwater systems shall include additional measures to reduce floating and suspended solids to a minimum. Higher design criteria for water treatment shall apply if such criteria are necessary to meet and maintain the LOS or to protect water bodies (such as potable surface waters, impaired waters, or Outstanding Florida Waters) which require higher levels of protection. The higher design criteria shall be based on a~~

~~treatment system which treats 1.5 times the volume required for the selected treatment system or equivalent.~~

~~2) New development and redevelopment shall provide mitigation measures and best management practices to control pollutants specific to the pollutant characteristics of the proposed land use consisting of such measures and practices that have been shown to be effective in controlling the specific pollutants characteristic of the type of new development.~~

~~3) Mitigation measures and best management practices relating to drainage shall be taken during construction activities to ensure that water quality is not degraded during the land clearing and construction or development. No cutting, clearing, grading, or filling shall be accomplished on any site under development unless appropriate devices have been installed to minimize pollution from objectionable materials, to control erosion, and to remove sediment from surface water runoff. Appropriate techniques shall also be used to stabilize and revegetate disturbed land upon completion of the project.~~

~~b. New and existing industrial activities (as defined in the National Pollutant Discharge Elimination System regulations for stormwater) shall develop and implement a Storm Water Pollution Prevention Plan (SW3P) for such activity as required by any FDEP permit process.~~

~~7.3.5 Concurrency Review~~

~~A. Concurrency Review Timing~~

~~1. All Developments of Regional Impact shall undergo concurrency review during review of the Master or Incremental Development Orders.~~

~~2. All other development shall undergo concurrency review as part of the Site Plan Review procedure as established by this Code. A preliminary concurrency review shall occur at Preliminary Site Plan Review and final concurrency review shall occur at Final Site Plan Review.~~

~~B. Standards~~

~~For a development to be found in compliance with concurrency, it must be established that LOS standards will be met for all impacted public infrastructure. Compliance will be established if one of the following conditions applies:~~

~~1. The necessary infrastructure is in place.~~

~~2. The necessary infrastructure is under construction.~~

~~3. The necessary infrastructure will be constructed or the development impacts will be mitigated as part of a development agreement developed pursuant to Chapter 163, F.S.~~

~~4. For stormwater management facilities only, the necessary infrastructure meets State and Federal standards.~~

~~C. Concurrency Determination~~

~~1. Determination~~

~~When concurrency evaluation has been completed, a decision shall be made as to whether a proposed development meets concurrency.~~

~~a. If a development meets concurrency, a final development order may be issued, provided that the development meets all applicable requirements of this Code and of the Florida Building Code.~~

~~b. If a development does not meet concurrency, it shall be denied and no final development order shall be issued.~~

~~2. Mitigation~~

~~A development that fails to meet concurrency due to insufficient capacity in one or more categories of public infrastructure may mitigate the lack of concurrency through a development agreement developed pursuant to Chapter 163, F.S., using one or more of the following methods:~~

~~a. Construction of new or additional public infrastructure.~~

~~b. Proportionate fair share contribution paid to the department, agency, or organization responsible for operating and maintaining the affected public infrastructure in an amount sufficient to pay for the construction of new or additional public infrastructure to absorb the increased demand produced by the proposed development.~~

~~c. Any other form of mitigation deemed appropriate by the department, agency, or organization responsible for operating and maintaining the affected public infrastructure.~~

~~D. Period of Validity~~

~~A determination of concurrency shall be valid for the life of the final development order. Upon expiration of the final development order, a determination of concurrency shall also expire.~~

~~7.3.6 Concurrency Tracking~~

~~A. General~~

~~To maintain accurate information regarding the ability of infrastructure providers to meet demand from propsed development, the County shall track baseline, committed, reserved, and available capacity for all categories of public infrastructure subject to concurrency review.~~

~~B. Capacity Calculation~~

~~1. Baseline Capacity~~

~~Baseline capacity shall be calculated by considering the permitted capacity of the public infrastructure and additing any future capacity increases through projects included in the first three years of the most recently adopted 5-Year Capital Improvements Plan.~~

~~2. Committed Capacity~~

~~Committed capacity shall be calculated by considering the annual average daily demand upon the public infrastructure.~~

~~3. Reserved Capacity~~

~~Reserved capacity shall be calculated by considering the amount of capacity of the public infrastructure that has been reserved in advance of approval of any final development order, in accordance with the provisions of this Article.~~

~~4. Available Capacity~~

~~Available capacity shall be calculated by subtracting the committed capacity and the reserved capacity from the baseline capacity of the public infrastructure.~~

~~C. Capacity Reservation~~

~~1. Any department, agency, or organization that operates and maintains public infrastructure subject to concurrency review may reserve available capacity prior to approval of a final development order. This reservation shall be done in a manner deemed appropriate by the operator of the public infrastructure.~~

~~2. Whenever available capacity of public infrastructure has been reserved, the department, agency, or organization that operates and maintains the affected public infrastructure shall notify the County of this reservation, in writing, so that the reservation may be properly taken into account during concurrency tracking.~~

~~3. When any development applies for a final development order with the intention of using reserved capacity to meet concurrency, the application shall be accompanied by written authorization to use reserved capacity from the department, agency, or organization that operates and maintains the affected public infrastructure.~~

~~Article 7.4 Archaeological and Historical Resource Review~~

~~7.4.1 Purpose~~

~~The purpose and intent of this Article is to identify sites that may contain archaeological and historical resources so that encourage the preservation of historic resources within the County by requiring added review when such a resource undergoes or may be impacted by development.~~

~~7.4.2 Applicability~~

~~Historical preservation review shall be conducted on all historic resources listed on the National Register of Historic Places, the Florida Master Site File List, any Local Historic Register, and any site designated as having a High or Medium probability of containing archaeological resources according to the County's Archaeological Predictive Model when those sites are included in any application for development.~~

~~7.4.3 Historic Preservation Review~~

~~**A.** Historic Preservation Report~~

~~Upon the completion of historic preservation review, a report shall be issued detailing the findings and conclusions of the review, and making recommendations for preserving the affected historic resources. Such report shall not be binding.~~

~~**B.** Period of Validity~~

~~A historic preservation report shall be valid for the life of the final development order, including any extensions that may be granted. Upon expiration of the final development order, a historic preservation report shall also expire. A re-application for development approval shall require a new historic preservation review.~~

~~Article 7.5~~Article 6.4 Transfer of Density Units

~~7.5.1~~6.4.1 Intent

The intent and purpose of this Article is to provide a mechanism to increase density in areas targeted for development by transferring density from areas inappropriate for development.

~~7.5.2~~6.4.2 Applicability

A. This Article shall apply within the unincorporated areas of Charlotte County.

B. This Article shall not apply within the City of Punta Gorda boundaries as they existed on July 15, 2004. This Article shall apply to areas annexed to the City of Punta Gorda after July 15, 2004 or to any new municipality incorporated within Charlotte County.

~~7.5.3~~6.4.3 Determination of Base Density

Base Density is the maximum number of units that may be developed on a lot given the method of calculation defined in the Comprehensive Plan. The items below modify the calculation of Base Density for a Sending Zone.

A. Base Density shall not include units that have been sold, transferred, or limited by easements, deed restrictions, equitable servitudes, restrictive covenants, special exceptions, existing development, this Code, or similar measures.

B. Base Density for property designated as a Wildlife Corridor Critical Linkage, depicted on FLUM Series Map #22, and as Agriculture or Burnt Store Limited Development on the Future Land Use Map is one unit per five acres, gross.

C. Base Density for property designated as a Wildlife Corridor Critical Linkage, depicted on FLUM Series Map #22, and as Rural Estate Residential on the Future Land Use Map is two units per five acres, gross.

~~7.5.4~~6.4.4 Sending Zone

A. Criteria

In order for property to qualify as an SZ, the proposed SZ must contain at least one Density Unit and it must comply with one of the following criteria:

1. The proposed SZ contains an environmentally sensitive resource.
2. The proposed SZ contains an historic or archeological resource.
3. The proposed SZ is designated with a Resource Conservation or Preservation Future Land Use Map category.
4. The proposed SZ is located within the one-half mile setback of the Shell and Prairie Creek Watershed Overlay District or within Tippen Bay or Long Island Marsh, as depicted on FLUM Series Map #4.
5. The proposed SZ is located within the Prime Aquifer Recharge Area, as depicted on FLUM Series Map #6.
6. The proposed SZ is located within a Public Water System Wellhead Protection Area, as depicted on FLUM Series Map #7.
7. The proposed SZ is located within the Coastal High Hazard Area, as depicted on FLUM Series Map #14.
8. The proposed SZ is designated as a Wildlife Corridor Critical Linkage, as depicted on FLUM Series Map #22.
9. The proposed SZ is located within a Managed Neighborhood, as depicted on FLUM Series Map #2.
10. The proposed SZ is located within the Rural Service Area, as depicted on FLUM Series Map #3, and contains a bona fide Agricultural Use or substandard platted lots.

B. Special Provisions

1. The more restrictive of the SZ criteria shall apply as the purpose for severing Density Units from a lot.
2. Density Units shall only be certified in whole units. A fractional unit shall not entitle the petitioner to an additional Density Unit.
3. An SZ may be used for mitigation or for relocation of protected plant or animal species, as such use or relocation may be allowed by Federal and State regulations, provided the terms of the Conservation Easement are satisfied.
4. Sending Zones qualifying under criteria A, 1 to 7 above, shall be placed under a Conservation Easement and no density shall be retained.
5. Sending Zones qualifying under criterion A, 8 above, shall be placed under a Conservation Easement, which may substitute, in part, as an agricultural easement when the property is under active agricultural use and it is intended that those uses will continue. The active agricultural uses may not be intensified or expanded. Any environmentally sensitive resources on the property must be protected. If the property owner choose not to manage any non-agricultural lands for wildlife, the County or appropriate State or non-profit agency shall be granted rights to manage those non-agricultural and non-residential portions of the property for wildlife as may be appropriate. No density shall be retained on the property except that one unit may be retained if in support of an active agricultural use.
6. Sending Zones qualifying under criterion A, 9 above, shall be placed under a Conservation Easement and no density shall be retained on the property except that owners of one acre of contiguous lots may retain one unit of density.
7. Sending Zones qualifying under criterion A, 10 above, shall be placed under a Conservation Easement, which may substitute, in part, as an agricultural easement when the property is under active agricultural use and it is intended that those uses will continue. Any environmentally sensitive resources must be protected. No density shall be retained on the property except that one unit of density per 30 acres of active agricultural use, up to a maximum of 5 units, may be retained in support of an active agricultural use. This density may only be used by the property owner, family members of the property owner, or a land manager.

~~7.5.5~~6.4.5 Receiving Zone

A. Criteria

In order for property to qualify as an RZ, the proposed RZ must comply with one of the following criteria and also not be prohibited as listed in D, 2 below:

1. It must be located within the Urban Service Area and designated as one of the following on FLUM Series Map #2.
   - **a.** Emerging Neighborhood.
   - **b.** Maturing Neighborhood.
   - **c.** Economic Corridors and Centers.
   - **d.** Revitalizing Neighborhood**.**
2. It must be located within the Rural Settlement Overlay District, as depicted on FLUM Series Map #8.
3. It must be located in the Rural Service Area and be designated as Rural Community Mixed Use on FLUM Series Map #1.

B. Prohibited Receiving Zones

Any property meeting any one of the criteria below shall be prohibited from being designated an RZ.

1. Property designated as Resource Conservation or Preservation on the Future Land Use Map.
2. Property containing environmentally sensitive resources or historical or archeological resources. If only a portion of the property contains these resources, that portion not containing the resources may receive density if it meets the criteria of an RZ. A Conservation Easement is required over the resource and a 100 foot undeveloped buffer. Historical resources to be integrated into a development do not need to be buffered.
3. Property within the Prime Aquifer Recharge Area, as depicted on FLUM Series Map #6.
4. Property within the one-half mile setback of the Shell and Prairie Creek Watershed Overlay District and within Tippen Bay or Long Island Marsh, as depicted on FLUM Series Map #4.
5. Property within a Public Systems Wellhead Protection Area, as depicted on FLUM Series Map #7.
6. Property on any barrier island.

C. Special Provisions

1. Receiving Zones in the Coastal High Hazard Area may only receive density from a Sending Zone also located within the Coastal High Hazard Area, subject to the following criteria:
   - **a.** Density from the Category 1 Hurricane Storm Surge Zone shall not be transferred into a Tropical Storm Surge zone.
   - **b.** Density from an AE flood zone shall not be transferred into a VE flood zone or be used for density in a building which is partially located within a VE flood zone.
   - **c.** No transfers of density from a less restrictive flood zone, i.e. lower FEMA flood elevation, to a more restrictive flood zone, i.e. higher FEMA flood elevation, may occur west of the Myakka River or west of Burnt Store Road and within the Burnt Store Area Overlay District, as depicted on FLUM Series Map #8.
   - **d.** Any property located within the Charlotte Harbor Community Redevelopment Area is permitted to receive density from any Sending Zone located within the CHCRA or from any property located in any Coastal High Hazard Area throughout the County with no restrictions based on storm surge or flood zone designations
2. Receiving Zones in the Rural Service Area may only receive Certified Density from Sending Zones also located in the Rural Service Area.
3. Receiving Zones located west of the Myakka River may only receive Certified Density from Sending Zones located west of the Myakka River.

~~7.5.6~~6.4.6 Providing for County Ownership of Sending Zones

A. A petitioner may request that the County purchase or assume ownership, through donation, of an SZ. The request must be expressed during the pre-application meeting. The request will be reviewed by all necessary County departments, committees, and boards. The review will consider the costs and benefits associated with the acquisition.

B. If the County agrees to assume ownership, the petitioner is not required to supply a Conservation Easement.

~~7.5.7~~6.4.7 Conservation Easement Requirements

A. The easement shall be prepared by the County.

B. The easement shall contain such provisions as required by Chapter 704.06, F.S., except for allowing the retention of certain density units as applicable.

C. The easement shall be granted to the County, or jointly to the County and a State agency or non-profit environmental group, subject to County approval.

D. The form of each easement shall be reviewed by the County Attorney. Once the draft is approved, the easement shall be signed by the petitioner and held in escrow pending the approval of the CSZ.

~~Article 7.6~~Article 6.5 Earthmoving

Standards being developed

~~Erosion Control~~

~~Applicability~~

~~These standards shall apply to all construction projects in the County, regardless of size.~~

~~Design Requirements~~

~~All erosion control shall be consistent with Best Management Practices established in the latest editions of FDOT's **[Design Standards]** and FDEP's *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual*. In addition, the following standards shall apply:~~

- ~~Prior to any site disturbance, perimeter controls must be in place to control runoff and capture sediments.~~
- ~~Development sites adjacent to water bodies, or with direct connections to water bodies and which have the potential to cause discharge of eroded soil or sediment-laden discharge, shall implement additional BMPs.~~
- ~~A pre-construction site conference shall be required to review to on-site management of runoff including, but not limited to:~~
  - ~~Management of off-site runoff.~~
  - ~~Diversion swales.~~
  - ~~Construction sequencing.~~
  - ~~Construction entrances.~~
  - ~~Equipment washing.~~
  - ~~Storage of chemicals.~~
  - ~~Maintenance of perimeter controls.~~
- ~~Development sites that disturb one acre of land or more shall be required to obtain a National Pollutant Discharge Elimination System (NPDES) Construction Permit from FDEP prior to beginning construction activities.~~

~~Maintenance~~

~~The maintenance schedule for BMPs shall be no less than weekly, and immediately following all rainfall events of 0.5 inches or greater.~~

~~Turbidity Monitoring~~

~~The County Engineer may require turbidity monitoring for any construction activities with the potential to cause turbidity within adjacent or directly connected water bodies. If required, turbidity monitoring will be established in the permit approval.~~