

## CHAPTER 5

### DEVELOPMENT STANDARDS.

#### SECTION 5000. GENERAL STANDARDS.

**Subsection 5001. Establishment of Performance Standards.** Gadsden County is committed to the protection of the general health, safety and welfare of its citizens and visitors. Gadsden County is also committed to the implementation of the adopted Gadsden County Comprehensive Plan, 2001 by governing present and future land uses, their locations, densities, and intensities.

Implementation of the Comprehensive Plan is accomplished by adopting performance standards which provide detailed guidance on the development and redevelopment of land. Criteria are established to measure impacts from the development of parcels of land and their impacts to adjoining parcels and the County at-large. In order to protect neighboring parcels and Gadsden County from impacts associated with development, the following standards are hereby adopted.

All uses shall comply with the provisions of this Code, the standards contained herein and the policies of the adopted Comprehensive Plan. Such compliance is a precondition for the issuance of a Development Order (DO) and other permits required by this Code.

The individual subsections of this Chapter govern lot size, density, building placement and setbacks, bulk, dwelling unit type, floor area ratio (FAR), impervious surface ratios (ISR's), accessory uses, environmental and aesthetic impacts and impacts to public facilities and services.

(Ord. # 1996-005, 7-2-96; 2003-006, 8-19-03)

#### **Subsection 5002. Compatibility.**

A. Purpose. The purpose of this subsection is to provide guidance for administrative and/or legislative evaluation of proposals for new development, redevelopment and infill development. The purpose and intent of this subsection shall be implemented by following the provisions of other sections in the Land Development Code. The compatibility test outlined in this subsection is based upon objective indicators; therefore, compatibility assessment shall be given the same weight in Development Order approvals as specific development standards which follow in Sections 5100 through 5900 of this Code. As long as all the identified impacts are either avoided or mitigated by the owner/developer, the proposed development may be considered to be compatible by the governing body if so ruled.

B. Compatibility. Compatibility is defined as the ability to locate a new land use or development adjacent to existing land uses without inflicting negative impacts.

Compatibility of proposed projects is to be assessed. The identification of impacts from the new development on the surrounding properties shall be conducted by the applicant. Particular attention shall be paid to the impact of new development on residential uses and their resolution thereof. Type and Level of Service impacts due to traffic demands shall be addressed and mitigated upon resolution of potential land use conflicts, and upon other relevant factors to be determined on a case-by-case basis, compatibility shall be achieved.

1. Consistency with the adopted Future Land Use Map. The Future Land Use Map has been adopted as part of the Gadsden County Comprehensive Plan, 2001. The first step shall be to assess the compatibility of the proposed project with the Future Land Use Map. All development shall be consistent with the Future Land Use Map. Development shall be generally consistent with the surrounding uses, regardless of densities on the land use map.
2. Identification and resolution of potential land use conflicts. Typical land use conflicts between existing and proposed uses generally involve air, noise, stormwater runoff, access, safety, privacy and dwelling unit types. The extent which these conflicts are avoided or mitigated is a second criterion for compatibility determination.
3. Identification and mitigation of traffic impacts. Third and final, the applicant identifies and mitigates the impacts from the new development on the road system and surrounding development is the third and final criterion for determination of compatibility. Ideally, the project will be designed so additional traffic generated from the new development does not cause adverse impacts on the road system or surrounding development.
  - a) Resolution of conflicts. Land use conflicts to be resolved, avoided or mitigated are identified by asking a series of questions such as the following:
    - i. Will the proposed development's traffic create access and or safety problems for existing motorized, non-motorized and pedestrian movements and traffic?
    - ii. Will the proposed development create an unsightly view for existing development?
    - iii. Will the proposed development create noise not commonly found in adjacent residential areas?
    - iv. Will the proposed development create physical, environmental nuisances, such as glare, noxious odors or a loss of privacy for adjoining properties and development?
  - b) Should any of the criteria cause compatibility to be in question, avoidance or mitigation should be discussed, Table 5002 entitled, "Conflict and Mitigation Table," includes possible solutions to the criteria listed above.

C. Flexibility. Since the Land Development Code is written to allow flexibility and promote creativity in design, it is not appropriate to apply specific standards to every case. Strict application of the Code requirements may not always adequately mitigate the impacts of a proposed development. The County reserves the right to impose more stringent standards to ensure that a conflict is being mitigated. These additional standards shall be identified in a staff report during the final application submittal phase.

(NOTE: Table 5002 below does not represent all of the possible solutions available to a developer. The table is only intended to provide direction.)

**Table 5002 Conflict and Mitigation**

<b>Determination of Conflict</b>	<b>Proposed Mitigation</b>
Proposed development creates traffic access and/or safety problems.	<ol style="list-style-type: none"> <li>1. Improve road.</li> <li>2. Control access to road.</li> <li>3. Upgrade intersection.</li> <li>4. Proposed new road link.</li> </ol>
Proposed development creates unacceptable noise levels.	<ol style="list-style-type: none"> <li>1. Provide/construct barriers.</li> <li>2. Increase distance.</li> <li>3. Provide screening.</li> </ol>
Proposed development creates perceived unsightly view.	Screen view using natural or manmade materials. Increase distance between proposed building and existing development.
Proposed development creates glare.	Provide screening. Install fixtures that will minimize glare
Proposed development creates odors.	<ol style="list-style-type: none"> <li>1. Enclose odors.</li> <li>2. Provide greater distances.</li> </ol> Offer alternative pickup arrangements for sanitation.
Proposed development is incompatible	Develop parcel in a fashion compatible with adjacent uses. Increase buffer areas between uses. Increase landscaping adjacent to uses.

(Ord. # 1996-005, 7-2-96) (Ord. # 2003-006, 8-19-03)

### **Subsection 5003. Non-conforming Uses and Structures.**

A. Non-conforming Uses. Non-conforming uses may continue, subject to the following restrictions:

1. Public Hazard. The use must not constitute a threat to the general health, safety, or welfare of the public.
2. Expansions or extensions. Non-conforming uses shall not be expanded or enlarged or increased or extended.
3. Modifications of use. Non-conforming uses may be modified or altered in a manner which decreases the non-conformity, but may not be modified or altered in a way which increases the non-conformity. Once a non-conforming use or part thereof is decreased in non-conformity, the non-conformity may not be increased thereafter.
4. Abandonment or discontinuance. Where a non-conforming use is discontinued or abandoned for a period as described in parts (a) and (b) of 5003(A)(4) below, then prior to reoccupation any further use of the premises shall comply with the provisions of this Code.
  - a) Legal non-conforming residential uses which were in existence or usage prior to the adoption or amendment of this Code, may continue in perpetuity, or be replaced or reconstructed within two (2) years of the removal date or date of destruction, as long as yard setback, landscaping and buffering requirements are met.
  - b) Legal non-conforming non-residential uses which were in existence or usage prior to the adoption or amendment of this Code, may continue in perpetuity, or be replaced or reconstructed within three (3) years of the removal date or date of destruction, as long as yard setback, landscaping and buffering requirements are met.
5. Change of ownership. Change of ownership or other transfer of an interest in real property on which a non-conforming use is located shall not in and of itself terminate the non-conforming status of the premises.
6. Change in use. Should a non-conforming use be converted in whole or in part to a conforming use, that portion of the non-conforming use so converted shall lose its non-conforming status.

B. **Non-conforming Structures.** Non-conforming structures may remain in a non-conforming state subject to the following restrictions:

1. Public Hazard. The building or structure must not constitute a treat to the

general health, safety, or welfare of the public.

2. Expansion or Extensions. A non-conforming building or structure shall not be expanded or enlarged.
3. A non-conforming structure shall not be moved on the same lot unless the entire structure is moved to make the structure conforming to the requirements of this Code.
4. Abandonment or discontinuance. If a building or structure has not been actively occupied for a period as described in parts (a) and (b) of 5003(B)(5) below, then prior to reoccupation, the building or structure will be required to comply with the requirements of this Code, including but not limited to requirements relating to stormwater, height, density, intensity, setbacks, parking, open space, buffers, and landscaping. The time limitations of non-conforming structures is:
  - a) Legal non-conforming residential structures which were in existence or usage prior to the adoption or amendment of this Code, may continue in perpetuity, or be replaced or reconstructed within two (2) years of the removal date or date of destruction, within the building footprint in which they were previously located.
  - b) Legal non-conforming non-residential structures which were in existence or usage prior to the adoption or amendment of this Code, may continue in perpetuity, or be replaced or reconstructed within three (3) years of the removal date or date of destruction, within the building footprint in which they were previously located.
5. Conflict. In the event of conflict between the provisions of this section and other portions of this Code, then the provision of such other portion shall prevail.

C. **Non-conforming lots of record.** A legal non-conforming lot of record may be used and developed or redeveloped without compliance with the lot area, frontage, or lot width standards of this Code, as those exist, as long as:

1. No non-conforming lot of record may be subdivided into a smaller division of land.
2. All use restrictions and other development standards are met.

D. **Condemnation Relief.** It is the intent to provide relief to the owners of land affected by roadway condemnation by allowing a relaxation of requirement of land development regulations which are necessary for reasonable use of the property and to provide relief where, as a result of land acquisition for

condemnation purposes, non-conforming lots or parcels are created, existing structures are rendered non-conforming, available parking area reduced, stormwater area is effected, or use of property is otherwise curtailed.

1. Applicability. This is meant to be applied where strict enforcement of this Code would have the effect of increasing the cost of land acquisition to the condemning authority and/or causing hardship to the landowner.
2. Requirements. Existing use areas which are not within the part taken, but, because of the taking, do not comply with the setback, buffer, minimum lot requirements, lot coverage, stormwater management, parking, open space, and landscape provisions of this Code, shall not be required to be reconstructed to meet such requirements and the remainders shall be deemed thereafter to be conforming properties. The exemption thus created shall constitute a covenant of compliance running with the use of the land.
3. Relocation on Same Parcel. Any conforming building, vehicular use area, or other permitted use taken either totally or partially may be relocated on the remainder of the site without being required to comply with the setback and other provisions of this Code except that the relocated building, vehicular use area, or other permitted use shall be set back as far as is physically feasible without reducing the utility or use of the relocated building, vehicular use area, or other permitted use below its pre-taking utility or use. The exemption thus created shall constitute a covenant of compliance running with the land.
4. Restoration. Any properties in category (D)(2) or (D)(3) of this subsection which are thereafter destroyed, or partially destroyed, may be restored.
5. Determination of Dangerous Condition. As to the exemptions in subsections (D)(2) or (D)(3) of this section, either the condemning authority or the landowner of both of them, after proper notification to the land owner, may apply in writing to the Planning Official, or their designee, for a determination that the granting of the exemption will not result in a condition dangerous to the health, safety, or welfare of the general public. The Planning Official or designee shall, within 30 days of the filing of the application, determine whether or not the waiver of the setback requirement granted by this section will endanger the health, safety, or welfare of the general public. If the Planning Official or designee determines that the granting of the exemption under this section will not constitute a danger to the health, safety, or welfare of the general public, the Planning Official or designee shall issue a signed letter to all parties granting waivers. The letter shall specify the details of the waiver in a form recordable in the public records of the County. If the application is denied, the Planning Official or designee shall issue a signed letter to the applicant specifying the specific health or safety ground upon which the denial is based.

6. Permits or Variances Needed. Any development permits or variances necessary to relocate building, vehicular use areas, or permitted uses taken or partially taken can be applied for by the condemning authority and/or landowners and administratively granted for the property in question.
7. Status of Use. Any legally non-conforming existing land use which, as a result of the taking or reconstruction necessitated by the taking, would be required to conform shall continue to be a legally non-conforming land use.

E. **Exceptions.** The following exceptions shall apply to this Code:

1. The replacement of a residential manufactured or mobile home with a residential site-built or modular home shall be allowable regardless of other provisions of this Code, and without limit of time allowances.
2. Normal maintenance and incidental repair of a structure on a parcel where the use is non-conforming, or a non-conforming structure, shall be permitted.
3. Reconstruction of non-conforming structures or structures on a parcel where the use is non-conforming shall retain its non-conforming status unless the structure is substantially damaged. A structure shall be considered substantially damaged or destroyed if the cost of reconstruction or repair is fifty (50) percent or more of the fair market value of the structure at the time of the damage or destruction.
4. With exception to Subsection 5003(A)(1), Subsection 5003(A) shall not apply to those uses located on parcels of property designated "Historical" on the Future Land Use Map or Zoning Map.
5. The provisions of Subsection 5003(B) parts 3-5 shall not apply to those structures located on parcels of property designated "Historical" on the Future Land Use Map or Zoning Map.

F. **Proof of use.** One or more of the following examples of evidence shall be required to show proof of active occupancy of a non-conforming use or structure.

1. Utility service history.
2. Fire or insurance report of date of damage, in conjunction with appraised value of damage.
3. On-site septic disposal permit from the state Health Department.
4. History of electrical utility consumption.

(Ord. #2014-001, 05-06-14)

**SECTION 5100. RESIDENTIAL STANDARDS.** This section outlines standards applicable to residential land uses which govern lot area, building placement and dwelling unit type. Supplemental performance standards designed to prevent negative impacts not covered elsewhere in this Code are set forth in Subsection 5002 and for manufactured housing in Subsection 5106. Supplemental standards for residential infill development and Special Residential uses are established in Subsections 5104 and 5105, respectively. Subsection 5107 addresses fair housing. Standards for accessory dwelling units (ADUs) are established in Subsection 5108. For criteria and procedures regulating the subdivision of land, refer to Chapter 6.

(Ord. # 2003-006, 8-19-03; Ord. # 2023-06, 12-19-2023)

**Subsection 5101. Residential Uses.**

This subsection describes allowable dwelling unit types, requirements for lot area, density, building setbacks and other standards which apply to all residential uses in Gadsden County. The purpose of this Section is to encourage innovative design which preserves the character of the County, while at the same time providing for affordable housing. The development of any residential use shall be permitted only in full compliance with the following standards.

- A. Dwelling unit types. Dwelling unit types are defined in Subsection 2102 of this Code. Subject to supplemental standards in Subsections 5102, 5103 and 5104, any dwelling type or combination of dwelling unit types shall be allowed within Gadsden County on any parcel, when the structures can be so located in full compliance with the provisions of this Code and compatibility of adjacent uses can be achieved. The category of residential uses includes single-family dwellings, accessory dwelling units, multi-family dwellings in a variety of housing types, modular and manufactured housing, but specifically excludes recreational vehicles. (Recreational vehicles are permitted for residential use only in Recreational Vehicle Parks, subject to the requirements of this Code.) While a district may be designated for residential use, it does not follow that any housing type (single-family, apartment, townhouse, etc.) is allowed. Certain areas are limited to one or more housing types in order to preserve the established character of the area.
  - 1. Class I uses: Residential uses shall be considered Class I when developed in areas with Agriculture 1, Agriculture 2, Agriculture 3, Urban Service Area (USA) and Rural Residential land use designations on the Future Land Use Plan Map Series. Multi-family units (up to four units) are considered Class I when developed in USA or Commercial land use categories.
    - a) Single-family: A structure containing one (1) dwelling unit and not attached to any other dwelling unit.
    - b) Multifamily structure: Any residential building containing two (2) or more separate dwelling units. (This includes duplexes, homes with 'in-law'



suites, triplexes, and quadraplexes or 4 unit apartment buildings.)

c) Manufactured (Mobile) Home.

2. Class II Uses:

a) Subdivisions that create more than five lots (seven (7) lots for subdivisions restricted to site built homes) or that require dedication of a public road.

b) Multi-family developments of more than four (4) units.

c) Mobile Home Parks.

(Ord. # 1996-005, 7-2-96; Ord. # 2003-006, 8-19-03; Ord. #2006-020, 8-29-06; Ord. #2016-015, 11-15-2016; Ord. # 2023-06. 12-19-2023)

**Subsection 5102. Land Use Intensity.** The main measures of residential land use intensity are density, Open Space Ratio and Impervious Surface Area. Each deals with a particular aspect of intensity; and a combination of the two measures indicates a better calculation of intensity than does a single measure. Typically, density is a measure of residential development and open space ratio and impervious surface areas are measures of non-residential development.

A. Density. Residential density is expressed as the number of dwelling units per acre of land. Density in terms of dwelling units per acre may be used as a direct measure of the impact development has on the infrastructure.

To calculate density, divide number of dwelling units (DU's) by the net developable site area.

$$\frac{\# \text{ of DU's}}{\text{Net acres}} = \# \text{ DU's/AC}$$

For Urban Service Area and Rural Residential, the net developable area is the gross area of the tract or parcel less environmentally sensitive lands, (wetlands, steep slope areas, steep heads, flood prone areas). For Agricultural lands, divide DU's by gross acres.

1. Maximum allowable density: Maximum allowable density of dwelling units shall be that stated in the Future Land Use Element and Map of the Comprehensive Plan, unless the proposed residential development is eligible for density increases under the provisions of this Code. Residential densities may be developed at densities lower than the range given for the designated land use. Minimum lot sizes shall not be subservient to density calculations.

2. Density Calculations: In all cases, density shall be net density, unless otherwise approved for gross density calculations by the Department. Land

needed for drainage improvements, future public rights-of-way, parkland dedication, traffic circulation areas (including parking areas and paved driveways), recreation facilities is not subtracted from the total land available.

- B. Open Space Ratio. Open Space Ratio is the proportion of a development not occupied by private lots or dedicated to public rights-of-way or uses. Open space is left as a natural protection area; or it can be improved for recreational uses. When open space is improved for recreation, paved surfaces must be counted into the impervious surface ratio.

To calculate the Open Space Ratio, divide acres of public open space, by gross site area.

$$\frac{\text{\# of OS acres}}{\text{\# of Gross acres}} = \text{Open Space Ratio}$$

- C. Maximum Impervious Surface Area. Impervious surface area is a measure of development intensity that directly measures the amount of land in a development that is rendered impervious to the recharge of water to the aquifer. The effect is the amount of the development that directly contributes additional runoff that may require treatment by detention ponds and/or retention to reduce the increased rate of runoff from developments.

- D. Subdivisions vs. Site Developments. Subdivisions are required to provide ten percent (10%) open space, usually for recreation and greenways. Commercial subdivisions may relocate this area to rear yard or side yards for the purpose of *increasing* dissimilar use buffers. These areas shall be designated on the plat or site plan as conservation easements or managed buffers. Residential subdivisions shall provide at least fifty percent (50%) of the open space dedication in uplands areas that are suitable for recreation uses.

Site Developments are required to set aside ten percent (10%) open space for Class I and twenty percent (20%) open space for Class II developments. This requirement per lot is in addition to any lands set aside in the subdivision process.

- E. Density Bonuses. Residential developments may be granted bonuses of up to ten percent (10%) over base density for providing on site recreational amenities in addition to open space. The applicant shall apply for the density bonus at conceptual review, confirm minimum requirements at preliminary plan review, and confirm specific design criteria prior to Development Order. Amenities and infrastructure leveraged for additional density may be required to post bonds to ensure completion. All amenities shall be completed within one year of final plat approval. See Subsection 5203 for intensity measures for non-residential developments.

(Ord. # 1996-005, 7-2-96; Ord. # 2003-006, 8-19-03)

**Subsection 5103. General design standards.**

A. Lot area. Minimum lot sizes are established for all residential development and redevelopment, to ensure that new development will not exceed the maximum allowable residential density of the land use category in which the land is located. Minimum lot sizes are shown in Table 5103 below:

**Table 5103 Minimum Lot Size (Square Feet)**

Land Use Designation	Single Family (Not Clustered)	Single Family (Clustered)	Immediate Family Lot	Duplex	Multi-family
Urban Service Area	8,712	8,712	-----	17,424	8,712/DU
Rural Residential	43,530	21,780	-----	20,000	43,560/DU
Agriculture-1	217,780	87,120		-----	-----
Agriculture-2	435,600	174,240	43,560	-----	-----
Agriculture-3	871,200	217,800	43,560	-----	-----

DU= Dwelling Unit

B. Exceptions. Exceptions to minimum single family lot area are as follows:

1. An owner of a lot of record meeting the requirements of Chapter 6 of this Code.
2. The transfer of property to immediate family members (is allowable, provided that adequate public facilities with sufficient levels of service are available and other applicable requirements of the Comprehensive Plan for land development are satisfied. The eligibility, qualification and standards for immediate family exceptions are described in Section 6600. For the immediate family member parcel to be recognized as a legal lot, said immediate family must homestead the property.
3. When residential development is proposed, no lot shall have less than the minimum acreage for each individual dwelling unit, unless the development is a clustered residential development and contains sufficient land in common ownership to make up the per lot difference or is an approved immediate family parcel. (For example, a residential development in an Agriculture 2 land use category may consist of forty (40) acres, with four (4) units developed in a cluster design with twenty-four (24) acres of open space. The twenty-four (24) acres of open space must be dedicated as open space or recreation land and deeded as such

in restrictive covenants by a homeowners' association or on the face of the deed.)

4. A lot/parcel created prior to adoption of the Comprehensive Plan on November 26, 1991. No parcel created after adoption of the Comprehensive Plan on November 26, 1991 which contains/consist of less than the minimum required acreage in the land use designation, shall be eligible for development permits unless legally subdivided using the immediate family process or under judicial order.
- C. Multi-family Developments. A multi-family development with five (5) or less dwelling units may be located in the USA land use category, as a Class I development. All multi-family developments in the USA land use category shall use central water and wastewater systems. A residential density of 5:1 shall not be exceeded, unless bonuses are granted by the County. All developments requesting density bonuses shall be considered Class II development. All multi-family development with five (5) or more units must be located in a Commercial or Rural Residential or Urban Service Area land use category and be reviewed as Class II developments.
- D. Dwelling Unit Placement Regulations.
1. A site plan is required for residential placement permits on properties which are designated as Agriculture, Rural Residential and/or Urban Service Area. A site plan is a scaled drawing of your property. The site plan must include the following information:
    - a) North directional arrow.
    - b) Provide a copy of the Property Appraiser's plat book for the area.
    - c) Property boundary lines. If Agriculture properties, show impacted area. Impacted area shall be no less than one acre.
    - d) Location of all existing and proposed structures and their distances from the property line and each other.
    - e) Location of driveways, streets and utility and access easements.
    - f) Location of septic tank system.
    - g) Type and location of water system - well or public system.
    - h) Location of any fill activity.
    - i) Limits of clearing activity.

- j) Location of any grading activity.
  - k) If a Flood Letter is required, and said Flood Letter indicates any portion of the property is in a flood zone, show location of flood boundary line, the established benchmark and the required height of the finished floor of all structures.
  - l) Location of any on-site or nearby wetlands such as lakes, ponds, swamps, and marshes.
  - m) An arrow indicating the direction of any slopes.
  - n) Location of all natural or constructed water conveyance features, such as a ravine, ditch swale, culvert, canal or pond. Direction of stormwater flow.
  - o) Location of any special development restrictions (if any), such as easements, natural areas required undisturbed or land use buffers.
2. Legal Access. Legal access to each residential dwelling unit must be provided. This is your right to enter and exit your 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. If you cannot prove this right, you must obtain and record the property documents before your permit can be approved.
3. Setback regulations.
- a) Setback distance from property lines. Setbacks shall be measured at the narrowest space between the structure outside wall and the property line. Roof overhangs may extend into the setback area, but not beyond a property line.
  - b) Front setback. The minimum front setback from a dedicated, designated, or maintained road right of way shall be at least thirty-five feet (35'), or a minimum of sixty-five feet (65') from the center line of any road, whichever is greater. See Subsection 5203.
  - c) Side setback. The minimum side setbacks are as follows:
    - i. The minimum side setback from any side property line which abuts a street or road shall be at least twenty feet (20').

- ii. The minimum side setback from one side property line which does not abut a street or road shall be at least ten feet (10').
- iii. The minimum side setback from the second side property line which does not abut a street or road shall be at least fifteen feet (15'). Either setback may be over ten feet (10') but the total cannot be less than twenty-five feet (25').
- d) Rear setback. The minimum rear setback from the rear property line shall be at least ten (10') feet.
- e) Environmental Setbacks. The minimum setback adjacent to environmentally sensitive lands shall be at least fifty feet (50'). This requirement is for parcels of land developed for residential use after the adoption of the Comprehensive Plan.

E. Other applicable standards.

1. Residential subdivision: Both single and multi-family developments requiring the division of land and subsequent sale or lease of individual lots or units shall be subject to the land subdivision requirements in Chapter 6 of this Code.
2. Residential development in areas containing natural resources, as defined in Subsection 5400 of this Code, and in flood prone areas, as defined in the Gadsden County Code of Ordinances, § 42-31 through 42-85 is also subject to the standards found in those sections.
3. Developments of forty (40) acres or more requiring environmental reports that make a determination of the existence of species listed as Endangered, Threatened or Species of Special Concern shall provide protection and relocation measures based on accepted guidelines. Said guidelines for Best Management Practices shall be in accordance with policies promoted by the Florida Fish and Wildlife Conservation Commission, the U.S. Fish & Wildlife Service and the Florida Department of Environmental Protection.

(Ord. # 1996-005, 7-2-96) (Ord. # 2003-006, 8-19-03) (Ord. # 2007-002, 3-6-07)

**Subsection 5104. Residential Infill development.**

- A. Applicability. This subsection applies to residential developments platted prior to enactment of this Code which may have vacant platted or deeded lots. The intent is to provide for compatible construction of infill development. The County reserves the right to impose more stringent standards, if needed, to ensure compatibility with existing surrounding development.

1. Owners of individual parcels described and recorded by metes and bounds prior to November 26, 1991, or lots originally platted and recorded which contain less than the minimum area specified above for a single-family dwelling shall nevertheless be allowed to construct a single-family dwelling on that lot.
  2. The Future Land Use Map shall provide for vesting of properties and development approved at a higher density than shown on the Future Land Use Map; if the property was created prior to November 26, 1991 and is otherwise consistent with and furthers the intent of the adopted comprehensive plan goals, objectives and policies and future conditions maps pursuant to Section 163.3167, F.S., and all other applicable land development requirements.
  3. Mobile homes shall be prohibited in areas characterized by a predominance of site built residential homes. This characterization is established by seventy-five percent (75%) of occupied residential properties within 1/4 mile by connected roadways, being occupied, restricted to, or permitted for site built housing.
- B. Standards. The proposed dwelling unit(s) shall conform to the applicable land use regulations effective with the adoption of this Land Development Code. If recorded plats, approved master plans and or site plans or other documentation are available to provide information on previous standards, then such documentation may be used to determine applicable standards for the proposed infill development. These standards shall include, but not be limited to the following:
1. Minimum lot dimensions and area;
  2. Minimum building size, including gross floor area and height;
  3. Minimum yard setback on front, back and side;
  4. Restrictions on accessory uses, such as storage buildings or swimming pools;
  5. Off-Street Parking;
  6. Restrictions on dwelling unit type (single-family, duplex, etc.);
  7. Minimum ground floor elevation requirements;
  8. Stormwater management requirements;
  9. Dedication of easement; rights-of-way, open space or parkland;

10. Landscaping;
11. Sidewalk installation requirements;
12. Re-subdivision of lots in recorded or unrecorded subdivisions shall be reviewed as follows:
  - a) The Re-subdivision of lots within any recorded plat shall be subject to Planning Commission and Board of County Commission review as a Type II review application;
  - b) The Re-subdivision of a minor subdivision or Board approved but unrecorded subdivision, which results in the creation of seven or less lots, shall be subject to Planning Department review as a Type I review unless deed restricted to require such review as a Type II review. Previous minor or Board approved but unrecorded subdivisions with plat notes requiring Type II review shall be repealed by this provision.
  - c) The Re-subdivision of a minor subdivision or Board approved but unrecorded subdivision, which results in the creation of eight (8) or more lots which include the original minor or Board approved but unrecorded subdivision and the re-subdivision, shall be subject to review as a Type II review application.
13. Septic tank/drain field requirements;
14. Residential infill development that does not meet the general intent of the adopted Comprehensive Plan, shall not be permitted;
15. Replacement housing units will not be issued a certificate of occupancy until the existing housing structure is removed from the property;
16. Recreational vehicles shall not be permitted as a residential unit in any land use category or use other than in a bona fide Recreational Vehicle Park and shall require a special exception use permit. The length of stay in a permitted RV Park shall not exceed six (6) months.

(Ord. # 1996-005, 7-2-96; Ord. # 2003-006, 8-19-03; Ord. # 2006-020, 8-29-06)

#### **Subsection 5105. Supplemental Standards for Special Residential Uses.**

- A. Purpose. It is the purpose of this subsection of the Code to set forth standards for the protection of the health, safety and welfare of both County at large and the residents of a facility. These standards are supplementary regulations and are in addition to standards elsewhere in this Code. Facilities described in this subsection may also require State licensing or review. All licensing and regulatory requirements established by the appropriate State agencies shall be



met by residential care facilities.

- B. Special Residential Uses. Special Residential Uses are defined in Chapter 2, Definitions. Special Residential uses include, but are not limited to, Adult Congregate Living Facilities (ACLF), residential care facilities, emergency shelters, residential treatment facilities, recovery homes and nursing homes. These uses may be predominantly residential in nature while providing care to a small number of persons in a single-family home, or institutional type facilities, such as nursing homes, which provide care to larger numbers of residents or clients.
- C. Exemptions. § 419.001, F.S., entitled "Community Residential Homes," provides that a facility housing six (6) or fewer clients is the functional equivalent of a single-family home and is, therefore allowable in all land use categories without local government review or approval, subject only to applicable Florida Department of Health and Rehabilitative Services (HRS) standards and a minimum separation of one thousand (1,000) linear feet from any other such facility housing six (6) or fewer clients. Therefore, the following standards apply only to facilities licensed for seven (7) or more clients.
- D. Standards for Class I uses. Special Residential uses defined in this subsection shall be considered Class I when located in a category designated as URBAN SERVICE AREA (USA) and COMMERCIAL on the Future Land Use Map Series. General standards for these facilities are located in Section 5000 of this Code. Development standards which are contained in this Code which regulate building setbacks, placement, bulk, parking, stormwater management are also applicable to all Special Residential uses.
- E. Standards for Class II uses. Special Residential uses defined in this subsection shall be considered Class II when located in an area other than USA and COMMERCIAL on the Future Land Use Map Series. General standards for location in residential areas are in Section 5100; general standards for non-residential areas are in Section 5200. In addition to any general standards in Section 5000, the following standards shall apply.
  - 1. Special Multi-family developments that provide some congregate facilities. Special Multi-family residential that provides some congregate facilities with seven (7) to fourteen (14) clients may be allowed in the USA and COMMERCIAL land use categories provided the County Commission approves said development. Each facility must not be within one thousand and two hundred (1200) linear feet of a similar home or within five hundred feet of single family residential home. Distance shall be measured at the closest points from property line to property line.
  - 2. Facilities located in non-residential areas. Facilities located in non-residential areas must be designed in accordance with Section 5200 of this Code. In all

cases, a facility must provide all standards, as required by the Life Safety Code, NFPA, 101, current edition and/or the Standard Building Code, current edition, which ever is the most stringent.

(Ord. # 1996-005, 7-2-96; Ord. # 2003-006, 8-19-03)

**Subsection 5106. Manufactured/Mobile Home Park Standards.** This subsection allows for and regulates the development of manufactured/mobile home parks in Gadsden County.

- A. Park Standards. A manufactured/mobile home park, is defined in Chapter 2 of this Code. These parks are subject to administrative site plan review as a minor development order.
  - 1. Density: A manufactured/mobile home park may not exceed five units per acre.
  - 2. Lease Area: Minimum lease area shall be 7,000 square feet per unit.
  - 3. Minimum lease yard area: The minimum lease yard area shall be twenty (20) feet from any side of the unit.
  - 4. Setbacks from roads and exterior parcel lines: Any mobile home located within a park shall be located at least thirty-five (35) feet from any internal abutting street and have a minimum setback of twenty-five (25) feet from any exterior parcel boundary line.
  - 5. Setbacks from other units: The minimum setback between manufactured/mobile home units shall be as specified by the Florida Building Code, most recent version.
  - 6. Impervious Surface Area. No mobile home park shall exceed a 0.60 lot coverage.
- B. Manufactured/mobile home parks shall be served by central water and sanitary sewer systems, or an approved centralized septic system.
- C. Two paved off street parking areas per unit shall be provided.
- D. Common driveways or vehicular roadways shall not be used for parking vehicles.
- E. Hookups for water and sewer (or OSTDS), electrical service pole, and centralized solid waste disposal sites shall be provided for each unit.
- F. All parks shall have, at minimum, fifteen (15) feet in width of landscaped buffer to those contiguous parcels assigned a Historical, Recreation, Rural Residential, Urban, Neighborhood Commercial, or Commercial Future Land Use category.

- G. Parks shall have a minimum five (5) percent of the area dedicated to open space, which shall also be outside of any area reserved for a unit.
- H. Accessory structures: Accessory structures ancillary to the primary residential use may be permitted within the park parcel. Setbacks for accessory structures shall be a minimum of ten (10) feet from the exterior parcel boundary, and ten (10) feet from any structure.

(Ord # 2016-008, 6-7-16)

**Subsection 5107. Fair Housing.** The United States Fair Housing Act Amendments of 1988, Public Law 100-430 and the Gadsden County Fair Housing Ordinance, current edition, is hereby incorporated into this Code by reference.

(Ord. # 1996-005, 7-2-96)

**Subsection 5108. Accessory Dwelling Units.**

- A. Accessory Dwelling Unit Defined. An accessory dwelling unit (ADU) is a site-built secondary residential dwelling unit constructed on the same parcel as a primary residential dwelling unit. The ADU must be incidental and subordinate to the primary residential dwelling unit.
- B. General Requirements.
  - 1. Accessory dwelling units (ADU) are allowed in single-family residential land use categories that allow accessory dwelling units; provided the ADU and the principal residential unit are owned by the same owner at all times, the ADU must have a separate E-911 address, and the ADU is incidental to an owner occupied principal residential unit.
  - 2. Prior to constructing an ADU, the property owner must own at minimum one upland acre under one parcel ID number. The construction or existence of an accessory dwelling unit (ADU) shall be allowable by right regardless of the allowable density in which the parcel is located. Prior to the development of ADUs, ADU applications must be obtained from the Growth Management Department, and the final inspection must occur prior to the issuance of the certificate of occupancy.
  - 3. Pursuant to Section 163.31771 (4), F.S., an application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which attests that, if rented, the unit will be rented at an affordable rate to an extremely-low-income, very-low-income, low-income, or moderate-income person or persons.

C. Development Standard Requirements. Accessory dwelling units shall be

constructed on privately owned residential properties, incidental to principal residential unit with the following development standards requirements:

1. No more than one ADU shall be permitted on any owner-occupied single-family residential parcel. The ADU cannot exist or be constructed prior to the principal residential unit.
2. The ADU shall be located and designed not to interfere with the appearance of the principal residential unit and shall be clearly subordinate to the principal residential unit in keeping with the following:
  - a) The ADU is consistent with land use designation and the setback requirements applicable to the principal residential unit, unless otherwise allowed by Table 5108;
  - b) ADUs are exempt from districts density limitation and parking requirements; however, are subject to land development code setback, height, and impervious surface ratio requirements;
  - c) The ADU shall be placed towards the rear or side of the property;
  - d) The ADU shall be limited to a maximum of 80% of the principal residential unit's livable area;
  - e) The ADU shall not exceed the height of the principal residential unit;
  - f) ADUs shall utilize a separate utility meter from the principal residential unit;
  - g) Accessory dwelling units shall not be sold separately from the principal residential unit;
  - h) ADUs shall be connected to the same common driveway as the principal residential unit, and provided legal access is from the same right-of-way or easement;
  - i) The accessory dwelling unit shall not be available for short-term vacation rental;
  - j) Recreational vehicle(s) shall not be utilized as an accessory dwelling unit;
  - k) In no instance shall a mobile home, standard design manufactured home, or storage shed be used as an accessory dwelling unit;
  - l) ADUs shall be constructed in compliance with the current Florida Building Code; and

m) ADU requires an additional septic system; the subject parcel must have a minimum of one (1) acre of developable uplands.

D. Design Standards. Accessory dwelling unit shall be detached from the principal dwelling unit and shall be located in rear yards or side yards in accordance with the following standards:

**Table 5108 Design Standards**

Min. Setback from Principal Residential Unit	15' from the rear or side of the principal residential unit
Min. Interior Side Setback	Side setbacks must total 25' or more, and be no less than 10' or any side
Min. Rear Setback	10'
Min. Side Setback on Corner Lots	20'
Living Area	Min. 310 sf Max. 80% of the square footage of the principal residential unit livable area.

(Ord. # 2023-06, 12-19-2023)

**SECTION 5200. NON-RESIDENTIAL STANDARDS.** This section contains regulations applicable to non-residential uses including Urban Service Areas (USA), Commercial, Industrial, Agricultural, Mining and certain Public/Semi-Public land categories and uses. These standards regulate floor area ratio (FAR), lot area, building height and building placement. Supplemental performance standards are set forth in Subsection 5203 to be applied in addition to those standards imposed elsewhere in this Code, to avoid impacts not covered by those regulations.

(Ord. # 1996-005, 7-2-96)

**Subsection 5201. Land Use Categories.** This subsection sets forth standards for non-residential land use categories listed in the Future Land Use Element of the Comprehensive Plan. These land use categories include:

1. Public;
2. Commercial;
3. Urban Service Area (USA);

4. Rural Residential, (Neighborhood Commercial);
5. Industrial;
6. Light Industrial;
7. Mining;
8. Agricultural (Neighborhood Commercial).

(Ord. # 2003-006, 8-19-03)

**Subsection 5202. Performance Standards.** Prior to issuance of a Development Order, all non-residential development shall be subject to a concurrency review and determination. The requirements for a concurrency review and determination are included in Chapter 8 of this Land Development Code. A determination of insufficient capacity shall constitute adequate grounds for denial of the project or postponement until adequate capacity exists.

Development of a non-residential use shall be allowed only in full compliance with the provisions of Section 4000, Land Use. Additional standards which apply to Class II uses are shown in this subsection and other relevant sections of this Code. Non-residential construction in areas containing environmentally sensitive areas shall also comply with those standards set forth in Subsection 5400 of this Land Development Code.

(Ord. # 1996-005, 7-2-96)

**Subsection 5203. Land Use Intensity.** The main measures of land use intensity are Type of Use, Dwelling Units per Acre, Open Space Ratio, Floor Area Ratio (FAR), and Maximum Impervious Surface Ratio. Each deals with a particular aspect of intensity and a combination of the three measures indicates a better calculation of intensity than does a single measure.

- A. Type of Use. Type of use allowed in each land use category is covered in Chapter 4 of this Code entitled Land Use. See Table 5203.1 for Maximum Development Intensities.
- B. Density Measures.
  1. Dwelling Units Per Acre. Also, DU/A or DUA is calculated as the total number of residential units, whether single family or multiple family, divided by the gross site area.

$$\frac{\text{Residential Units}}{\text{Gross Area of Site}} = \text{Dwelling Units per Acre}$$

2. Open Space Ratio: Open Space Ratio is the proportion of a site not occupied by private lots or dedicated to public rights-of-way or uses.

Open space is left as a natural protection area; or it can be improved for recreational uses. When open space is improved for recreation, paved surfaces must be counted into the impervious surface ratio.

To calculate the Open Space Ratio, divide acres of public open space, by gross site area.

$$\frac{\text{\# of OS acres}}{\text{\# of Gross Acres}} = \text{Open Space Ratio}$$

3. Floor Area Ratio (FAR). FAR is calculated by dividing the total gross floor area square footage by the gross site area in square feet. See definition for Floor Area, Gross in Subsection 2102.

$$\frac{\text{GFA of all Floors}}{\text{Gross area of Site}} = \text{Floor Area Ratio}$$

4. Maximum Impervious Surface Ratio (percent). Maximum impervious surface ratio is calculated as the total of all impervious surfaces: buildings, sidewalks and paved or graveled vehicle use areas divided by the gross area of the site.

$$\frac{\text{Total Area of Impervious Surfaces}}{\text{Gross area of Site}} = \text{Maximum Impervious Surface Ratio.}$$

**Table 5203.1 Maximum Development Intensities**

<u>Land Use Categories</u>	<u>Maximum Impervious Surface Ratio</u>
Rural Residential	0.50 (for Neighborhood Commercial Uses).
U S A	0.75
Agriculture 1, 2, 3	0.75 (for Neighborhood Commercial Uses).
Commercial Class I	0.75
Class II	0.65
Industrial	0.75
Mining	0.75
Public	0.50

C. Class I Uses. Class I non-residential uses shall be processed under a Type I Review and shall meet the following standards.

1. Review:

- a) An application for a Class I non-residential use which is located in a Commercial or Industrial land use category shall be reviewed according to the rules outlined in Chapter 7, Subsection 7201.
- b) An application for a non-residential development which is located in an Agriculture land use category or Rural Residential land use category shall be processed under a Type II Review as described in Subsection 7202.
- c) An application for a non-residential development which is listed as a Class I Permitted Use shall be processed under a Type I Review as described in Subsection 7201. Class I permitted uses are those uses specifically listed in Chapter 4, Land Use.
- d) Required separation between buildings.
  - i. The minimum separation between principal structures on non-residential parcels shall be fifteen feet (15').
  - ii. Buildings higher than two (2) stories shall have the minimum distance from an adjacent building increased by five (5) feet for each additional story. For example, where a two (2) story building is adjacent to a three (3) story building, the required separation between buildings shall be increased from fifteen feet (15') to twenty feet (20').
  - iii. Height Requirements: No building utilized for non-residential purposes shall be greater than five stories or seventy-five feet (75') in height.
  - iv. Minimum Setbacks: A minimum front setback from abutting rights-of-way, as measured from the center line of the right-of-way shown on the Traffic Circulation Map to the facing walls of the building shall be required for all non-residential buildings. The setback is based upon the functional classification of the abutting street(s) as shown in the Traffic Circulation Element of the Comprehensive Plan. The minimum setback is shown in the following table. Alternative subdivision design standards may be submitted within a package of total neighborhood architectural and planning controls.



**Table 5203.2 Minimum Lot Area for Non-Residential Land Uses**

<b>Land Use Categories</b>	<b>Minimum Area Required</b>
Rural Residential	43,560 square feet (neighborhood commercial)
U S A    Class I Class II	10,000 square feet 43,560 square feet
Agriculture 1, 2, 3	43,560 square feet (neighborhood commercial) Solar Power Generation Facilities: 10 acres in Agricultural 2 20 acres in Agricultural 3
Commercial Class I Class II	21,780 square feet 43,560 square feet
Industrial	43,560 square feet
Mining	N/A

**Table 5203.3 Minimum Lot Setbacks for Non-Residential Land Uses**

<b>Functional Classification</b>	<b>Right of Way Width</b>	<b>Setback*</b>
Alley, Access Easement		20 feet
Local street/private road	<50 - foot ROW	65 feet
	50 - foot ROW	65 feet
	60 - foot ROW	65 feet
Minor Collector	50 - foot ROW	75 feet
	60 - foot ROW	80 feet
	80- foot ROW	90 feet
	100 - foot ROW	110 feet
Major Collector	50 - foot ROW	75 feet
	60 - foot ROW	80 feet
	80- foot ROW	90 feet
	100 - foot ROW	110 feet
	150 - foot ROW	150 feet

Functional Classification	Right of Way Width	Setback*
Arterial	100 - foot ROW	120 feet
	110 - foot ROW	130 feet
	125 - foot ROW	150 feet
	150 - foot ROW	170 feet

\*Measured from the centerline of the road.

Notes:

- (1) Infill development within established neighborhoods may utilize the same front setback as the majority of the existing structures if the existing homes are less than the above set back limits. The Director or his appointee shall make the setback determination in the field based on measurements and observation of the surrounding homesites.
- (2) Minimum side setbacks for non-residential uses.  
The minimum side setback for non-residential uses shall be determined by the Building Official. Setbacks shall be based on construction standards contained in the Florida Building Code.
- (3) Minimum rear setbacks for non-residential uses.  
The minimum rear setback for non-residential uses shall be determined by the Building Official. Setbacks shall be based on construction standards contained in the Florida Building Code.
- (4) Solar power generation facilities. See Subsection 5204.D.

D. Class II Uses. Proposed Class II non-residential uses shall be processed under a Type II Review and shall meet the following additional standards.

1. Concurrency Review and Determination: Prior to the issuance of a development order, all non-residential development shall be subject to a concurrency review and determination. The requirements for a concurrency review and determination are included in Chapter 8, of this Code. A determination of insufficient capacity shall constitute adequate grounds for denial of the project or postponement until adequate capacity exists.
2. Location: The proposed Class II, Non-residential use may be located, with Board approval, in Agricultural, USA, Commercial, Light Industrial, Industrial, Rural Residential or Mining Land Use categories, as shown on the Future Land Use Map of the Comprehensive Plan.
3. Minimum lot area: A minimum lot area of 43,560 square feet (1 acre) shall be required for all Class II non-residential uses.
4. FAR: FAR ratio standards shall be in conformance with the standards set forth in Table 1 of this chapter.
5. Signs: Sign standards shall be regulated according to the standards of Section 5700 of this Code.

6. **Parking Requirements:** Parking requirements shall be provided in accordance with the standards set forth in Subsection 5606, Parking Standards of this Code.
7. **Stormwater Management:** Stormwater management shall be provided in accordance with the standards set forth in the Stormwater Management Policy and Procedures Manual, current edition.

(Ord. # 1996-005, 7-2-96; Ord. # 2003-006, 8-19-03)

#### **Subsection 5204. Special Use Standards.**

**A. Reserved.** (Ord. #2016-015, 11-15-16)

#### **B. Standards for Home Occupations.**

1. **Purpose.** A home occupation is an allowable accessory use in a residential or agricultural area where an office exists within a bona fide residence for the purpose of sending and receiving communications, maintaining records and other similar functions, but where no business is conducted other than by phone, mail or electronically and no persons are employed on the site other than the occupants of the residence in question. This subsection regulates the operation and establishment of Home Occupations so that the adjacent and surrounding neighbors will be unaware of its existence.
2. **Standards.** A home occupation is allowed as an accessory use in a bona fide dwelling unit in rural residential and agriculture areas. All provisions of this Code pertaining to residential uses shall be met. In addition, all of the following standards shall apply:
  1. The establishment of a home occupation must be clearly incidental to the primary use of the dwelling as a residence.
  2. The maximum area devoted to a home occupation shall be no greater than twenty-five (25%) percent of the gross floor area of a dwelling unit.
  3. There shall be no changes to the exterior of the residence or building that contains the home occupation.
  4. No outside display or storage of materials, inventory, goods or equipment shall be allowed.
  5. A home occupation shall not generate nuisances such as on-street parking, noise, electrical interferences or hazards.
  6. There shall be no outside employees; nor shall any other commercial activity be carried on outside of the structure containing the home occupation.
  7. Traffic generation for the home occupation shall be no greater than normally associated with a bona fide residence.

8. There shall be no physical evidence of the conduct of such home occupation, other than one sign not exceeding two square feet in area.
  9. The applicant for a home occupation shall be required to complete a Residential Concurrency Application with the Growth Management Department, Division of Planning.
3. **Exceptions.** In Agriculture areas, a home occupation may also be conducted from a barn. Barns in which home occupations are operated from must have some historical significance. For purposes of Gadsden County, a barn which has historical significance must be constructed no later than 1975. All other requirements of home occupations shall apply.

(Ord. # 1996-005, 7-2-96)

### **C. Standards for drive-thru facilities.**

1. **Purpose.** Non-residential uses with drive-thru windows including, but not limited to, fast food restaurants, beverage sales, and banks, pose potential additional traffic hazards from vehicles entering and exiting and/or waiting to patronize the facility or business.

(Ord. # 1996-005, 7-2-96)

2. **Standards.** The following standards shall supplement the other applicable development standards of this Code.
  - a. Driveways, or pairs of one-way driveways whose individual lanes are less than twelve feet (12') wide, shall be at least eighty-five (85') feet from another driveway.
  - b. Stacking lanes for drive-thru facilities shall be at least ten feet (10') in width.
  - c. The need for a drive-thru bypass lane shall be determined at the time of site plan review. If required, the bypass lane shall be at least ten feet (10') wide.
  - d. Stacking lanes for drive-thru facilities shall be separated from off-street parking areas and shall not cross pedestrian access ways.
  - e. Alleys or driveways in residential areas adjacent to the drive-thru facilities shall not be used for circulation of customer or employee traffic.

(Ord. # 1996-005, 7-2-96)

## **D. Standards for Solar Power Generation Facilities.**

- 1. Purpose and Procedure.** This section establishes standards for solar power generation facilities as a principal use in the Agricultural 2 (AG-2) and Agricultural 3 (AG-3) Future Land Use Categories subject to review and approval by the Board of County Commissioners.
- 2. Development Standards.**
  - a. **Setbacks.** All photovoltaic modules (panels) and associated above ground equipment that is used in the conversion of solar energy to electricity shall be located no closer than fifty (50) feet from any property line. A minimum of 100' setback is required from all right-of-ways. Required setbacks from environmentally sensitive lands shall be maintained.
  - b. **Height.** For ground mounted facilities, a maximum of 15 feet in height as measured when the panels are tilted to the design degree that creates the greatest overall height. All other structures shall conform to the principal structure height requirements of this code.
  - c. **Buffers.** Buffers shall be required as identified in Subsection 5302 of this Code.
  - d. **Ground-mounted facilities** shall be enclosed with a security fence with a minimum height of six feet to discourage unauthorized entry. The fence shall be interior to required buffers and to any setback from public or private right-of-way lines.
  - e. **On-site power lines and interconnections** shall be placed underground to the extent possible.
  - f. **Minimum Site Size.** Solar sites must be a minimum of ten (10) acres in the Agricultural 2 and a minimum of twenty (20) acres in the Agricultural 3 future land use category.
  - g. **Reflection angles for solar collectors** shall be oriented such that they do not direct glare toward residential uses on adjacent property.
- 3. Abandonment.** The solar power generation facility shall be considered abandoned after a two-year period without energy production. The property owner shall be responsible for removing all energy production and transmission equipment and appurtenance within 120 days of abandonment.

## **E. Standards for Solar Energy Systems.**

Nothing in this regulation is meant to prohibit or have the effect of expressly prohibiting the installation of solar energy systems pursuant to Chapter 163.04(4) Florida Statutes.

(Ord. # 1996-005, 7-2-96; Ord. # 2003-006, 8-19-03; Ord. #2016-019)

### **Subsection 5205. Conceptual Site Plans.**

For all Class I and II land uses, three levels of site plan review are necessary. The review phases include a Conceptual, Preliminary and Final review. The Conceptual and Preliminary site plan may be combined. This may be addressed during the Level I review. If reviews are to be combined, then a Level II review process will be required. The following shall be included on a Conceptual Site Plan. See Chapter 7 for a more detailed description of the application and review procedures.

Seven (7) conceptual site plans and all necessary supporting documentation shall be submitted to the Department of Planning for distribution to the DRC. All site plans must be a scaled drawing. Conceptual site plans will include at a minimum the following information.

1. Proposed building footprint(s);
  2. Property owner's name, address and telephone number; and the designated project applicant or representative and authorization for such representation if other than the property owner;
  3. Number of units proposed, if any and resulting density;
  4. Interior traffic circulation patterns;
  5. Conceptual drainage and utility plan;
  6. Proposed retention area(s);
  7. Proposed method of water supply and wastewater disposal;
  8. Land use district assigned to the property which is the subject of the site plan and to the properties contiguous thereto;
  9. General location map;
  10. North Arrow.
- A. Level of Service Determination. If the proposed project impacts any public facilities (water, sewer, solid waste, roads, recreation and open space) or if a

well or septic tank is required, the County Concurrency Impact Questionnaire shall be completed and a capacity determination shall be required prior to further Level I consideration of the application.

- B. Staff response to Level I Reviews. Level I pre-application procedures are concluded with the initial review of the project by the DRC for all projects. Submittal per Subsection 7102(B) and (C) shall consist of a conceptual site plan and the results of the capacity to serve determination as outlined in Subsection 8000 of this Code. Prior to making a recommendation on the application, the DRC will circulate the submittal to all County Departments for reviews and comments. Applications shall be submitted to various local governments and state agencies for projects which affect certain jurisdictions, if determined necessary.

(Ord. # 1996-005, 7-2-96; Ord. # 2003-006, 8-19-03)

### **Subsection 5206. Preliminary Site Plan requirements.**

- A. Requirements. A preliminary site plan for Class I and Class II land uses shall be submitted with the application form. Preliminary site plans shall be drawn to a minimum scale of one inch equals one hundred (100) feet on an overall sheet size not to exceed twenty-four by thirty-six inches (24" X 36"). When more than one sheet is required, an index sheet of the same size shall be included showing the entire parcel with individual sheet numbers referenced thereon. Thirty (30) sets of the preliminary site plan drawings shall be submitted to the DRC along with the application. These drawings shall be prepared by a registered architect, landscape architect, professional site planner, or registered civil engineer licensed in the State of Florida. All stormwater management plans and calculations shall be prepared by a civil engineer licensed in the State of Florida. Preliminary Site Plans shall include the following:

1. Site Plan name.
2. Property owner's name, address and telephone number; and the designated project applicant or representative and authorization for such representation if other than the property owner.
3. The architect, landscape architect, site planner or engineer's name, address and telephone number (unsealed drawings).
4. North arrow, scale and date prepared.
5. Legal description.
6. Location map.

7. Land use district assigned to the property which is the subject of the site plan and to the properties contiguous thereto.
8. Gross and net site area expressed in square feet and acres with comparison to requirements in the Land Development Code.
9. Number of units proposed, if any and resulting gross density.
10. Floor area devoted to each category of use and floor area ratio with comparison to requirements in the Land Development Code.
12. General location of all driveways, parking area and curb cuts with comparison to requirements in the Land Development Code.
13. The location, size and height of all existing and proposed buildings and structures on the site.
14. Areas to be protected from tree and vegetation removal.
15. Location of all public and private easements and streets within and adjacent to the site.
16. Location of nearest fire hydrant.
17. Delineation in mapped form and computation of the area of the site devoted to building coverage, open space, buffer areas for the lot and open space for the front yard, expressed in square feet and as a percentage of the overall site.
18. The location and size of existing public utilities.
19. Proposed method of water supply and wastewater disposal.
20. Identification of water courses and/or wetlands.
21. Conceptual drainage and utility plan.
22. Preliminary surface drainage with flow directions and method of disposition.
23. Proposed irrigation system.
24. Flood zone for site (if applicable).
25. Number of parking spaces required (stated in relationship to the applicable formula) and proposed (including handicapped spaces required by Code).



Plan must show typical dimensions.

25. Total paved vehicular use area (including but not limited to all paved parking spaces and driveways), expressed in square feet.
26. Depiction (by shading or cross hatching) of required parking lot interior landscape areas.
27. Total land area devoted to parking lot interior landscaping, expressed in square feet and as a percentage of the paved vehicular area.
28. The definition and location of all refuse collection facilities including screening to be provided.

B. Additional Information. The applicant shall provide responses on the site plan application to determine the intensity of the proposed use and the impact on concurrency issues including sewage, water supply, and transportation. For most small scale applications, the planning department will calculate, trip generation and report to the Planning Commission on the resulting Level of Service impacts on State or County roadways. The Department may elect to require more complex applications to provide this information and shall require copies of all required FDOT permits prior to final approval.

(Ord. # 1996-005, 7-2-96; Ord. # 2003-006, 8-19-03)

**Subsection 5207. Final Site Plan Requirements.** A final site plan shall be required to accompany all applications for a Development Order reviewed under the Type I, II or III procedures. A site plan for all non-residential development shall be submitted with the Application for a Development Order. Final site plans shall be drawn to a minimum scale of one inch equals one hundred feet (100') on an overall sheet size not to exceed twenty-four by thirty-six inches (24" X 36"). The plan shall show all existing and proposed development on the property. The plan shall show the boundaries of the property with a metes and bounds description referenced to section, township and range and/or subdivision name and lot number(s) if applicable. When more than one sheet is required, an index sheet of the same size shall be included showing the entire parcel with individual sheet members referenced thereon. Ten (10) final site plans shall be submitted to the Planning Department. The following information is required on or in an acceptable form, so as to accompany the preliminary and final site plans respectively. Additional information may be required by the County prior to rendering any approvals.

A. General Planning Department Requirements.

1. Site plans must demonstrate consistency with all Elements of the Gadsden County Comprehensive Plan and the Gadsden County Land Development Regulations.

2. Level of Service Standards as established in the Gadsden County Comprehensive Plan must not be degraded. Concurrency calculations shall be submitted on separate 8.5" x 11" paper, along with a completed Gadsden County Site Plan Application form.

B. Final Site Plan Requirements for Sealed Drawings.

1. Site Plan name.
2. Property owner's name, address and telephone number; and the designated project applicant or representative and authorization for such representation if other than the property owner.
3. The architect, landscape architect, site planner or engineer's name, address and telephone number (unsealed drawings).
4. North arrow, scale and date prepared.
5. Legal description.
6. Location map.
7. Land use district assigned to the property which is the subject of the site plan and to the properties contiguous thereto.
8. Gross and net site area expressed in square feet and acres with comparison to requirements in the Land Development Code.
9. Number of units proposed, if any and resulting net density.
10. Floor area devoted to each category of use and floor area ratio with comparison to requirements in land development code.
11. General location of all driveways, parking area and curb cuts with comparison to requirements in the Land Development Code.
12. The location, size and height of all existing and proposed buildings and structures on the site.
13. Location of all public and private easements and streets within and adjacent to the site.
14. Location of nearest fire hydrant.
15. Delineation in mapped form and computation of the area of the site devoted to building coverage, open space, buffer areas for the lot and

open space for the front yard, expressed in square feet and as a percentage of the overall site.

16. The location and size of existing public utilities.
17. Proposed method of water supply and wastewater disposal.
18. Identification of water courses and/or wetlands.
19. Final drainage and utility plan.
20. Final surface drainage with flow directions and method of disposition.
21. Proposed irrigation system.
22. Flood zone for site (if applicable).
23. Number of parking spaces required (stated in relationship to the applicable formula) and number of parking spaces proposed (including handicapped spaces required by Code). Plan must show typical dimensions.
24. Total paved vehicular use area (including but not limited to all paved parking spaces and driveways, expressed in square feet.
25. Depiction (by shading or cross hatching) of required parking lot interior landscape areas.
26. Total land area devoted to parking lot interior landscaping, expressed in square feet and as a percentage of the paved vehicular area.
27. The definition and location of all refuse collection facilities including screening to be provided.
28. Sufficient dimensions to enable a determination that all required landscaped areas are provided. (Details regarding the location, size and species of plant materials shall be provided on the landscape plan to be submitted at a later date with construction plans).
29. Provisions for both on and off-site stormwater drainage and detention related to the proposed development.
30. A copy of the FDOT (Florida Department of Transportation) permit is required if proposed drive fronts on a state right-of-way.
31. Existing and proposed utilities, including size and location of all water lines, fire hydrants, sewer lines, manholes and lift stations, if any.

32. Existing, including official records book and page numbers, and proposed utilities easements.
33. Existing and proposed one-foot contours or key spot elevations on the site and such off-site elevations as may be specifically required and not otherwise available which may affect the drainage or retention on the site.
34. The location of all earth or water retaining walls, earth berms, and public and private sidewalks (if any).
35. Complete copy of DEP (Department of Environmental Protection) submittal including all calculations and soil data. All calculations and soils data should be submitted on 8.5" x 11" paper with note drawings referencing the attachment.
36. A legal survey of the subject property.
37. A copy of all cross easements or Unity of Title for parking, drainage, etc.
38. Building setback distances from property lines, abutting existing and proposed right-of-way center lines.
39. Locations of all permanent signs and exterior lights shall be shown. Square footage of signs and orientation of lights shall be given.

C. Final Requirements for Building.

1. The proposed general use and development of internal spaces, including all recreational and open space areas, plazas and major landscaped area by function and the general location and description of all proposed outdoor furniture (such as seating, lighting and telephone).
2. Phase line, if development is to be constructed in phases.
3. Dimensions of lot lines, streets, drives, building lines, building height, structural overhangs and building separation.
4. Shadow cast information if the proposed building is higher than any immediately adjacent building or if the height of the building is greater than the distance of the building to any lot line.

D. Administrative Requirements.

1. Must submit ten (10) sets of drawings bearing the original seal of the architect, engineer, site planner and/or landscape architect to the County

prior to the issuance of any clearing & grubbing or construction permit.

2. Prior to the issuance of a certificate of occupancy for any new buildings, the owner must submit one complete set of "as built" drawings for placement in the County's permanent construction files. These "as built" drawings must be signed and sealed by the project engineer.
3. The County Concurrency Impact Application form shall accompany the site plan.
4. If applicable, a copy of the completed FDOT Rule 14-96, Connection Permit Application, which was submitted to the FDOT shall accompany site plan.

(Ord. # 1996-005, 7-2-96; Ord. # 2003-006, 8-19-03)

#### **Subsection 5208. Supplemental Standards for Electrical Transmission Lines.**

- A. Purpose. The purpose of this subsection is to provide specific standards and procedures for special use exceptions for electrical transmission lines and associated facilities.
- B. Standards. Electrical transmission lines meeting the definition of Section 34-41 of the Gadsden County Code of Ordinances shall follow the procedures and meet the criteria of Article III of Chapter 34 of the Gadsden County Code of Ordinances, which is incorporated by reference herein. All other electrical transmission lines and appurtenant facilities shall follow the procedures prescribed by these Land Development Regulations and meet the criteria of Subsection 5002 of these Land Development Regulations.

(Ord. # 2005-010, 9-6-2005; Also see Ord. #2005-009)

#### **SECTION 5300. RECREATIONAL LANDS, OPEN SPACE AND BUFFER AREAS.**

This section outlines regulations applicable to the provision of recreational lands, facilities and open space which meets the standards adopted in the Comprehensive Plan. The intent is to recognize and designate recreation sites and permanent open space lands. Open space often serves as a mechanism which buffers incompatible uses, preserves sensitive environmental features and important resources. No commercial, industrial, agricultural or mining activities are permitted in these areas. Residential densities shall be one (1) dwelling unit per forty (40) acre (1:40).

(Ord. # 1996-005, 7-2-96)

#### **Subsection 5301. Minimum Standards for Open Space and Recreation lands.**

- A. Open Space. Open Space is the proportion of a site not occupied by private

lots or dedicated to public rights-of-way or uses. Open space is left as a natural protection area; or it can be improved for recreational uses. When open space is improved for recreation, paved surfaces must be counted into the impervious surface ratio.

Residential subdivisions, multi-family developments, mobile home developments and all commercial uses shall be required to provide open space to implement the Gadsden County Comprehensive Plan, 2001, and serve existing and future residents and patrons of those developments.

To calculate the Open Space, multiply the percentage of required public open space by gross site area.

$$\% \text{ Required} * \text{Gross Acres} = \text{OS Requirement}$$

B. Dedication of Open Space and Recreation Lands. The required open space and recreation land areas shall be dedicated as a condition of approval for:

1. Recording of a final subdivision plat, or a Development Order for multi-family development or mobile home park.
2. A subdivision re-plat or the amendment of any site plan for multi-family development or mobile home park, where dedication has not previously been made or where the density of the development involved will be increased.
3. A commercial site plan for new development, redevelopment or adaptive reuse of development.

C. Specific Open Space Requirements. The total requirement of park, recreational lands and facilities shall be based on the standards set forth in Policy 6.3.3 of the Recreation and Open Space Element and the Subdivision Regulations contained in this Code.

1. For each development of residential development, a minimum of ten percent (10%) of the total area included in the subdivision, plat or site plan must be designated as open space. This open space area is for the residents of the subdivision and their guests. The open space areas shall be maintained by the residents of the subdivision. The County may accept dedication of the open space areas for recreation purposes for County residents. The areas where trees are protected may be included in with the open space requirements.
2. For each development of Class I non-residential land use, a minimum of ten percent (10%) of the total area included in the site plan or plot plan must be dedicated to open space. The required open space area will at all times be maintained by the property owner. The open-space calculations

shall not be included in areas which are used for stormwater management systems or facilities or in areas set aside for conservation. The areas where trees are protected may be included in with the open space requirements.

3. For each development of Class II non-residential land use activity, a minimum of twenty percent (20%) of the site must be dedicated to open space. The required open space area will at all times be maintained by the property owner. The open-space shall not be included in areas which are used for stormwater management systems or facilities. The areas where trees are protected may be included in with the open space requirements. Recreational Vehicle Parks shall be required to provide a minimum of forty percent (40%) open space on site.
  4. For residential cluster developments in Agricultural land use categories, the following Open Space percentages shall apply:
    - a) Agriculture 1 - 50% open space
    - b) Agriculture 2 - 50% open space
    - c) Agriculture 3 - 65% open space
- D. Conveyance of lands to County. If the County is willing to accept lands from a developer, the developer shall convey the land pursuant to the requirements of this Code.

Before a Certificate of Occupancy is issued by the County, the developer must clear, fill and/or grade all parkland and open space areas to be dedicated to the County to the satisfaction of the Planning Department and the County Engineer. If necessary, the Developer shall provide for stormwater management facilities on-site. Developer shall have a Phase I, Environmental Audit performed on all lands to be conveyed to the County as part of the site plan or plat approval.

1. In addition to a formal dedication on the plat to be recorded, the subdivider or developer shall convey the required lands to the County by general warranty deed. The land to be dedicated and deeded to the County shall not be subject to any reservations of record, encumbrances or any kind or easements which, in the opinion of the Department of Planning or the County Attorney, will interfere with the use of the land for park or recreational purposes.
2. Where any reservations, encumbrances or easements exist, the County may require payment in lieu of the dedication of the lands, unless the County Commission chooses to accept the land subject to the encumbrances.

- E. Cash in lieu of dedication. For non-residential developments, a cash contribution in lieu of actual land dedication, or combination of land and cash, may be accepted at the option of the Board of County Commissioners.
1. Fees charged in lieu of dedication shall be based on the fair market value of the land which would have been dedicated to the County for park, recreation and open space purposes. The developer shall provide an appraisal of the fair market value of the land performed by a member of the Members Appraisal Institute of the American Institute of Real Estate Appraisers. The County has the option of rejecting the developer's appraisal and having an appraisal done on the Commission's behalf.
  2. Cash contributions received in lieu of park and recreation land dedication, shall be held in trust by the County in a separate escrow account with the funds in said account to be used for the purchase and/or development of park, recreation and open space purposes, or maintenance of existing county parks, in accordance with the Level of Service tables contained in the Comprehensive Plan.
- F. Environmental Audits. Prior to open space conveyance to the County, a Phase I, Environmental Audit of the lands proposed for dedication shall be performed by the applicant as part of the site plan approval for the project. The County Commission may require a Phase II, Environmental Audit of the lands proposed for dedication. The following criterion are listed to evaluate whether to accept land proposed for open space dedication.
1. The topography, geology, access, parcel size and location of the land in the development.
  2. Potential adverse/beneficial effects on environmentally sensitive areas.
  3. Compatibility with the Recreation and Open Space and Capital Improvements Elements of the Comprehensive Plan.
  4. The feasibility of using the open space areas for parkland and recreation purposes.
  5. The subject property receives a favorable Environmental Audit.

(Ord. # 1996-005, 7-2-06; Ord. # 2003-006, 8-19-03; Ord. # 2006-02, 8-29-06)

**Subsection 5302. Buffer Areas.** The buffer areas prescribed in this subsection are intended to reduce, both visually and physically, the actual or perceived negative impacts generated by abutting uses. Buffer areas shall be located on the other perimeter or a lot or parcel, extending to the parcel boundary. Buffer areas shall not be located on any portion of an existing or dedicated public or private street or right-of-way.



A. Standards. The buffer areas prescribed in this subsection are intended to reduce, both visually and physically, the actual or perceived negative impacts generated by abutting uses. Buffer areas shall be located on the other perimeter or a lot or parcel, extending to the parcel boundary. Buffer areas shall not be located on any portion of an existing or dedicated public or private street or right-of-way.

1. Type A, opaque buffer areas. This buffer classification shall be used to separate industrial uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six feet (6') and shall be a minimum of fifty feet (50') wide.
2. Type B, opaque buffer areas. This buffer area shall be used to separate commercial, light industrial, and public uses from all residential uses. These buffer areas shall be completely opaque from the ground up to a height of six feet (6') and shall be a minimum of twenty-five feet wide (25'). Type B buffer may utilize a masonry wall, berm, planted or existing vegetation or any combination thereof which maintains a completely opaque buffer. If vegetation is to be used, then a seventy percent (70%) opaque buffer shall be required at planting, and be capable of full height and opacity within three years. Commercial uses are required to provide for pedestrian ways to access the adjacent residential areas.
3. Type C, opaque buffer areas. This buffer area shall be used to separate mobile home and RV parks from all abutting areas. This buffer shall be fifty feet (50') wide. Where the park abuts an arterial highway, the buffer shall be seventy-five feet (75') wide. This buffer shall not be considered to be a part of an abutting mobile home space, nor shall such buffer be used as part of the stormwater management area. This buffer may utilize a masonry wall, berm planted and/or existing vegetation or any combination thereof. This buffer must be at least six feet (6') in height and one hundred percent (100%) opaque within two (2) years.  
(Ord. # 1996-005, 7-2-06)
4. Type D, opaque buffer areas. This buffer shall be a minimum of fifty feet (50') wide to separate solar power generation facilities from adjacent property in the Rural Residential Future Land Use and existing platted residential subdivisions. The buffer shall be a minimum of one hundred feet (100') wide adjacent to collector or arterial roadways. Vegetation is required to be seventy percent (70%) opaque at planting and a minimum of six feet (6') in height and one hundred (100) percent opaque within two (2) years. Fences or walls may be utilized to meet opacity provided that they are a minimum of six (6) feet in height, opaque and located interior to vegetation. Vegetation is required to be fifty (50) percent opaque at planting and a minimum of six (6') feet in height within two (2) years.

B. Opacity Standards. Compliance with opacity standards shall be certified by a

landscaped architect or other similar, certified landscape design professional.

1. All buffer areas shall include one (1) shade tree for each fifty (50') lineal feet or fraction thereof.
2. Decrease of buffer widths. Minimum buffer yards may be decreased by twenty five percent if the buffer incorporates any of the following components:
  - a) Utilize berms and plantings to meet minimum buffer requirements.
  - b) Utilize plantings, berms and wall to meet minimum buffer requirements, where wall is combined with berm to meet minimum height requirements.
  - c) Utilize wall plantings where the plantings are parallel for at least seventy-five percent (75%) of the linear length of the wall and covers at least twenty-five percent (25%) of the required buffer width.

C. Use of Buffer Yards. All of the buffer areas options may be counted toward open space and setback requirements. Passive recreation uses such as walkways, bikeways, hiking trails may be located within the buffer areas. Playgrounds, swimming pools, tennis courts, vehicular use areas and storage buildings are prohibited in buffer areas.

(Ord. # 1996-005, 7-2-06)

**SECTION 5400. NATURAL RESOURCE PROTECTION STANDARDS.** The purpose of this Section of the Gadsden County Comprehensive Land Development Code is to set forth standards to preserve, conserve and appropriately manage all of the resources in Gadsden County and provide protection of unique and environmentally sensitive lands, life and property from natural and man-made hazards. The intent of this section is to ensure the health, safety and general welfare of the County residents and visitors. In addition, it is the intent of this section to meet the goals, objectives and policy statements of the Comprehensive Plan for all development or redevelopment in the County.

**Subsection 5401. Development Standards for Areas Containing Land and Water-based Natural Resources.**

- A. Purpose. It is the purpose of this subsection to set forth standards necessary to ensure that development and redevelopment limits and mitigates its impacts to lands containing land and water based natural resources. The standards described in this Subsection apply to these areas and are supplemental to the standards of Sections 5100 and 5200. The intent of these additional standards is to:
  1. Maintain the natural hydrological and ecological functions of the wetlands, estuarine environments, fisheries and marine habitats;

2. Maintain desirable ground and surface water levels;
  3. Prevent increased erosion and sedimentation;
  4. Maintain ground and surface water quality;
  5. Minimize the potential for property damage and personal injury from flooding;
  6. Restrict adverse interference with the normal movement of surface waters;
  7. Maintain the optimum storage capacity of watersheds; and
  8. Protect and maintain environmentally sensitive areas from adverse affects due to adjacent development.
- B. Design Guidelines to Protect Environmentally Sensitive Areas, Threatened and Endangered Species of Plants and Animals and Their Habitats. Uncontrolled development of land containing natural resources impairs the natural functions of those lands. The guidelines of this subsection are mandatory and shall apply to all areas containing threatened and endangered species of plants and animals. Review of a proposed development shall include these guidelines:
1. A systems approach shall be used for design of the development.
  2. Upland sites shall be chosen for the location of residential, commercial developments and buildings. A soils survey supplied at the time of a Development Order application shall verify the presence of upland soils in these areas. Soil survey(s) must show seasonal high table water. Measures necessary to overcome soil constraints shall be required as a condition of approval.
  3. Normally isolated wetlands tend to fill and then overflow during floods. Flowage areas should be protected from incompatible development. Applicant must demonstrate the protection of these flowage areas. Flowage areas must be shown on all site plans. Construction of roads across such areas shall be limited.
  4. Runoff shall not be discharged directly into open waters. Vegetated buffers, swales, vegetated watercourses, wetlands, underground drains, catch basins, ponds, porous pavements and similar systems for the detention, retention, treatment and percolation of runoff shall be used as appropriate to increase time of concentration, decrease velocity, increase filtration, allow suspended solids to settle and to remove pollutants.

5. Wetlands shall be conserved and protected by restricting development, dredging and filling, (except for the minimum amount necessary to permit reasonable use of the property) which would significantly alter the wetlands natural functions without prior authorization and obtaining the required permits from the applicable state and federal regulatory agencies having jurisdiction over such areas. Development shall be designed around significant wetland areas.
6. Natural watercourses shall not be filled, dredged, cleared, deepened, straightened, stabilized, or otherwise altered, except in cases of overriding public interest and without prior authorization and obtaining the required permits from the applicable state and federal regulatory agencies having jurisdiction over such areas.
7. Prior to development approval, a survey shall be conducted to properly identify known drainage wells. All wells in the survey area found shall be sealed.
8. Intermittent watercourses, such as swales shall be vegetated.
9. Wetlands, floodplains, rivers, streams, creeks, ponds, lakes, drainage conduits, and their associated vegetative communities shall be afforded maximum protection with planning controls.
10. Best Management Practices (BMP's) shall be used for the conservation, use and protection of fisheries, wildlife and wildlife habitats.
11. Natural resource areas shall be protected by reduction, proper disposal and management of hazardous wastes.
12. Whenever possible, upland and wetland/aquatic habitat shall be connected to create a mosaic of upland and wetland/aquatic habitat. Development shall be directed into areas that are already disturbed.
13. If state and/or federally-listed endangered and threatened wildlife and species of special concern are found on developable sites, coordination will be initiated by the County with the Florida Fish and Wildlife Conservation Commission (FWCC) and other applicable agencies to assure adequate protection of these wildlife populations consistent with state and federal law.
14. The use of non-riparian wetlands for storing and purifying water may be permitted although care shall be taken not to overload their capacity to perform this function, thereby harming the wetland and transitional vegetation. Wetlands shall not be damaged or replaced by the

construction of detention ponds unless equivalent wetlands are created as a replacement. Appropriate replacement ratios and the types of wetlands to be created shall be determined by the agencies having jurisdiction at the time of permitting. Certain conditions must be fulfilled and in an acceptable form to the County Engineer prior to the issuance of a permit for the integration of a non-riparian wetland into a stormwater management plan. These certain conditions are found in the Gadsden County Stormwater Management, Policy and Procedures Manual.

15. Erosion should be minimized and sediment should be retained on the site of development if possible.
16. Artificial watercourses shall be designed, considering the soil type, so the velocity of flow is low enough to prevent erosion.
17. With the exception of resource-based recreation, silviculture and mining activities in accordance with the provisions of this Code and the Comprehensive Plan, non-residential land uses shall be prohibited in wetland areas. Residential uses at an overall density of one (1) dwelling unit per forty (40) acres (1:40) or lower are permitted.
18. Residential uses at overall densities greater than one (1) dwelling unit per forty (40) acres (1:40) and non-residential uses, except resource-based recreation, silviculture and mining shall be prohibited in 100 year floodplains, cones of influence of potable water wells, conservation areas and environmentally sensitive areas.
19. Non-residential uses will not be allowed in areas where developable land exists within the areas showing as flood prone, wetlands and/or high aquifer recharge designation on the Future Land Use Map Series. All development proposals for such areas shall be accompanied by a professional conducted study that certifies such flood prone, wetlands and/or high aquifer recharge areas do not exist on such sites.
20. Non-residential development shall be required to maintain a fifty foot (50') minimum natural buffer around all wetlands. The location of non-residential land uses shall be prohibited within wetlands and buffer areas, except resource-based recreation, silviculture and mining.
21. New development shall be required to maintain a fifty foot (50') buffer minimum natural buffer adjacent to all perennial rivers, streams, creeks and lakes.
22. The location of septic tanks shall be prohibited within one-hundred feet (100') of all perennial rivers, streams, creeks and lakes and ponds, and wetlands. The location of septic tanks shall be prohibited in floodplains.

23. The County shall ensure the protection of all plant and animal species that are listed by either state or federal agencies as threatened, endangered, or as species of special concern by restricting development as defined in Section 380.04, Florida Statutes, through proper site plan reviews, buffering, etc., in accordance with the following guidelines.
- a) Within all areas designated as CONSERVATION on the Future Land Use Map and for uses within areas designated as flood prone, high aquifer recharge or wetlands on the Future Land Use Map Series, all development proposals shall be accompanied by evidence that an inventory of soils posing severe limitation to construction, state and/or federally listed threatened and endangered species of wildlife and plants and species of special concern and areas prone to periodic flooding has been conducted. Where development is determined to encroach upon one of these resources, in order to ensure the protection, preservation or natural functions of the resource, a specific management plan shall be prepared by the developer, which includes necessary modifications to the development, specific setbacks and buffers, clustering of development away from the site resources and any other measures that may be necessary to mitigate impacts. Such management plan shall be incorporated into the development order. In order to assure that the improvements necessary for environmental mitigation are constructed as required by Gadsden County, the developer shall post to the County a bond at least equal to the cost of the improvements.
  - b) If state and/or federally-listed plant and animal species designated as endangered or threatened or as species of special concern are found on development sites, coordination will be initiated by the County with the Florida Fish and Wildlife Conservation Commission and other applicable agencies to assure adequate protection of these wildlife populations consistent with State and Federal law.
24. A professionally conducted survey of native vegetative communities shall be required in upland wildlife habitats for all proposed development sites of forty (40) acres or more that involves non-residential developments or more than ten (10) dwelling units to inventory wildlife and to determine whether state and federally listed threatened and endangered species of plants and animals and those designated as special concern exists on the site. For proposed developments which are developed at a residential density equal to or lower than one (1) unit per five (5) acres, a survey as envisioned by this Code is not necessary. For proposed developments containing less than forty (40) acres or which are part of a parcel or contiguous parcels of land containing forty (40) acres or more which was under common ownership of the effective date of the 2001,

Comprehensive Plan (November 26, 1991) a minimum of forty (40) acres shall be surveyed inclusive of the proposed development area to be cleared. This survey shall be conducted by an ecologist, biologist, or similar professional. In addition, the following conditions shall apply.

- a) Site surveys shall address the following:
  - i. The size and distribution of the native habitats;
  - ii. Wildlife and listed species populations within the proposed development site;
  - iii. The feasibility of and viability of on-site protection and management; and
  - iv. Whether the proposed development site includes a wildlife corridor and the feasibility of maintaining the wildlife corridor;
- b) Protected wildlife habitat shall include a combination of connected upland habitats and any wetland/aquatic habitat on the site.
- c) Clearing of native habitat shall be prohibited prior to development, meaning that clearing for uses other than legitimate agricultural and silvicultural uses shall be defined to be clearing as an adjunct to construction, and shall be subject to all provisions in the Gadsden County Comprehensive Plan, 2001 that apply to the development.
- d) If state and/or federally-listed endangered and threatened plant and animal species and species of special concern are found on the proposed development site, coordination will be initiated by the County with the Florida Fish and Wildlife Conservation Commission and other applicable agencies to ensure that the required management plan is consistent with State and Federal law.
- e) A listed plant and animal species survey shall not be required for:
  - i. Lands depicted upon the 1988 Gadsden County LANDSAT Satellite Imagery Map projected by the Florida Fish and Wildlife Conservation Commission as:
  - ii. exotic plant communities;
  - iii. shrub and brush land;
  - iv. grassland; or
  - v. barren land; and
  - vi. Lands involving silvicultural activities provided those silvicultural activities are part of a resource management plan approved by the Division of Forestry or other appropriate agency.

25. Upland buffers shall be established around steepheads, isolated wetlands, jurisdictional wetlands and natural water bodies.

26. If practical, environmentally sensitive areas which have been damaged by prior development shall be reclaimed and enhanced.
27. Minimize runoff by clustering development on the least porous soils.
28. If possible, detain stormwater runoff with open natural drainage systems.
29. Design man-made lakes and stormwater ponds for maximum environmental value.
30. Development of individual residential lots in an existing or new development are required to follow minimum development standards by providing downslope silt fence to prevent erosion and a driveway mud barrier (2-4" of railroad stone) to prevent mud from being tracked onto existing residential streets.

(Ord. # 1996-005, 7-2-06; Ord. # 2003-006, 8-19-03)

**Subsection 5402. Design guidelines to protect potable water supply.**

A. Purpose. The purpose of this subsection is to protect and safeguard the health, safety and welfare of the citizens of Gadsden County. This is accomplished through ensuring the protection of the principle source of water for residential, non-residential and agricultural uses. The availability of adequate and dependable supplies of good quality water is of primary importance to the future of the County. Therefore, standards are described in this subsection with the intent of protecting both the quality and quantity of the ground and surface water supply. It is the intent of this subsection to control development in and adjacent to designated wellheads to protect groundwater from potential contamination. It is further the intent of this subsection to control development in and adjacent to surface water which is a designated potable water supply source to protect surface water from potential contamination. The guidelines of this subsection are mandatory and shall apply to all areas in Gadsden County. Review of all proposed developments shall include the following guidelines:

1. To ensure the protection of the potable ground water supply a protection zone shall be established for such well fields in accordance with the following criteria.
  - a) A five hundred foot (500') radius from the wellhead of a public water supply shall be established as a cone of influence and wellhead protection zone.
  - b) The first two hundred foot (200') radius shall be a zone of exclusion for all uses except existing residential uses, uses functionally related to



the water supply system, open space, parks and playgrounds. No parking areas; structures or other impervious surfaces other than those surfaces that are accessory to residential uses will be allowed in this zone, except for playing courts, open-air shelters and other similar recreation facilities. An exemption shall be allowed for one (1) single family dwelling unit per parcel or lot that may be within this zone of exclusion, provided that the parcel or lot was created on or before November 26, 1991.

- c) Within the remaining three hundred foot (300') radius of the wellhead protection zone, the following will be prohibited; land fills, facilities for bulk storage, use, handling, production or transportation of restricted substances, agricultural chemicals, petroleum products, hazardous toxic waste, medical waste or similar substances; feed lots or other commercial animal facilities, wastewater facilities, including septic tanks, mines and excavation of waterways or drainage facilities which intersect the water table.
  - d) No public supply potable water well fields shall be permitted within five hundred feet (500') of any property boundary line.
  - e) A land owner or developer has the option of preparing the necessary site specific hydrologic data and analysis to rebut the presumption that particular development activity anywhere within the secondary three hundred foot (300') wellhead protection zone would adversely affect aquifer water quality and quantity within the zone. The site specific data, based on modeling the time and travel method, must be prepared, analyzed and certified by a qualified engineer, hydrologist, scientist or similar professional in the field. The results of the analysis must support that the particular development activity will maintain the water quality and quantity of the public potable water resources. Such data must be accepted by the Planning Department and the County Engineer. All required permits for the subject development activity must be obtained from the applicable state and federal agencies prior to issuance of a development order the County.
2. To protect ground and surface water, post development runoff rates and pollution loads shall not exceed pre-development conditions.
  3. To establish a stream side protection zone, no development, including septic tanks, shall be permitted within fifty feet (50') of any perennial river, stream, creek, lake, pond or water body (see Subsection 5401.B.22 and Comprehensive Plan Policy 5.2.4).

4. To protect the Quincy Creek from contamination, no development, including septic tanks shall be permitted within one-hundred feet (100') from the Quincy Creek river bed.

(Ord. # 1996-005, 7-2-96)

**Subsection 5403. Incentives for Enhancement of Environmental Quality.**

Developers are encouraged to use innovative design and development standards to meet the intent and purpose of Subsections 5401 and 5402. Increases in gross residential density, FAR increases and decreased parking standards may be allowed in exchange for use of innovative design techniques which enhance on-site environmental quality. Transfer of development rights (TDR), as referenced below, may also be allowed. Exact increases or decreases will be determined on a case-by-case basis at the time of site plan review or platting. Suitable techniques include, but are not limited to the following:

- A. Clustering of buildings and open space on lands not containing natural resources.
- B. TDR from jurisdictional lands shall not exceed one (1) residential unit per transferred acre or five percent (5%) of the nonresidential gross FAR per transferred acre.
- C. The creation of additional public access to natural areas.
- D. The use of other innovative design techniques, best management practices and state of the art technology to improve environmental quality within areas containing natural resources are encouraged.

(Ord. # 1996-005, 7-2-96)

**Subsection 5404. Tree and Native Vegetation Protection Standards.**

- A. Purpose. The purpose of this subsection is to establish those resources or areas on a development site that must be protected from harmful effects of development. A developer should apply the provisions of this Subsection to a proposed development site before any other site design work or clearing is begun. Application of the provisions of this Subsection will divide a proposed development site into areas that may be developed and areas that must be protected from destructive of development activity. The proposed development should then be designed to fit within the areas that may be developed. Protection of trees and native vegetation in Gadsden County is recognized as an environmental asset which enhances the stabilization of water and soil, removal of air pollution, increases the value of lands and their improvements, increases the treatment of stormwater runoff and improves esthetics values.

## B. Tree protection.

1. Trees shall not be removed on any site which is to be developed for residential subdivisions, industrial or commercial uses which cannot be reasonably avoided. Prior to development the only allowable clearing for residential and non-residential projects shall be the under brushing of vegetation less than four inch (4") in diameter to facilitate survey of the property. Residential, commercial or industrial developments will require the removal of trees to be addressed at the conceptual subdivision plat review or at conceptual and/or preliminary site plan review.
2. Trees that are illegally destroyed or that have received major damage from illegal activities must be replaced. This replacement will be determined by the Department of Growth Management.
3. Protected trees, must be shown on preliminary plats or preliminary site plans. Location of smaller trees is not required, but will facilitate documentation of tree preservation credits.
4. The Critical Protection Zone of protected trees shall be numerically calculated as one foot (1') of drip line radius for every one inch (1") of Diameter at Breast Height. For impacts that affect the arc of the CPZ in linear fashion such as utility or curb construction, incursions of up to fifty percent (50%) of the CPZ radius shall be allowed provided that excavation is accomplished by gradual exposure and saw cutting of major roots. Root removal by backhoe or other powered excavator shall be considered to be a technical tree removal (also see Subsection 5404.C.3).
5. Clearing Permits. Clearing prior to development shall only occur with a valid letter of permission from the Planning Department for sites that are in the final stages of development approval and shall require an approved clearing or landscaping plan and shall have appropriate barricades and erosion control measures approved prior to clearing operations.

## C. Tree Protection Areas.

1. For each development of residential uses, a minimum of ten percent (10%) of the total area included in the subdivision, plat or site plan must be designated as natural area. The understory may be cut in non-conservation areas, but all trees with a diameter greater than twenty inches (20") must be preserved or replaced per sections F through H below.
2. For each development of Class II non-residential land use activity a minimum of twenty percent (20%) of the total area included in the subdivision, plat or site plan must be designated as natural area. The

understory may be cut but all trees with a diameter greater than twenty inches (20") must be preserved.

3. Construction within the critical protection zone of any protected tree shall constitute the technical removal of said tree and shall require reforestation planting or reimbursement (also see Subsection 5404.B.4).

D. Exemptions.

1. Non-Native & Invasive Vegetation. The following trees and vegetation shall be exempt from the tree protection requirements of this Code:

a. Mimosa or silktree	<i>Albizia julibrissin</i>
b. Kudzu	<i>Pueraria lobata</i>
c. Chinese Tallow or popcorn tree	<i>Sapium sebiferum</i>
d. Chinaberry	<i>Melia azedarach</i>
e. Japanese fern or climbing fern	<i>Lygodium japonicum</i>
f. Coral ardisia	<i>Ardisia crenulata</i>
g. Chinese privet	<i>Ligustrum sinense</i>
h. Nandina	<i>Nandina domestica</i>
i. Camphor	<i>Cinnamomum camphora</i>

The species listed above are considered invasive species by FDEP and will not be permitted to be sold or planted in Gadsden County.

2. Utility Operations. Tree removal by duly constituted communication, water, sewer, electrical or other utility companies or federal, state or County agencies, or engineers or surveyors working under a contract with such utility companies or agencies shall be exempt, provided the existing lines or facilities or for the construction of new lines or facilities in furtherance of providing utility service to its customers and provided further that the activity is conducted so as to avoid any unnecessary removal of trees. In the case of aerial electrical utility lines, no removal is permitted that is not greater than that specified by the electrical clearances. Written notice of the removal shall be provided to the Department five (5) days prior to removal, except that when the removal is needed to restore interrupted service under emergency conditions, no notice is required.
4. Commercial Growers: All commercial nurseries, botanical gardens, tree farms and grove operations shall be exempt from the provisions of this part, but only as to those trees which were planted for silvicultural or agricultural purposes or for the sale or intended sale in the ordinary course of business.
5. Silviculture: Silviculture agriculture activities are exempted from these

requirements. Best Management Practices (BMPs) as currently promoted by the Florida Division of Forestry shall be practiced. This exemption shall not extend to Champion Trees.

5. New Single Family construction: The placing of a detached single-family dwelling unit on a piece of property shall be exempt from these requirements. Tree protection requirements are waived for driveway construction.
6. Emergencies: During emergencies caused by a hurricane or other disaster, the County Manager may suspend these tree protection standards.

#### E. Protection of Trees and Native Vegetation during Development.

1. A construction wooden barrier shall be erected around all trees and native vegetation which are subject to the provisions of this subsection and are to remain permanently on-site until construction is complete. Such trees and vegetation shall be identified by flagging or staking.
2. Barriers shall be constructed of upright posts and railings constructed of lumber at least two inches (2") by four inches (4") in cross section connected by ribbons, flags, or other visible connecting material and shall extend at least ten feet (10') beyond the drip line of all protected trees on the property. Larger natural areas can be protected by the erection of a minimum thirty-six inches (36") high orange plastic construction barrier placed to protect the CPZs of any included protected trees.
3. No excess soil or additional fill, building material or debris shall be placed within the barriers.
4. No tractors or heavy machinery shall be allowed to work, park or locate within the barrier.
5. No attachments, other than protective wire shall be attached to any trees or shrubs within barrier areas.
6. A minimum distance of ten feet (10') shall be maintained from all protected trees when installing underground utilities. Upon approval by the DRC, a soil auger may be used to tunnel under the root system.
7. Installation of artificial barriers such as barricades, fences, posts or wall shall not destroy or harm the root system of the protected trees. Footers for walls shall end at the point where larger roots are encountered and the roots shall be bridged. Post holes and trenches located close to protected trees shall be adjusted to avoid damage to major trees.

- F. Illegal destruction of trees. Trees that are illegally destroyed or that have received major damage from illegal activities require substitution as determined by the Director of the Planning and Zoning Department or designee or as described below.

This provision is intended to protect existing stands of trees that will enhance future developments, to provide vegetated buffer areas, and to ensure that 'natural areas' actually do exist on properties prior to development.

G. Fines and penalties:

1. Protected trees removed prior to development application and inspection by the Growth Management Department or removed or damaged subsequent to development approvals shall be replaced in the development on a basis of one diameter inch (1") of replacement for every two inches (2") of trees removed or damaged. Stumps at ground level shall be considered to be one hundred ten percent (110%) of DBH. As an alternative, a developer may elect to buy tree replacement credits at the rate of \$125 per diameter inch in penalties. It shall be the responsibility of an applicant to provide verification that a tree greater than twenty inches (> 20") DBH is diseased to not incur penalties for removal or further damage.
2. Reforestation fund: All penalties, fines or monetary reforestation credits shall be accumulated by the County in a fund designated for landscaping and tree planting on public lands or for park development.
3. The Director of the Growth Management Department retains the right to grant waiver or relief to the strict interpretation of this code based on demonstrated hardship or unusual site specific conditions.

H. Replacement Trees

1. Replacement trees or trees provided for reforestation or landscaping requirements shall be free of disease and in good condition at planting.
  2. Trees provided for replacement or landscaping shall be of species found naturally occurring in Gadsden County.
- I. Maintenance of trees and landscaping materials. Trees and native vegetation subject to this subsection, shall also be maintained by the property owner. Trees and native vegetation shall be maintained at least two (2) years from the date of the Certificate of Occupancy. If replaced trees and vegetation die prior to the two (2) year time period, the Planning Department shall consider this a violation of the Development Order and all dead or

withered trees and vegetation shall be replaced by the property owner.

(Ord. # 1996-005, 7-2-96; Ord. # 2003-006, 8-19-03)

### **Subsection 5405. Corridor Road Landscaping Standards**

A. Purpose. The section shall apply to all non-residential and residential developments adjacent to a corridor road so to protect the rural character and natural beauty of Gadsden County by encouraging the preservation of natural vegetation along its corridor roads which will maintain the health, safety, and general welfare of the residents of Gadsden County by minimizing the detrimental effects of contiguous and/or continuous strip development. This is achieved by ensuring that development along the designated Corridor Roads of Gadsden County;

1. Minimizes the adverse impacts on the natural environment;
2. Enhances the existing natural environment;
3. Limits impervious surfaces to reduce stormwater runoff; and
4. Is aesthetically and visually pleasing.

Clearing permits may be obtained from the Department of Planning & Zoning after approval of conceptual site plans or preliminary plats. Clearing in advance of a development order is prohibited in Corridor Road setback areas and wetlands or wetland buffers prior to issue of a Development Order. See Subsection 7600.

B. Landscaping Standards for Non-Residential Development.

1. These standards shall apply to non-residential development with corridor road frontage.
  - a) Landscaping Area Requirements. A minimum of ten percent (10%) of the development shall be landscaped of which up to fifty percent (50%) may be grassed or planted with sod.
  - b) Landscaping requirements are in addition to the buffer area requirements of Subsection 5302.
  - c) Landscaped areas may be used to meet the open space requirements of Subsection 5301.
  - d) Landscaping requirements are to apply to those areas in direct public view along corridor roads with frontage. These minimum requirements

do not apply to the rear lot areas and landscaping in side lots can only be used to meet twenty percent (20%) of the total landscape requirement for the development.

- e) Existing, preserved and protected native vegetation is encouraged to be used as credit towards the landscaping requirement. Use of Silvicultural stands of timber thinned according to BMPs is acceptable.

2. Landscaping of Vehicular Use Areas. These standards reduce the visual blight and heat island effect of large expanses of paved parking areas.

- a) Landscape islands shall be located at the end of each row of ten or less parking spaces and shall be a minimum of twelve feet (12') wide by thirty-six feet (36') long. Islands shall be mounded and planted so to discourage pedestrian pass-through traffic.
- b) In lieu of repeated landscape islands, a continuous planted area no less than ten feet (10') wide may be placed between opposing parking rows.



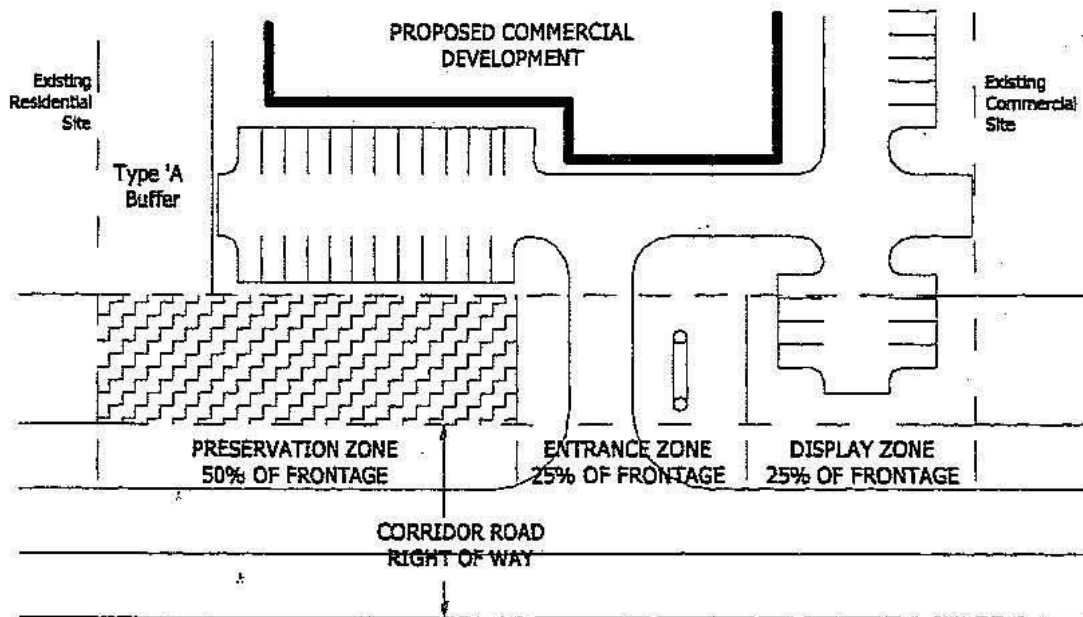
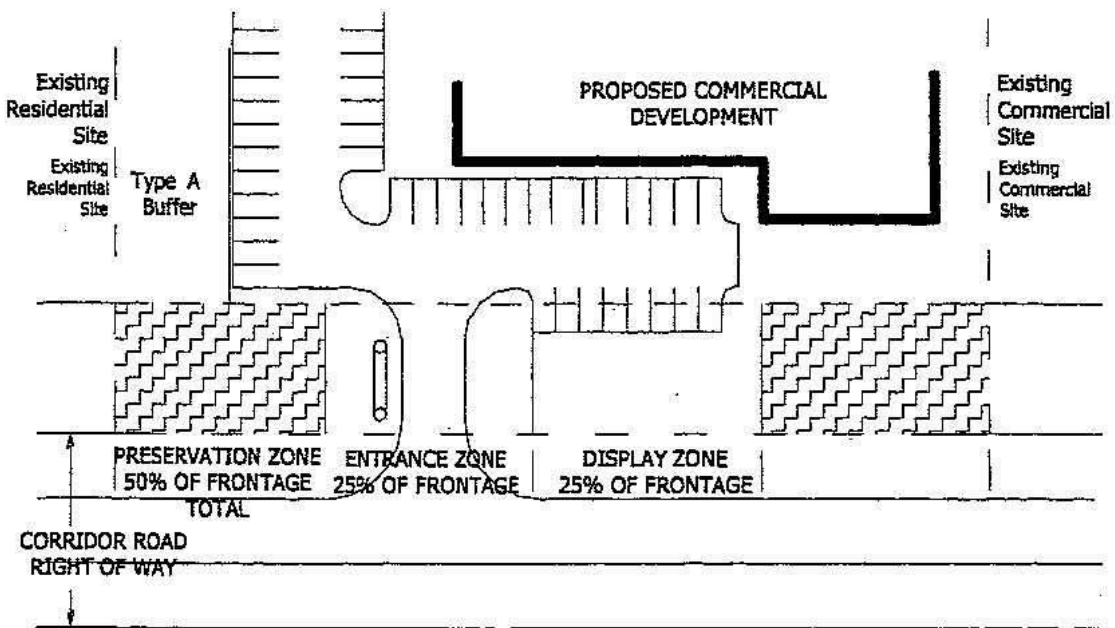


Figure 5405-2

### 3. Landscaping of Perimeter Areas

- a) The landscaped perimeter of Vehicular Use Areas adjacent to corridor road frontage shall be a minimum of ten feet (10') wide. For redeveloping sites, the applicant shall work with the planning staff to create Vehicular Use Areas in alternate locations that will lessen the effects of earlier development.
- b) The perimeters of Vehicular Use Areas in developments adjacent to similar land use classifications shall provide a minimum five foot (5') wide landscaped area along the adjacent property line.
- c) The perimeters of Vehicular Use Areas in developments adjacent to a different land use shall provide a buffer as required by Subsection 5302.
- d) The side and rear perimeters of Light Industrial and Industrial developments in land use areas adjacent to similar or more intensive land use classification shall not require landscaping.

#### C. Requirements in Corridor Road Setback Areas. The following standards shall encourage retention of trees and natural vegetation on corridor road frontage in public view. See Figure 5405-2.

1. **Setback Area:** That portion of the property between the corridor road and the building is the corridor road setback area and shall preserve some existing trees and understory vegetation to retain the rural character of the corridor road and buffer the effects of new development.
2. **Protected Trees:** On Corridor Roads, a protected tree is any tree, except for genus pinus, pine trees, that has attained a DBH of 8" within the Corridor Road Protection buffer in Urban Service Area, Rural Residential, Commercial, Light Industrial and Industrial Land Use districts.
3. **Preservation Zones:** The corridor road setback area shall be divisible into three distinct zones.
  - a) The Preservation zone shall be a minimum of fifty percent (50%) of the corridor road setback area. This zone shall be left natural or landscaped. Vehicular use is prohibited.
  - b) The Entrance zone shall have a minimum width of 25' and up to twenty-five percent (25%) of the frontage and shall allow driveways, landscaped roadway shoulders, signs, and architectural walls that will provide a safe and aesthetic transition into the site.
  - c) The Display zone is the remaining portion of the frontage not to exceed 25% of the frontage and may be used for stormwater facilities, parking

and product display provided such does not inhibit driveway site requirements. Stormwater facilities in this zone shall have a ten foot (10") wide unfenced berm with side slopes of 1:5 or greater. The sides and bottoms shall be planted with water tolerant tree species at two (2) caliper inches per every sixteen hundred (1600) square feet.

4. Minimum Landscaping Required: Minimum vegetation required per one hundred feet (100') of frontage shall be sixteen (16) diameter inches of trees, six (6) ten-gallon or larger understory trees or shrubs and fifteen ground cover plantings. Understory trees or shrubs shall be plantings that attain a height of three feet (3') to twenty feet (20') at normal mature height.
5. Fencing: Fences shall not be permitted within the corridor road setback area.
6. Clearing:
  - a) Clearing permits are required for the clearing of any deciduous trees greater than 8" in diameter in the front buffer zone along corridor roads. This shall apply to all residential, commercial, urban service area, public and industrial lands.
  - b) Clearing permits may be obtained from the Department of Planning & Zoning after approval of conceptual site plans or preliminary plats. Clearing without a permit in advance of a development order is prohibited in Corridor Road setback areas and wetlands or wetland buffers prior to issue of a Development Order. See Subsection 7600.
7. Effect on Silviculture Activities:
  - a) In Agriculture districts, clear cut harvesting in corridor road setback areas shall be considered a use by right only for bona-fide silviculture operations.
  - b) Properties subjected to clear cut harvesting and subsequently presented for land use amendment or development activity within two (2) years of the clearing shall be penalized by a doubling of the planting requirement with a revised minimum caliper measure of three inches (3"). In the case of land use amendments, the re-planting shall be complete and approved prior to submission of the adoption ordinance.
  - c) Properties harvested may not be penalized if some retention of the original stand of timber is retained:
  - d) For natural stands of mixed hardwood/softwood forest, non-pine trees

greater than 8" shall be preserved and protected.

- e) For planted stands of pines retention of three hundred (300) diameter inches per one hundred (100) linear feet of frontage in a random thinning plan.

D. Credits for Preservation.

1. To maintain Gadsden County's rural character, preserving natural vegetation growth is encouraged and credit is given for the preservation of native vegetation as preservation is of equal importance as replacement.
2. Preserved vegetation must be of reasonable quality to qualify for credits. This will include native trees in good health greater than four inches DBH. Non-native or invasive species will not be allowed for credit. Twenty-five percent (25%) of planted pines in a stand of juvenile pines may be counted as preserved trees.
3. Some smaller species of understory trees (i.e. crepe myrtle, dogwood) may also be acceptable to receive credits at the discretion of the Planning Director or its designee. Location of Protected Trees shall be indicated on all preliminary plats or site plans and trees used for credit shall be tagged at the development site and properly labeled on submitted plans.
4. This credit shall be applied as follows:
  - a) One inch of credit will be given for each inch of trees preserved in the front or side buffer area of a development towards replacement of protected trees removed by the development.
  - b) One inch of credit will be given for each inch of protected trees preserved in an interior or rear area and successfully protected during construction and may be used to meet the landscaping requirements in buffer areas.
  - c) One half inch (1/2") of credit will be given for each inch of preserved trees in landscaped areas towards the corridor road landscaping requirement.
  - d) One inch of credit will be given for each inch of preserved trees in a natural area with protected and natural ground cover. Stands of trees with understory and ground cover to be preserved should be cordoned off with construction barricade and protected before and during construction.

## E. Landscaping Standards for Residential Areas

### 1. New Residential Development on Corridor Roads.

- a) A buffer with a minimum twenty-five feet (25') depth shall be retained in a natural, undisturbed state to shield residential developments from traffic and noise and to provide visual screening of the residential area from the corridor road. This is in addition to the minimum rear yard and side yard setbacks where lots abutting the corridor road and shall be subject to conservation easements or restrictions.
- b) The segment of a residential development entrance road from its intersection of a corridor road to the next interior road intersection shall be considered a Corridor Road and the above buffer is required.
- c) New residential development or new driveways on existing residential parcels shall require driveway permits from the Planning Department in addition to any permits obtained from the FDOT or the Public Works Department to ensure that existing canopy is preserved to the greatest extent possible.

## F. Penalties.

1. Protected trees removed from buffer areas along corridor roads prior to development applications in Urban Service Area, Rural Residential, Commercial, Lt. Industrial or Industrial districts shall be replaced on an inch per inch basis. Stumps at ground level shall be considered to be one-hundred ten percent (110%) of DBH.
2. Replacement trees shall be free of disease, in good condition at planting, and shall be of species naturally occurring in Gadsden County.
3. The Planning Commission may grant relief to the strict interpretation of this ordinance based on unusual site specific conditions and a demonstrated hardship.
4. Protected trees removed from developments along corridor roads prior to approval and not replaced per this ordinance shall be assessed a fine of \$125 per diameter inch.
5. Liability for replacement and/or fines may be assigned by the Board of County Commissioners to the Owner, Property Manager, or Clearing Contractor at its discretion depending on the facts of the case as presented.

(Ord. # 2000-002, 4-4-00; Ord. # 2003-06, 8-19-03)

**SECTION 5500. FLOOD DAMAGE PROTECTION STANDARDS.** Deleted in its entirety. It has been included in the Gadsden County Code of Ordinances, § 42-31 through 42-85.

(Ord. # 2003-006, 8-19-03)

**SECTION 5600. TRANSPORTATION SYSTEM STANDARDS.** This section contains regulations which govern transportation systems within Gadsden County, including bikeways, pedestrian access, and parking. These standards are established to provide for safe, adequate and efficient circulation and to implement the Gadsden County Comprehensive Plan, 2001.

**Subsection 5601. Functional classification.** The roadways within Gadsden County are classified according to existing and projected future traffic counts and the type of service to be provided. Each roadway classification has its own general design criteria and primary function. These functional classifications are used in the Traffic Circulation Element of the Comprehensive Plan describing the Future Traffic Circulation Map Series. The roadway classifications are as follows:

1. Freeway, limited access;
2. Principal Arterial;
3. Minor Arterial;
4. Major Collector;
5. Minor Collector;
6. Local Road.

**Subsection 5602. Future Traffic Circulation Map Series.** The Future Traffic Circulation Map Series and any amendments are hereby made a part of this Code.

**Subsection 5603. Construction and Design Standards.**

- A. All roads, sidewalks, bikeways, parking lots or other required paving shall conform to standards as determined by the Gadsden County Road and Bridge Department and County Engineer and as contained in this Code. These standards are based on generally acceptable engineering design standards.
- B. Site plans requiring access to Florida State Highway or roads shall be submitted to the FDOT for their review and approval.

- C. The County, where feasible shall require joint curb cuts with adjacent development parcels.

**Subsection 5604. Bicycle parking facilities.**

- A. Purpose and Intent. Bicycles are a clean, energy-efficient, alternative means of transportation whose negative impacts are far less than those of fossil-fueled vehicles and an important means of transportation for those whose access to motorized transportation is limited. To implement the Comprehensive Plan, and to further encourage alternative modes of transportation, all new development and redevelopment shall provide adequate and properly located bicycle parking facilities.
- B. Bicycle parking facilities shall be provided in all development or redevelopment, occurring after the effective date of the Code, which requires site plan or plat approval. Each freestanding business/ office/ institutional project consisting of multiple business/ offices or a nonresidential plat shall be required to provide a minimum of fifty (50) square feet of off-street bicycle parking per building.

Each bicycle parking space shall provide sufficient area to store a single bicycle and shall be supplied with the means to support and lock a single bicycle in a stable, upright position without damage to the frame, wheels or components.

- C. Bicycle parking shall be: 1) separated from automobile parking; 2) conveniently located adjacent to the main entrance(s) without obstructing pedestrian ways or being located in fire lanes and; 3) sufficiently visible to minimize potential for theft and vandalism.
  - 1. Bicycle parking spaces shall be at least ten feet (10') deep and no less than thirty (30) square feet.
  - 2. Exceptions: Single-family residential developments and small multi-family developments up to three (3) units are not required to provide bicycle parking. The DRC may adjust these requirements if the applicant can show that provision of the required bicycle parking would be unnecessary or inappropriate.

(Ord. # 1996-005, 7-2-96)

**Subsection 5605. Standards for Sidewalks, Pedways, and Bicycle Facilities**

- A. General intent and applicability.
  - 1. Intent. It is the intent that the standards and specifications herein shall

apply to the development of public and private sidewalks, pedway, and joint bikeway/pedestrian facilities constructed and reconstructed in the County. The priority for providing sidewalks is to provide pedestrian access to/from school bus stops, to and from schools and parks and public buildings, to moderate and higher density residential areas and to commercial areas including commercial nodes or areas eligible for the Neighborhood Commercial overlay.

2. **Applicability.** As a condition of the issuance of a building permit for any construction project located in urbanized areas including areas within any designated urban service boundary or designated rural community boundary which include the following land uses,
  - Commercial;
  - Urban Service Area;
  - Public;
  - Rural Residential land use category where residential density is developed on lots of one unit per acre or less; and
  - In areas within the Rural Residential land use category where the Neighborhood Commercial land use is applied.

The County shall require the developer to construct a sidewalk, pedway (pedestrian ways), and/or bicycle facility, along the development project street frontage(s) at the time of development. Sidewalks along individual lots within a major or minor subdivision shall be constructed prior to completion or the issuance of a certificate of occupancy for each lot. Sidewalks adjacent to or within common area tracts shall be constructed at the time of subdivision improvement construction.

3. **Exemptions.** Not all areas are suitable or practical for the placement of sidewalks and thus are exempt from having to provide a sidewalk facility. These include the following:
  - Private subdivisions (local streets only).
  - Cul de sacs of less than three hundred feet (300') in length.
  - Developments with an internal integrated alternative pedestrian system.
  - Isolated Public uses and Commercial uses not within or adjacent to the Urban Service Area, Commercial, Rural Residential or Public Land Uses.
  - Where a deep ditch, grade or environmentally sensitive lands would prohibit reasonable construction of such a facility and where a sidewalks could not be constructed within an access easement adjacent to the right-of-way.
  - Within a railroad right-of-way.



- Within platted developed areas or adjacent to undeveloped lots (vacant lots) within an existing recorded or unrecorded subdivision, unless a site is slated for redevelopment or re-platting, or in an area mostly developed as a uniform metes and bounds subdivided area established prior to the adoption of this Ordinance (May 16, 2006).

C. Design Standards. All development in any delineated Urban Services Boundary and in the USA, Commercial, Public, Neighborhood Commercial overlay, active Recreational land use categories, Public land uses in other land use categories and all lots within subdivisions in the Rural Residential land use category with lots of one (1) acre or less in size approved after the date of adoption of this ordinance (May 16, 2006) shall provide sidewalks on at least one side of interior and exterior streets. These types of facilities are encouraged to provide circulation to schools, parks, commercial nodes, other transportation facilities, other community facilities, and within designated greenways. Easements shall be of sufficient width to permit construction, reconstruction and maintenance of the sidewalk/pedway facility.

1. Location of sidewalks and pedways. All sidewalks shall be placed within a right-of-way and preferably at the inside edge of the right-of-way unless prevented due to the presence of steep slopes, swales, large trees or other obstacles, but should be placed away from the edge of pavement, particularly along higher speed roadways. Whenever this is not possible, sidewalk and pedestrian facilities shall be provided through the creation of access easement(s). Separate pedestrian and bicycle access right-of-ways or easements not within existing street rights-of-way or easements shall not be less than twelve feet (12') wide. At least five feet (5') and up to eight feet (8') of the right-of-way shall be paved or stabilized depending on possible users, at the discretion of the County engineer or Growth Management Director, where deemed essential to provide circulation or access to schools, parks, commercial uses, other transportation facilities, and other community facilities.

Sidewalks in residential areas shall be located a minimum of three feet (3') from the back of the curb along collector and local streets and as close as possible to the right-of-way line along arterial streets. In access easements, when topography, etc. does not allow for placement in the right-of-way, sidewalks may be permitted within adjacent access easements with sufficient width to allow for construction and maintenance of the facility.

2. Required sidewalk and pedways widths. All sidewalks shall be at least five feet (5') in width, and at least six feet (6') in width when located along the back of the curb, A sidewalks shall be constructed on both sides of the roadway along arterial and collector streets. The pedestrian way shall be free of all obstructions. Sidewalks shall be required along only one side of

local streets. Bi-directional pedestrian and bicycle ways (pedways) not located adjacent to or parallel to streets within street rights-of way shall be at least eight feet (8') wide. This facility shall be paved and provide a two foot (2') clear zone with no obstructions such as poles, trees, utility structures, guy wires, etc., on either side of the facility.

3. Distance of sidewalks from street right-of-way line. When possible all sidewalks must be placed six inches (6") in the street right-of-way from the lot line, unless a variation is permitted by the Growth Management Director for extenuating circumstances due to the presence of steep slopes, swales, large trees or other obstacles, but the sidewalk should be placed away from the edge of pavement, particularly along higher speed roadways. However, sidewalk crossings at intersections (streets and driveways) shall be located in close proximity to the two intersecting streets to provide maximum visibility for pedestrians and motor vehicle operators and where pedestrians will not be required to walk behind queued vehicles.
4. Standards for construction of sidewalks shall comply with minimum design standards.
  - a) *Outside edge.* All sidewalks must be constructed so that the outside, or street side, of the sidewalk is one and one-half inches (1 ½") lower than the inside, or side next to the lot.
  - b) *Tamping sub-grades.* All sub-grades of sidewalks shall be tamped until the ground upon which the sidewalk is to be constructed is solid and hard.
  - c) *Minimum uniform thickness.* All sidewalks constructed in the county must have a uniform thickness of not less than four inches (4") and not less than six inches (6") where a street or driveway or other area where motor vehicles cross a sidewalk.
  - d) *Concrete construction, expansion joint required.* All sidewalks shall be constructed of concrete or asphalt pavement and shall have expansion joints as appropriate for the class of concrete used.
  - e) *Finish of surface.* The surface of sidewalks shall be finished smoothly, but with a finish that will not be slick. Appropriate textures shall be required at entrances to crosswalks.
5. Gates opening onto sidewalk. No gate shall open onto or stand onto any sidewalk in the County. No gate shall open outwards and every gate shall be constructed so as to open inwards.

6. Subdivision/Site plan sidewalks. The owner of property proposed for subdivision with lots consisting of one (1) acre or less in size, shall be responsible for constructing the pedestrian ways in right-of-ways adjacent to common areas, including tracts, or where not adjacent to platted lots and such pedestrian ways shall be installed prior to the final inspection of the subdivision improvements for the issuance of certificate of completion or acceptance by the county. For non-residential development sidewalk shall connect the building site to the public sidewalk. The owner/developer of other types of development shall complete all required sidewalks prior to final inspection of site improvements for the issuance of a certificate of completion/occupancy. (Also see Subsection 6100.A.)
7. Connections at intersections required. Each pedestrian way or sidewalk shall extend to a curb cut at all street intersections which provide access connection to the pedestrian way or sidewalk from the street. All access connection shall provide handicapped accessible ramps consistent with requirements to implement the Americans with Disabilities Act (ADA), 42 USC Section 12101 et seq. All pedestrian ways including sidewalks within subdivisions shall be constructed in accordance with the provisions set forth herein and in Section 6100.
8. Bicycle lane design standards. Bicycle ways shall be provided within the curb lane of new arterial and collector streets and reconstructed arterial and collector streets within designated Urban Service Boundaries and shall be no less than four feet (4') in width measured from the inside edge of curb towards the centerline of the road. Such facilities shall be marked and signed by the contractor/developer in accordance with the Florida Department of Transportation adopted standards in effect on the date of construction plan approval. Rural roadways may be substituted with a four foot (4') wide paved shoulders.
9. Connection to school bus or transit stops required. All development must provide, to and from designated school or transit station stops, sidewalks and/or pedestrian ways which provide interconnected routes to the public and private pedestrian way system. Where such school bus or transit station stops are located, additional sidewalk and/or pedestrian way width may be required to provide for the construction of a shelter/bench and provide adequate width for anticipated pedestrian volumes and users.

(Ord. # 2006-017, 5-16-06)

#### **Subsection 5606. Standards for off-street parking.**

##### **A. Minimum number of parking spaces.**

1. The table of off-street parking standards shows the minimum number of required parking spaces for certain types of land uses.

2. All new development and expansion of existing development must comply with these off-street parking standards.

B. Class I Standards.

1. When a proposed use is Class I (see Subsection 4200), the required spaces are based on the rates shown in the table of off-street parking requirements in this subsection. If a proposed use is not specifically shown in the table, the land use is considered a Class II, land use for the determination of required parking spaces. A proposed Class II, land use category may require a parking study, pursuant to Subsection 5607.F. of this Code.
2. Design and layout of parking spaces and areas shall conform to the standards contained in this Code.
3. Aisles and circulation areas shall be paved as provided for in subparagraph (B)2 above, however, up to fifty percent (50%) of the parking spaces may remain unpaved, subject to the DRC approval. A church or other similar religious institutional use without daily parking needs such as daycare or educational activities, may be allowed to leave all parking stalls and drive isles unpaved. Areas where no paving is envisioned must provide for a firm, stabilized, slip-resistant parking base to ensure safe and accessible parking areas. All parking areas must be approved for design and specifications by the DRC. Driveway aisles shall be fully paved with the exception of those uses listed previously.
4. In no case shall the unpaved parking area be calculated as a minimum required buffer, open space area or retention area. Retention area(s) requirements shall be calculated based on the assumption that the parking area is to be paved. All required handicapped parking spaces shall be paved, in addition to required pathways from the handicapped spaces to the building or structure, in accordance with paragraph J of this subsection.

- C. Class II Standards. Whenever a proposed use is considered Class II (see Subsection 4202), parking standards shall be determined utilizing Table 5607, or by a professional parking study which shall be provided to the DRC by the applicant. The DRC has the authority to either accept or reject said study or calculations based on Table 5607. If the DRC rejects the parking study or calculations, the DRC shall set the required parking ratio for the Class II use.

(Ord. # 1996-005, 7-2-96; Ord. #2021-005, 6-15-21)

**Subsection 5607. Off-Street Parking Requirements.**

- A. Parking spaces required on any employee/person basis in this Code shall be based on the maximum number of employees/persons on duty or residing, or both, on the premises at any one time.
- B. Where a given use or building contains a combination of uses, parking shall be provided on the basis of the sum of the required spaces for each use.
- C. Where the required number of parking spaces is not set forth for a particular use, a determination shall be made by the DRC based upon the requirements for a similar use, and may consider available traffic engineering and planning data from other sources.
- D. When units or measurements determining numbers of required off-street parking spaces result in requirement of a fractional space, then such fraction equal or greater than one-half shall require a full off-street parking space.

**TABLE 5607 Minimum Parking Requirements**

<u>Land Uses<sup>1</sup></u>	<u>Minimum Number of Spaces</u>
<b>Residential Uses:</b>	
Single family dwelling unit	2.50/unit
Duplex	2.50/unit
Multi-family, Mobile home park	2.00/unit
<b>Public/Semi-Public:</b>	
Church or other house of worship	1/3 seats <sup>5</sup> in sanctuary or building with maximum capacity
Schools (K - 8th grade)	1/classroom plus 1/250 square feet of office area
(9th - 12th grade & all others)	1/3 per classroom seat
Colleges	1/employee + 7/classroom + required spaces as required for each individual type of land use activity
Library, museum or similar use	1/250 sq. ft. of gross floor area
Day care center	1/classroom plus 1/250 sq. ft. of office area
Public Service - General:	
Hospital	1/licensed bed plus 1/250 sq. ft. of office area*
Special Residential	1/sleeping unit (room) plus 1/250 sq. ft. of office area
Special residential ACLF (occupancy capacity); minimum of 2/facility	1/2.5 clients (based upon maximum licensed occupancy capacity)
Post Office	1/200 square feet of gross floor area
<b>Recreational:</b>	
Recreation building(s)	1/200 sq. ft. of gross floor area
Swimming pools	1/200 sq. ft. of pool area
Auditoriums/ other assembly buildings	1/3 seats <sup>5</sup> plus 1/250 sq. ft of office area

Parks and other passive recreation areas	2/acre or fraction thereof of gross site area, plus 1/250 sq. ft. of gross floor area of on-site recreation buildings.
Ball fields and other active outdoor	5/acre, plus 1/3 recreation facilities spectator seats
RV Parks /Campgrounds	Two spaces per camp site at the camp site and spaces required for accessory uses.

**Professional Service/Office uses**

(non-specific)	1/200 sq. ft. of GFA
(specific)	1/250 sq. ft. of GFA

**General Commercial**

Medical Clinic	1 space per 200 square feet of gross floor area.
General commercial shopping centers; up to 75,000 sq. ft.	1/200 sq. ft. of GFA
75,000 to 150,000 sq. ft. GFA	1/175 sq. ft. of GFA
Over 150,001 sq. ft.	1/150 sq. ft. of GFA
Restaurant (sit down)	1/100 sq. ft. of GFA
Eating Establishments (fast food)	1/ 80 sq. ft. of GFA (including outdoor seating).
Theater, auditorium (free standing)	1/3 seats <sup>2</sup>
Funeral home area	1/3 seats in chapel, plus 1/250 sq. ft. of office
Hotel/Motel restaurants, shops, etc.	1/unit, plus 1/200 sq. ft. of space required for
Heavy Commercial (non-specific)	1/200 sq. ft. GFA
Bar, lounge, night club, etc.(free standing)	1/100 sq. ft. of GFA
Gasoline station (w/out repair bays)	1/200 sq. ft. of GFA
Vehicle repair garages area.	1/3 service bays, plus 1/250 sq. ft. of office
Nurseries	1/200 sq. ft. of GFA
Commercial recreation	1/200 sq. ft. of GFA
RV sales and rentals	1/250 sq. ft. of GFA
Body shops, repair shops, commercial garages (with or w/out gasoline sales)	1/200 sq. ft. of GFA
Marina	1/slip and/or 1/4 dry storage berth plus 1/200 sq. ft. of sales floor area
Other uses classified as General Commercial	1/200 sq. ft. of gross floor area <sup>3</sup>

**Industrial and Light Industrial<sup>4</sup>**

Indoor industrial (non-specific)	1/300 sq. ft. of GFA
Outdoor industrial (including warehousing)	1/500 sq. ft. gross site area, plus 1/250 sq. ft. of office area (non-specific) other than any mini- storage)
Processing and treatment	1/500 sq. ft. of process area, plus 1/250 sq. ft. of office area
Outside storage/sales/rentals of Mobile Homes, RV's, Site built homes, etc.	1/1000 sq. ft. of subject property devoted to activity, plus 1/250 sq. ft. of office GFA
Mini-storage facilities (no separate	1/rental unit, plus 1/250 sq. ft. of office space

businesses in rental units)	area
Research and Development	1/ each 500 square feet of gross floor area plus 1 space per company vehicle-
Industrial Parks	As required for each component use.
Junkyard or Salvage Yards	1/each 200 square feet of office area plus 1/space per 20,000 square feet of gross site acreage-

**Mining**

(non-specific mining activity)	1/1000 sq. ft. of process area, plus 1/200 sq. ft. of office areas
(specific)	1/1500 sq. ft. of process area, plus 1/250 sq. ft. of office areas

**Public:**

Class I, Public/Utility uses	To be determined by the Board of County Commissioners
Class II, Public/Utility use	To be determined by the Board of County Commissioners
Modal stations or Ports, Utility use	1/250 sq. ft. of occupied building

<sup>1</sup> See Subsections 4101 through 4107 for definitions.

<sup>2</sup> The number of seats shall be maximum occupancy load as determined by the Gadsden County Building Official. In no case shall the occupancy load used for calculating the number of required parking spaces be less than the number of seats installed in a facility.

<sup>3</sup> Calculations shall be determined by the DRC at conceptual site plan stage.

<sup>4</sup> Parking Study: Where the required number of parking spaces is not set forth for a particular use, or appears to be excessive for the intended use, a parking study shall be made based upon the requirements for a similar use as well as consider available traffic engineering and planning data from other sources.

<sup>5</sup> Refer to subsection L(n) in this Subsection 5607 of the Code to calculate seating based on lineal feet of bench or pew.

E. Re-evaluation of Existing Developments. The County reserves the right to assess sites that have undergone a change of use to determine if remedial parking is needed to bring the site into compliance with this code or to relieve observed off-street parking.

F. Reduction of Minimum Standards for Joint Use of Parking Spaces. The Development Review Committee may authorize a reasonable reduction in the total number of required parking spaces for two (2) or more contiguous developments which jointly provide off-street parking when the hours of maximum parking demand of said developments do not normally overlap. The following conditions must be met:

1. Sufficient data to demonstrate that the hours of maximum parking demand of the respective developments do not normally overlap must be submitted to the DRC and found to be valid by the Director of Planning.

2. There must be one (1) or more paved driveway connections between the

parking areas of the developments involved. The number, location(s) and design specification of said driveway(s) must be acceptable to the Development Review Committee and County Engineer.

3. A cross-access and cross-parking agreement, in recordable form acceptable to the County, must be executed by the owners of development involved. Said agreement must guarantee the joint use of a specified number of parking spaces, approved by the County Attorney, until additional parking sufficient to comply with the applicable provisions of this Code has been provided elsewhere.

G. Shared Parking. In cases where it may not be reasonable to meet applicable minimum parking requirements within a primary development site, and where an adjacent existing development may have parking capacity in excess of that currently required by this Code, said excess parking capacity may be credited toward the minimum requirement for the primary site, subject to the following conditions:

1. There must be one (1) or more paved driveway connections between the parking areas of the developments involved. The number, location(s) and design specification of said driveway(s) must be acceptable to the Development Review Committee and County Engineer.
2. A cross-access and cross-parking agreement, in recordable form acceptable to the County must be executed by the owners of development involved. Said agreement must guarantee the joint use of a specified number of parking spaces, approved by the County Attorney, until additional parking sufficient to comply with the applicable provisions of this Code has been provided elsewhere. Handicapped spaces shall be calculated based on the size and uses of both developments and shall be cumulative, not shared.

H. Off-Site (noncontiguous) Parking. One or more parking areas needed in order to meet the applicable parking requirements for a primary development site may be located on noncontiguous lots or parcels, subject to the following conditions:

1. The availability of the off-site parking areas must be guaranteed in perpetuity, by virtue of common ownership with the primary site, recorded easements or other binding agreement acceptable to the County.
2. The off-site parking areas must be located within convenient walking distance (no more than 200 feet) from the primary site, said distance to be measured along paved public right-of-way from the entrance driveway into the parking area to the entrance driveway into the primary site.



3. The off-site parking areas shall meet the same development standards (regarding impervious surface, drainage/stormwater management requirements, buffering, interior landscaping, etc.) as those which apply to the primary site.
  4. The primary development site, independent of the off-site parking areas shall meet all applicable development standards of this Code, with the exception of the minimum parking requirements.
  5. The off-site parking areas shall be in either a Commercial, USA or Industrial land use category.
- I. **Parking for Compact Vehicles.** In cases where a development fully complies with the minimum parking standards of Subsection 5707, above, a maximum of twenty-five percent (25%) of the required parking spaces may be reserved for use by compact vehicles. All compact parking areas must be clearly designated throughout the entire parking area. Minimum space width shall be eight feet (8'). The minimum length shall be no less than eighteen feet (18'). The proposed parking layout shall be subject to approval by the Planning Director.
- J. **Parking for Handicapped Persons.** Handicapped parking spaces shall be provided in addition to the required number of parking spaces calculated for the land use. Based upon the total number of parking spaces required under Subsection 5607.A. through E., parking spaces for handicapped persons shall be provided according to the following table:

<b>Total Required Parking</b>	<b>Minimum Number of Handicapped Spaces</b>
1-25 spaces	1
26-50 spaces	2
51-75 spaces	3
76-100 spaces	4
101-150 spaces	5
151-200 spaces	6
201-300 spaces	7
301-400 spaces	8
401-500 spaces	2 percent of total requirement

All development providing parking for handicapped persons shall comply with Chapter 553, Part II, F.S., relating to handicapped accessibility, with regard to

size of spaces, ramp slope, signage, etc. and the Florida Building Code relating to handicapped accessibility.

#### K. Historic Preservation

1. Any change of use or adaptive re-use of a structure listed on the Florida Master Site File Inventory of historic structures which requires an increase in the amount of parking under the terms of this Code shall only be required to provide parking which can be reasonably designed to fit on the site and still preserve the site's historic character.
2. Additions in excess of twenty-five percent (25%) of the existing gross floor area of structures which qualify as historic under 1. above shall require the provision of parking in accordance with the regulations of this Code.

#### L. Parking Lot Design Standards.

1. All parking lots shall be designed to meet the standards established in this Code.
2. All required parking shall be located as follows:
  - a) On the same or contiguous lot(s) or parcel(s) of land of the use the parking is intended to serve.
  - b) On land in the same ownership as the use the parking is intended to serve.
  - c) On land which has the same land use classification, or a land use classification which allows the use as Permitted or Conditional, as the use the parking is intended to serve.
  - d) Parking lots may be improved with a permanent all-weather paving material which is graded to drain stormwater in accordance with the stormwater management requirements of this Code. Alternative paving material may be used as required by the landscaping requirements of this Code. Alternative paving material must be approved by the DRC.
  - e) All paved parking spaces which serve any use other than single family dwellings or duplexes located in driveways shall be marked by durable painted lines.
  - f) Directional signs and surface markings shall be provided as determined necessary by the Planning Director or County Engineer.

- g) With the exception of driveways serving single family dwellings and duplexes, no off-street parking space shall be designed in a manner where a vehicle is required to back into a public right-of-way to gain egress.
- h) Fire lanes shall be provided in accordance with the requirements of the Fire Marshall.
- i) Parking lots which serve public parks and large scale recreational complexes greater than five (5) acres may be provided with up to 100 percent (100%) of the required parking in turf block, grass or mulch. Access aisles serving such spaces must be paved and the grass spaces must be adequately drained, marked and maintained. Large scale recreational complexes greater than five (5) acres are exempt from paving drive aisles, if a firm, stable base can be used to create the drive isle. Handicapped parking spaces shall be paved, in addition to required pathways from the handicapped spaces to the building or structure, in accordance with paragraph J of this subsection.
- j) All off-street parking spaces shall have curbs or wheel stops or similar devices for all spaces adjacent to streets and as necessary to prevent vehicles from encroaching upon adjacent property, landscaped areas or public rights-of-way.
- k) The front of a vehicle may encroach upon any interior or perimeter landscaped area or walkway when said area is at least five feet (5') in width and where motor vehicle stops or curbing are provided. Two (2) feet of said landscaped area or walkway may be calculated as part of the required depth of abutting parking spaces.
- l) If deemed appropriate by the Planning Department and DRC, parking which is provided in accordance with this Code for any permanent or temporary use may utilize grass or mulch.
- m) No parking space shall be constructed closer than five feet (5') to any building unless it is under the building, an attached carport, or an enclosed garage.
- n) Benches, pews, or other similar seating arrangements shall count each eighteen lineal inches (18") as one (1) seat.
- o) The minimum dimensions for all required parking shall be as follows:

<b>Angle of Parking (degrees)</b>	<b>Width of Stalls Parallel to Aisles (ft)</b>	<b>Width of Stalls Perpendicular to Aisles (ft)</b>	<b>Width of Aisles</b>	<b>Width of Aisles Plus two Stalls (ft)</b>	<b>Length of Curb per car</b>
30	9	18	10	46	18.0
45	9	18	14	50	12.7
60	9	18	18	54	10.4
90	9	18	24	60	10.0
Parallel one side	22	10	24	34	22.0
Parallel two sides	22	10	24	44	22.0
No parking	---	---	22	22	---
No parking one-way	---	---	10	10	---

\*The provision of compact car spaces at a minimum dimension of eight feet (8') by eighteen feet (18') may be provided at a ratio of no greater than twenty-five percent (25%) of the total required spaces. All compact car spaces shall be appropriately designated by signage or pavement markings.

(Ord. # 1996-005, 7-2-96; Ord. # 2003-006, 8-19-03; Ord. # 2006-020, 8-29-06; Ord. # 2021-005, 6-15-21)

### **Subsection 5608. Emergency Vehicle Access.**

- A. Purpose. The purpose of this subsection is to ensure that all premises shall be readily accessible to all emergency vehicles. This includes firefighting equipment, ambulances, and similar vehicles.
- B. Access. Every development, redevelopment or use allowed by this Code, shall provide access for fire vehicles and emergency apparatus from a public and private street as follows:
  1. A dead-end cul-de-sac shall be provided in accordance with the standards provided in Subsection 6102.B.7.
  2. Except as otherwise provided by this subsection, a fire lane shall be required to provide access to any portion of any structure which is more

than:

- a) One hundred and fifty feet (150') from the nearest right-of-way when the structure is thirty feet (30') or less in height.
  - b) Fifty feet (50') from the nearest street right-of-way when the structure exceeds thirty feet (30') in height.
3. When fire vehicles and emergency apparatus are provided access to any portion of a structure more than the distances from a street right-of-way specified in Subsection 5608(B)(2) above, by means of either buffer area or adjoining property, the requirements of Subsection 5608.B.2. shall not apply.
  4. The Building Official may determine that public health and safety require fire lanes in addition to fire protection facilities required by the Standard Building Code. These may be required for any structure classified in the Standard Building Code as a high hazard use; any structure to be occupied by uses which involve extreme risks of fire, smoke, explosion, or toxic gas, or structures to be used as places of assembly for large congregations of people susceptible panic.
- C. Fire lane standards. An alley may completely or partially satisfy the fire lane requirement if it meets all other requirements of this subsection. A fire lane shall comply with the following standards:
1. The fire lane shall provide clear, unobstructed access for vehicles and apparatus at all times;
  2. Signs prohibiting parking or standing of motor vehicles shall be required;
  3. Fire lanes shall be twenty feet (20') in width; and
  4. The fire lane surface shall be an all weather roadway surface.

(Ord. # 1996-005, 7-2-96)

**Subsection 5609. Sight Distance at Intersections (Clear Sight Triangle).**

- A. Purpose. The purpose of this section is to preserve non-signalized intersection sight distance. Intersection sight distance is the distance necessary for drivers to safely approach, cross, and/or turn right or left at an intersection. Intersection sight distance varies, depending on the design speed and/or functional classification of the roadway to be entered. These standards shall apply to all non-signalized driveways or roadways.

B. Prohibitions. Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially obstruct vision between a height of three feet (3') and eight feet (8') above the grade at the right-of-way line(s) within the clear sight triangle.

C. Geometry. A clear sight triangle shall be established at all non-signalized street intersections and street and driveway intersections pursuant to and in accordance with the Florida Department of Transportation Design Standards, Index Number 546 *Sight Distance At Intersections*. The area within the limits of clear sight triangle may also be referred to as the clear sight corridor and shall be based on the roadway classification and speed.

(Ord. # 1996-005, 7-2-96; Ord. #2016-012, 07-19-2016)

**Subsection 5610. Off-Street Loading.**

A. Requirement. All structures built or expanded after the effective date of this section shall provide off-street loading in accordance with the requirements established herein.

B. Location. All required off-street loading spaces shall be located on the same lot as the use served.

C. Minimum Size.

- Minimum Width - 15 feet
- Minimum Length - 35 feet
- Minimum Vertical – 14 feet Clearance

The minimum size requirements shall be exclusive of aisle and maneuvering space.

D. All required loading shall be marked on the pavement by diagonal striping.

E. Loading Schedule.

1. Commercial or Industrial Uses

Total Gross Floor Area	Loading Spaces
5,000 to 15,000 sq. ft.	1 space
15,000 to 50,000 sq. ft.	2 spaces
50,000 to 100,000 sq. ft.	3 spaces
Each additional 100,000 sq. ft.	1 additional space

2. Hotel or Motel - 1 space per 200 units.
3. Community Service Uses – one (1) space for the first 10,000 square feet plus one (1) space for each 100,000 square feet or major fraction thereof.
4. The following minimum turning paths shall be provided:
  - a) A minimum turning radius of twenty-six feet (26') for vans and passenger vehicles.
  - b) A minimum turning radius of forty-three feet (43') for a thirty foot (30') single unit truck, step van, or bus.
  - c) A minimum turning radius of forty feet (40') for a forty-three foot to fifty foot (50') semitrailer combination.
  - d) A minimum turning radius of forty-six feet (46') for a fifty-five foot (55') semitrailer combination.

(Ord. # 1996-005, 7-2-96)

#### **Subsection 5611. Streets, Driveways and Access Management.**

- A. Driveway General Design Standards. All development shall meet the following standards for vehicular access and circulation:
  1. All streets in a new development shall be designed and constructed pursuant to the standards and specifications required by the County Engineer and the DRC. Streets may be dedicated to the County upon completion, inspection, and acceptance of the design standards by the County.
  2. The street system of the proposed development shall, to the extent practicable, conform to the natural topography of the site, preserving existing hydrological and vegetative patterns, and minimizing erosion potential, runoff, and the need for site alteration. Particular effort should be directed toward securing the flattest possible grade near intersections.
  3. Streets shall be laid out to avoid environmentally sensitive areas.
  4. Private streets may be allowed within developments that will remain under common ownership, provided all streets shall be designed and constructed pursuant to the standards and specifications required by the County Engineer and the DRC.
  5. The street layout in all new development shall be coordinated with and

interconnected to the street system of the surrounding area.

6. Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow. If adjacent lands are unplatted, stub outs in the new development shall be provided for future connection to the adjacent unplatted land.
  7. Residential streets shall be arranged to discourage through traffic.
  8. Streets shall intersect as nearly as possible at right angles and in no case shall be less than seventy-five degrees (75°).
  9. New intersections along one side on an existing street shall, where possible, coincide with existing intersections. Where an offset (jog) is necessary at an intersection, the distance between centerlines of the intersecting streets shall be no less than one hundred fifty feet (150').
  10. No two streets may intersect with any other street on the same side at a distance of less than four hundred feet (400') measured from centerline to centerline of the intersecting street. When the intersected street is an arterial or collector, the distance between intersecting streets shall be no less than one thousand feet (1,000').
- B. Paving Widths. The following paving widths shall be used for each street classification. Variances may be given upon approval by the Public Works Director.
1. Paving width for residential streets in subdivisions shall be no less than twenty feet (20').
  2. Paving widths for collector and arterial streets in subdivisions shall be no less than twenty-four feet (24').
- C. Curbing requirement.
1. Curbing shall be required for the purposes of drainage, safety, and delineation and protection of pavement edge along streets in the following cases:
    - a) Along designated parking lanes.
    - b) Where the surface drainage plan requires curbing to channel stormwater.
    - c) Where narrow lots averaging less than forty feet (40') in width take direct access from a street upon which no on-street parking is allowed.



2. All curbing shall conform to the construction standards as required by the County Engineer, Public Works Director and the DRC.

D. Shoulders. Shoulders, where required, shall measure at least four feet (4') in width and shall be required on each side of streets and shall be located within the right-of-way. Shoulders shall consist of stabilized turf or other material permitted by the County Engineer and/or Road and Bridge Director. Shoulders and/or drainage swales are required as follows:

1. Shoulders are required on residential access and residential collector streets only where necessary for stormwater management or road stabilization.
2. All residential collector streets shall provide two four-foot (4') wide shoulders. Shoulders should be grass surfaced except in circumstances where grass cannot be expected to survive. In no case shall the shoulders be paved.
3. Where shoulders are required by the Florida Department of Transportation.
4. Collector streets where curbing is not required.
5. Arterial streets where curbing is not required.

E. Acceleration, Deceleration, and Turning Lanes.

1. Deceleration or turning lanes may be required by the County along existing and proposed streets as determined necessary by the DRC.
2. Deceleration lanes shall be designed to the following standards:
  - a) The lane width shall be the same as the required width of the roadway moving lanes.
  - b) The lane shall provide the full required lane width for its full length. It shall not be tapered.
  - c) The minimum lane length shall be as follows:

<u>Design Speed of Road</u>	<u>Minimum Deceleration Lane Length</u>
30 mph	165 feet
40 mph	230 feet
50 mph	310 feet

3. Acceleration lanes are only required when indicated as needed by the DRC. The design shall be as per the recommendation of the County Engineer. Where needed, a paved taper shall be provided for right hand turns.

F. Driveways.

1. No driveway shall be constructed, improved, or modified without a permit issued by the Building Official, Planning Director, County Engineer, the Board of County Commissioners (BCC), or Florida Department of Transportation (FDOT); whichever agency has jurisdiction.
2. All driveways shall be designed and constructed in accordance with the requirements of the County Engineer and this Code.
3. Each development shall be permitted one driveway per street frontage. However, the following additional requirements may also apply:
  - a) A maximum of one additional access point per street frontage for circular driveway may be permitted for residential living facilities, day care centers, single-family dwellings and duplexes, if frontage is adequate to ensure proper driveway separation as set forth in Subsection 5611.F.10 and there is at least a twelve foot (12') setback from the property line for each driveway;
  - b) A maximum of one additional driveway per street frontage may be permitted for multi-family residential development in excess of fifty (50) units and non-residential development with an excess of two hundred (200) linear feet of street frontage;
  - c) Each residential development in excess of fifty (50) units shall provide a secondary means of access where feasible. In no instance shall the secondary point of access be located closer than 0.25 miles (1,320 feet) from the primary or another access point for the development.
4. The maximum driveway width for two-way traffic measured at the intersecting right-of-way line shall be as follows:

One and two family residential:	18 feet
Industrial:	40 feet
All other:	25 feet
5. The minimum curb return radius for multifamily and non-residential uses shall be twenty-five feet (25') on local streets and thirty-five feet (35') on collector or arterial streets.

6. If possible, driveways shall align with driveways on the opposite side of the street or separate by a minimum distance of twenty feet (20'), measured at the right-of-way line.
7. DOT State Highway Connection Permit Administrative Process 14-96 and DOT Access Management Classification System 14-97 shall be applicable to all state roads.
8. Shared access points shall be encouraged and utilized where appropriate for increased safety and access management (commercial, industrial, public and residential)
9. No residential driveway shall be permitted on a collector road within two-hundred feet (200') of an intersection.
10. Residential driveways shall be situated a minimum of fifty feet (50') apart along local roads with a 25 MPH speed limit or less feet (100') apart along local roads with a 35 MPH speed limit or less, a minimum of two hundred feet (200') along collector roads with a 35 MPH speed limit or less, and a minimum of four hundred feet (400') apart along collector roads with 45 MPH speed limit or greater, notwithstanding the provisions of Subsection 5611.F.9.  
  
Lots with less than 50 feet of road frontage may be permitted one driveway.
11. Turn lanes, frontage roads, medians, median openings, turn signals and road signs shall be required as determined by the County Engineer, Road and Bridge Director, Growth Management Director and or DOT along County Roadways.
12. Vested lots of record shall be permitted one (1) driveway.

G. Access.

1. Number of Access Points. All projects shall have access to a public right-of-way. The number of access points for multi-family and non-residential parcels shall be as follows:

Type of Development	Number of Access Pts.	Preferred Type of Access
Residential < 25 units	1	Local/Collector
Residential, 25 + units	2	Collector
Non-Residential, < 50 parking spaces	1	Collector/Arterial
Non-Residential, 50 + parking spaces	2 or more	Arterial

Notwithstanding the provision in paragraph one above, a non-residential development, or a multi-family residential development on a corner lot may be allowed two (2) points of access.

Additional driveways may be approved by the Planning Official based on a professional traffic study submitted by the applicant.

2. Separation of Access Points. The separation between access points for non-residential parcels onto arterial and collector roadways, or between an access point and an intersection of an arterial or collector with another road, shall be as shown in the following table.

<u>Functional Classification</u>	<u>Distance Between Access Points</u>
Major Arterial	300 feet
Minor Arterial	250 feet
Major Collector	185 feet
Minor Collector	150 feet

The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.

3. Frontage on Service Roads and Common Driveways
  - a) Projects proposed on arterials and major collectors shall include a frontage or service road and shall take access from the frontage or service road rather than the arterial. Frontage road designs shall conform to FDOT standards. This access requirement may be met through the use of interconnecting parking lots which abut the arterial or major collector facility. The maximum number of parking lots that may be connected is four.
  - b) Adjacent uses may share a common driveway provided the appropriate access easements are granted between or among the property owners.

4. Alternative Designs. Where natural features or spacing of existing driveway and roadways causes the preceding access requirements to be physically infeasible, alternate designs may be approved by the DRC.
5. Access to Residential Lots.
  - a) Access to non-residential uses shall not be through an area designed, approved or developed for residential use.
  - b) Access to all lots in a proposed residential subdivision shall be by way of a residential access or residential sub-collector street.

(Ord. #1996-005, 7-2-96; Ord. # 2003-006, 8-19-03; Ord. #2020-004, 10-20-20)

## **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; Ord. # 2019-013, 9-17-19)

**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. Window signs placed on the interior of any window.
- 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; Ord. #2016-014, 9-06-16; Ord. #2019-013, 9-17-19)

**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 con-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.
  - 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; Ord. #2016-014, 9-06-16; Ord. #2019-013, 9-17-19; Ord. #2019-013, 9-17-19)

**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; Ord. #2016-014, 9-06-16)

**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.
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.
5. Only one electronic message center sign is permitted per site.

- 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; Ord. #2016-014, 9-06-16; Ord. #2019-013, 9-17-19)

**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 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 (32) 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, 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 properties on the future land use or zoning map.
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. #2016-014, 9-06-16; Ord. #2016-15, 11-15-16; Ord. #2016-014, 9-01-16; Ord. # 2019-013, 9-17-19)

**Subsection 5708. Non-Conforming Signs.** Non-conforming signs may remain in a non-conforming state subject to the following restrictions:

- A. Public Hazard. The sign must not constitute a threat to the general health,



safety, or welfare of the public.

- B. Expansion or Extensions. A non-conforming sign shall not be expanded or enlarged.
- C. Change of Location. A non-conforming sign shall not be moved unless the sign is made conforming to the requirements of this Code.
- D. Maintenance and Repair. A non-conforming sign may be maintained or repaired. However, if the maintenance or repair is more than twenty-five percent (25%) of the replacement cost of the sign, the sign must conform to the requirements of this Code.
- E. A non-conforming sign shall be removed or made conforming to the requirements of this Code within ten (10) years of becoming non-conforming.
- F. Conflict. In the event of conflict between the provisions of this section and other portions of this Code, then the provision of such other portion shall prevail.

(Ord. #2016-014, 9-01-16)

**Subsection 5709. Removal of Illegal and Prohibited Signs.** Any sign which was erected out of conformance with this Code shall have ninety (90) days from the date the applicant is notified of the violation in which to remove the sign or bring the sign into conformity.

(Ord. #2016-014, 9-06-16)

## **SECTION 5800. TELECOMMUNICATION TOWERS AND ANTENNA.**

**Subsection 5801. Purpose and intent.** It is the intent of this Section to promote the health, safety and general welfare of the citizens of Gadsden County by regulating the siting of telecommunication towers or antenna support structures. In addition, this Section regulates the location, co-location, siting, height and design of wireless telecommunications facilities in order to provide an aesthetically pleasing environment by avoiding a proliferation of visually obtrusive facilities and to promote the development of advance wireless telecommunications infrastructure. It is the intent of this Section to further the County's telecommunication needs while respecting the visual and physical environment.

(Ord. #1997-002, 11-18-97; Ord. #2001-008, 8-7-01; Ord. #2003-006, 8-19-03; Ord. #2021-002, 4-6-21)

**Subsection 5802. Applicability.** All new telecommunication towers (antenna support structures) in the County shall be subject to these siting and location regulations and all other applicable building and construction codes. In the event of any conflict between other land use regulations and the regulations contained in this Section, the provision of this section shall override and supersede such other regulations unless otherwise specifically set forth herein.

Permits will be granted for valid radio frequency solutions for telecommunication service providers. Permits will not be granted without a letter of commitment from a first use telecommunications carrier. "Spec" towers, or towers with no confirmed clients, will not be permitted.

(Ord. #1997-002, 11-18-97; Ord. #2001-008, 8-7-01; Ord. #2003-006, 8-19-03; Ord. #2021-002, 4-6-21)

**Subsection 5803. Exemptions.** The following applications for telecommunication towers (antenna support structures) and antenna shall be exempt from site plan review but are not exempt from the requirements of this chapter or from obtaining the applicable permits:

- A. Utility Pole-Mounted Small Wireless Telecommunication Facilities. A small wireless telecommunication facility attached to or located on a publicly owned electric transmission or distribution pole, street light, traffic signal, or similar facility located within the public right-of-way or utility easement. The facility shall include any associated equipment shelters regardless of where they are located with respect to the mount provided compliant with Subsection 5808.
- B. Previously Permitted. Any valid development order or permit issued prior to the effective date of this section so long as they development order or permit and associated outside agency permits or approvals remain valid and current.
- C. Maintenance. Routine maintenance of antennas and towers and structures as long as such maintenance does not increase the height of any antenna, tower or structure by more than twenty-five (25) feet.
- D. Height. A telecommunication antenna structure or tower that is less than or equal to fifty (50) feet in total height.
- E. Co-location. The co-location of facilities or structures provided that:
  - 1. The co-location does not increase the height of the existing antenna structure or tower to which the equipment is to be attached, measured to the highest point of any part of the structure;
  - 2. The co-location does not increase ground space area or compound for the equipment and/or equipment shelters associated with the function and operation of the antenna structure or tower approved in the original site plan by more than 400 square feet or fifty (50) percent of the original

compound size, whichever is greater; and,

3. The co-location consists of antennae structure or tower, equipment and equipment shelters that are of a design and configuration that would have been consistent with any applicable structural or regulatory requirements for wireless telecommunication facilities that were in effect prior to the adoption of this section of the Code and governed the approval of the existing wireless communication facilities.
- F. Television reception. Any antenna attached to an existing tower structure and is not more than twenty-five (25) feet in height, and is used solely for the use of private television reception.
  - G. Amateur radio antennas. Amateur radio antennas under sixty (60) feet in height, as regulated by the FCC.
  - H. Antennas attached to structures. Any antenna or replacement of an antenna that is located on an existing non-residential structure provided the antenna does not extend more than fifteen (15) feet above the existing structure. Telecommunication antennas shall not be located on any single-family attached, single-family detached, two-family or multi-family dwelling structure containing four or less dwelling units. Telecommunication antennas may be located on existing structures in public road right-of-ways.
  - I. Temporary uses. Temporary, free-standing antennas for usage not to exceed seven (7) days. Temporary uses required for post disaster relief efforts shall be allowed for up to six (6) months unless an extension is granted by the Board.
  - J. Existing towers and antennas. Existing towers and antennas shall be allowed to continue and subject to routine maintenance and modifications to accommodate co-location.
  - K. Broadcast towers. The siting of radio and television broadcast antenna support structures licensed by the FCC and used primarily for broadcast purposes.
  - L. Federal Aviation Administration (FAA). Any tower (antenna structure) or antenna owned and operated or licensed by the FAA and used exclusively for aircraft navigation shall be permitted as an accessory use.

M. Local Government, Emergency Services and Law Enforcement. Any tower (antenna structure) or antenna that is owned and operated by the Board of County Commissioners, Emergency Management Services, or local or state law enforcement for public safety communications other than telecommunication towers shall be permitted as an accessory use.

(Ord. #1997-002, 11-18-97; Ord. #2001-008, 8-7-01; Ord. #2003-006, 8-19-03; Ord. #2021-002, 4-6-21)

**Subsection 5804. Location of Telecommunication Towers and Antenna.**

Telecommunication towers (antenna structures) may be located in the Commercial, Light Industrial, Industrial, Urban, Public/Institutional, Agriculture, Mining or Silviculture future land use categories. Telecommunication towers are prohibited in Rural Residential with the exception of approval of a deviation to allow a camouflaged tower. Utility Pole-mounted small wireless communication facilities may be located in all future land use categories.

(Ord. #1997-002, 11-18-97; Ord. #2001-008, 8-7-01; Ord. #2003-006, 8-19-03; Ord. #2021-002, 4-6-21)

**Subsection 5805. Protection of Visual Corridors.** Towers located adjacent to or in proximity of Interstate 10, US 27, US 90, SR 267 and SR 12 shall be setback at least 750 feet from the leading edge of the roadway right-of-way. Camouflaged towers shall be setback at least 150 feet from the leading edge of the right-of-way.

(Ord. #1997-002, 11-18-97; Ord. #2001-008, 8-7-01; Ord. #2003-006, 8-19-03; Ord. #2021-002, 4-6-21)

**Subsection 5806. Co-location.** Limiting unnecessary telecommunication towers while providing service required by the market is important to Gadsden County. Therefore, to implement this objective, planning for additional capacity on existing and new towers is mandatory. All permits for structural changes on towers existing prior to the effective date of this section and for all towers built after the effective date of this section shall be conditioned on the applicant providing for co-location. Prior to receiving approval for a new tower after the effective date of this section, the applicant will be required to sign an agreement with the County agreeing that the applicant will permit co-location of additional providers' communication equipment.

If the telecommunication antenna support structure or tower is less than 180 feet in height or lower, co-location shall be provided for at least one (1) other communication service provider. If the tower is 180 feet, in height or greater then co-location shall be provided for at least three (3) additional communication service providers.

(Ord. #1997-002, 11-18-97; Ord. #2001-008, 8-7-01; Ord. #2003-006, 8-19-03; Ord. #2021-002, 4-6-21)

**Subsection 5807. Telecommunication Antenna.** Communication antenna may be located on existing communication antenna support structures or towers, water towers or buildings. In all cases, the telecommunication antenna shall comply with this division, all FCC regulations, building and fire codes.

- A. Design Standards. Any telecommunication antenna which is not attached to a telecommunication antenna support structure or tower or water tower shall be permitted to be located on a commercial, industrial, office, institutional, or multi-family building, provided that:
1. The building height is at least 20 feet.
  2. The telecommunication antenna does not exceed 10 feet above the highest point of the building for buildings up to 50 feet in height, and 20 feet above the highest point of the building for buildings greater than 50 feet in height. When located on or above the roof, antennas shall be set back at least 10 feet from the edge of the building.
  3. The telecommunication antenna, related hardware and equipment are painted to match the color of the building.
  4. Utility poles and electric/power transmission line structures shall not be considered buildings or structures upon which telecommunication antennas are permitted to be located pursuant to this division.

(Ord. #1997-002, 11-18-97; Ord. #2001-008, 8-7-01; Ord. #2003-006, 8-19-03; Ord. #2021-002, 4-6-21)

**Subsection 5808. Camouflaged Towers.** Camouflaged telecommunication antenna support structures or towers are encouraged. To provide an incentive for camouflaged towers the following shall apply:

- A. Type of Review. Camouflaged telecommunication antenna support structure or towers shall be processed as a Class I land use and a Type I site plan review as specified in Subsection 7201.
- B. Design Standards. Camouflaged telecommunication antenna support structure or towers on buildings must be disguised to appear as an accessory structure that is normally associated with the principal use occupying the property. Other camouflaged communication antenna support structure or must be disguised to blend in with other facilities on the property or existing vegetation. Examples of camouflaged telecommunication antenna support structure or towers would be a communication towers constructed in the form and shape of a tree to be part of a forested area, or a tower constructed to appear to be a component of a bell or clock tower on sites with compatible buildings or a component of a church steeple on sites with churches. If the camouflaged tower is designed as a tree, a minimum of a medium-density branch construction is required.
- C. Finish and Lighting. Surface finish, paint or markings alone are insufficient to qualify for a determination as a camouflaged telecommunication antenna support structure or tower. Camouflaged towers shall not be lit.

- D. Maximum Height. Camouflaged antenna support structure or towers shall not exceed one-hundred fifty feet (150') in height.
- E. Setbacks. Camouflaged towers shall be setback 1.5 times the height of the tower from property lines, streets, right-of-way, and 1500 feet from the nearest residential property line.
- F. Visual Corridors. See Subsection 5805.

(Ord. #1997-002, 11-18-97; Ord. #2001-008, 8-7-01; Ord. #2003-006, 8-19-03; Ord. #2021-002, 4-6-21)

**Subsection 5809. Utility Pole-Mounted Wireless Telecommunication Facilities.**

- A. Type of Review. Applications within the County or private right-of-ways shall be submitted to Gadsden County Public Works prior to installation.
- B. Standards. Utility pole-mounted wireless telecommunication facilities and associated equipment shelters shall be permitted as accessory uses in all future land use districts as required by the following standards:
  - 1. Antennae shall not extend more than ten (10) feet above the highest point of the vertical structure. New poles or poles intended solely for use as a small wireless communication facility shall not exceed the height of existing poles within 1,000 feet;
  - 2. Not have any type of lighted signal, lights, or illuminations unless required by an applicable federal, state, or local rule, regulation or law;
  - 3. Comply with any applicable Federal Communications Council Emissions Standards;
  - 4. Comply with any applicable local building codes in terms of design, construction and installation;
  - 5. Not contain any commercial advertising thereon;
  - 6. Comply with Home Owner's Association Restrictions where such restrictions apply.
- C. Separation. Utility Pole-Mounted wireless telecommunication facilities shall be located a minimum of 200 feet apart from any existing or permitted utility pole-mounted communication facility. Equipment shelters that are located outside of the public right-of-way shall meet the setbacks for the future land use district in which the equipment shelter is located.
- D. Horizontal Separation. Multiple users may occupy space on a single utility pole provided a Florida registered engineer certifies that the facility is

designed for the proposed loading capacity.

(Ord. #2021-002, 4-6-21)

**Subsection 5810. Telecommunication Towers (Antenna Support Structures).**

Regardless of the land use category in which a telecommunication tower is located, the tower shall meet the following standards and requirements.

A. Type of Review.

1. Unless otherwise exempt, telecommunication towers shall be processed as a Type II site plan review as specified in Subsection 7202 of this Code. Final Plan review shall be required for those applications meeting the threshold for the requirement of stormwater facilities.
2. Public Lands. Telecommunication towers which are to be located on property, rights-of-way or easements owned by the United States, the State of Florida, or the Gadsden County Board of County Commissioners that comply with the requirements of Subsection 5808 shall be reviewed as a Type I Review as specified in Subsection 7201 of this Code.

B. Setbacks.

1. Property Line. Telecommunication towers shall be setback at least one and a half (1.5) times the height of the tower from property lines.
2. Rural Residential and Residential Areas. Telecommunication towers shall be setback at least 1500 feet from property designated as Rural Residential on the Future Land Use Map or from residential areas as defined.
3. Historic. Telecommunication towers shall be setback at least 500 feet from property designated as Historical on the Future Land Use Map or from sites listed on the National Register of Historic Places.
4. Right-of-Way. The telecommunication towers shall be setback at least 300 feet from the leading edge of the roadway right-of-way or easement with the exception that telecommunication towers shall comply with the setback from visual corridors.
5. Structural support devices & equipment. Structural support devices such as peripheral anchors, guy wires, equipment, or other supporting devices, fencing, parking, or required landscaping shall be located no closer than twenty-five (25) feet from any property line and shall not be located within the visual corridor or front yard setback for the land use district, whichever is applicable.

6. Protection of visual corridors. See Subsection 5805.
7. Measurement of setbacks. The telecommunication tower setback measurements shall be taken from the centerline of the base of the tower (antenna structure) to the edge of the property line.
8. Separation. The separation between towers shall be no less than three (3) miles.

(Ord. #1997-002, 11-18-97; Ord. #2001-008, 8-7-01; Ord. #2003-006, 8-19-03; Ord. #2021-002, 4-6-21)

**5811. Design Standards.** Unless otherwise exempt the following design standards shall be addressed.

- A. Maximum Height. The maximum height of telecommunication towers shall not exceed two-hundred fifty feet (250'). Height shall be measured from the natural grade of the base of the tower site.
- B. Visual Impact Analysis. A visual impact analysis shall be required to address the impacts of a proposed tower specifically if deviations are required from the standards in this Chapter. A visual impact analysis shall include:
  1. A map indicating the location of each view point that a photographic simulation or artist rendering is provided for.
  2. A photograph simulation or detailed artist rendering of predevelopment versus post-development views from key view points, but from no less than four (4) views including but not limited from adjacent properties and the public or private road.
  3. A photography simulation or detailed artist rendering of the requested site design with deviations in comparison to the site design if constructed to the requirements of this Code from adjacent properties and a public or private road. At a minimum include the location of the property line, tower, and the distance from property lines, height of tower, and the direction of the view point in reference to the subject tower (north, south, east and west).
  4. If a camouflaged tower is proposed provide the design and color schemes.
  5. An analysis of the visual impact of the telecommunication tower base, accessory buildings and overhead utility lines from abutting properties and streets.
- C. Illumination. Lighting above twenty (20) feet on the structure or within the compound of the structure, tower, or antenna is limited to that which is required by the Federal Aviation Administration (FAA).. White flashing lights



are prohibited on telecommunications towers. Only red lights are permissible.

- D. Finished Color. Telecommunication towers not requiring FAA painting/markings shall have either a galvanized finish or painted sky blue, gray or black finish.
- E. Structural Design. Telecommunication towers shall be designed and constructed to ensure that the structural failure or collapse of the telecommunication tower will not create a safety hazard, according to latest EIA/TIA standards, to adjoining properties. Telecommunication towers shall be constructed to the EIA/TIA standards as published by the Electronic Industries Association (EIA), all applicable building codes and as determined necessary by the Building Official. All improvements to any existing telecommunication towers shall meet all current construction standards.
- F. Fencing. A minimum six foot (6') fence or wall shall be required around all telecommunication tower sites. Access to the telecommunication tower shall be through a locked gate. Fencing is not required around camouflaged tower sites.
- G. Access and Parking. An access road or driveway, turn around space and parking shall be provided to insure service and emergency access. The applicant shall demonstrate that there is legal access to the telecommunication tower site. Proof of legal access may be evidence by a plat, covenants, deed, easement, or other legal means.
- H. Screening and Landscaping. The telecommunication antenna structure or tower base, compound and related facilities shall be screened from view. In addition to a fence, the following landscaping and buffering shall be required around the perimeter of the telecommunication antenna support structure or tower site and shall be installed on the outside of the fence or tower site. Camouflaged towers are exempt from this requirement. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or as a credit toward meeting the landscaping requirements.
  - 1. A row of shade trees a minimum of six feet (6') tall and a maximum of ten feet (10') apart shall be planted within fifteen feet (15') of the outside of the perimeter fence.
  - 2. A continuous hedge at least thirty inches (30") in height at planting and capable of growing to at least thirty-six inches (36") in height within eighteen (18) months shall be planted within fifteen feet (15') of the outside of the perimeter fence.
  - 3. All landscaping shall be of the evergreen, native species varieties.

4. All landscaping shall be xeriscape tolerant or irrigated and properly maintained to ensure good health and viability.
  5. Regular maintenance of landscaping shall rest with the owner of the tower.
  6. The Planning Official or designee may approve a reduction in the landscape requirement for those sides of the communication tower that are located adjacent to land not viewable from property designated Rural Residential or not in the public view.
- I. Advertising. No advertising shall be permitted on the telecommunication antenna support structure or tower site.
  - J. Coverage. Tower coverage areas will be designed to provide maximum service to the local area possible for the site. Single purpose coverage towers, e.g., towers designed for Interstate service only, will not be permitted.
  - K. Retention of Technical Experts. The County shall have the right to retain independent technical consultants and experts that it deems necessary to evaluate applications for telecommunication facilities for compliance with this code. The applicant shall be responsible for paying the costs of such consultation, the costs of which shall be identified reasonable expenses incurred in the review of the application. The County shall provide an estimate of reasonable expenses prior to processing an application. Proof of payment for technical consultation shall be required prior to the issuance of an approval or final development order.
  - L. FAA Determination of No-Hazard. The applicant must submit, as part of the application process, a valid determination of "No-hazard" from the FAA, or the AFR number of the project, as applicable.
  - M. Certification of Compliance with FCC (NIER) Standards. Acknowledgement that prior to receiving final inspection, the applicant shall certify in writing that the telecommunication antenna support structure or tower complies with all current FCC regulations for non-ionizing electromagnetic radiation (NIER) and that the radio frequency levels meet the American National Standards Institute (ANSI) guidelines. The engineer shall indicate on the site plan that this certification has been received.
  - N. Fall Zone Letter. The applicant must submit a fall zone letter signed and sealed by a Florida registered engineer certifying that in the event of a tower failure or collapse, the fall zone area of the tower will be contained within the property lines of the tower site.
  - O. Environmentally Sensitive Lands. Any request for development shall adhere

to the requirements of the Environmental Species Act (ESA), the Gadsden County Code of Ordinances, Chapter 42, Article II, Flood Damage Prevention and Section 5400, Natural Resource Protection of the Land Development Code.

- P. Historic Preservation. The development shall adhere to requirements of the National Historic Preservation Act (NHPA) for sites, structures, buildings and objects that are listed on or eligible for listing on the National Register of Historic Places.
- Q. Electrical Outage Power Reserve. All communications towers constructed pursuant to this Section shall be required to have at least seventy-two hours of emergency backup power generation capacity. This requirement can be satisfied by using any commercially viable solution.

(Ord. #1997-002, 11-18-97; Ord. #2001-008, 8-7-01; Ord. #2003-006, 8-19-03; Ord. #2021-002, 4-6-21)

**Subsection 5812. Submittal Requirements.** Prior to any approval of a telecommunication tower, a site plan consistent with the requirements of Chapters 5 and 7 of the Gadsden County Land Development Code shall be submitted by the applicant for development approval as part of an application prepared by the County. In addition to the site plan requirements, the following shall be included with the application:

- A. A scaled site plan clearly indicating the telecommunication antenna support structure or tower site, type and height of the proposed telecommunication antenna support structure or tower, the location of the compound and accessory structures, on-site land uses, adjacent land use categories, adjacent residential structures, adjacent roadways, proposed means of access, setbacks from property lines, right-of-ways and nearest residences, the location of wetlands, flood ways, protected trees, stormwater treatment swale(s) or other treatment means, fence and landscape detail, elevation drawings of the proposed communication tower, and any other proposed structures signed and sealed by a Florida licensed engineer.
- B. The site plan shall address the requirements and design standards of this Section.
- C. A current aerial map showing the location of the proposed tower in relation to properties within 1,000 feet.
- D. A survey signed and sealed by a Florida licensed surveyor containing the boundary with dimensions, structures located on the site and the legal description of the parent tract and the tower site.
- E. A description of the proposed telecommunication antenna support structure tower and antenna(s) and all related fixtures, structures and apparatus, including

the height above the preexisting grade, materials, color and lighting.

- F. A screening and landscape plan, to include fencing and landscaping materials.
- G. A visual impact assessment including visual simulations the telecommunication antenna structure or tower.
- H. A fall zone letter signed and sealed by a Florida licensed engineer describing the fall zone area of the proposed tower structure.
- I. A copy of the NIER report and FAA Determination of No-Hazard as required by the Federal Communications Commission (FCC).
- J. Verification that the telecommunication tower or antenna support structure site is compliant with the Environmental Species Act (ESA) to consider for telecommunication facilities to be located on or near sensitive species and their habitat.
- K. Verification that the telecommunication tower or antenna support structure or site is compliant with the National Historic Preservation Act (NHPA) for sites, structures, buildings and objects that are listed on or eligible for listing on the National Register of Historic Places.
- L. List all deviations requested and provide a justification for the requested deviations and how the proposed deviation meets the requirements and standards of Subsection 5812 and provide supplemental information.
- M. Demonstrate a minimum three (3) mile separation from existing towers.

(Ord. #1997-002, 11-18-97; Ord. #2001-008, 8-7-01; Ord. #2003-006, 8-19-03; Ord. #2021-002, 4-6-21)

**Subsection 5813. Deviations from the standards in this Section.**

- A. Procedure. Any deviation request from the requirements under this section shall be considered as a Type II review requiring quasi-judicial action. The deviation request shall be processed concurrently with an application for site plan review. The deviation application must include all the information required for site and development plan review as outlined in this section.
- B. Prohibitions. Deviations shall be prohibited from the following:
  - 1. Tower height.
  - 2. Setback reductions less than the fall zone area of telecommunication towers located adjacent to property designated as Rural Residential on the Future Land Use Map or adjacent to a vested or platted residential subdivision.

3. Construction of telecommunication guyed masts, equipment, fences or other structures within the setback of the underlying future land use category or within required buffers unless otherwise indicated in Section 5800.
  4. Construction of telecommunication facilities within an environmentally sensitive area or a required natural buffer.
  5. Setback reductions less than the fall zone area of a telecommunication tower adjacent to a residence, property line or roadway.
- C. Supplemental Information. The following supplemental information shall be included with all applications requesting a deviation or deviations from the standards contained in this section. The applicant may use any combination of site plans, surveys, maps, technical reports or written narratives necessary to convey the following information:
1. A completed application provided by Gadsden County for a site plan for a telecommunication antenna support structure listing applicable deviations.
  2. A current aerial map, as maintained by the Gadsden County Property Appraiser's Office, showing the location of the proposed communication tower.
  3. A survey signed and sealed by a Florida licensed surveyor containing the boundary with dimensions and the legal description of the parent tract and tower site.
  4. A fall zone letter signed and sealed by a Florida licensed engineer.
  5. The distance between the proposed compound and the nearest property boundary.
  6. If a deviation from the landscape requirements is requested, a visual assessment demonstrating the opacity from property lines and roadways.
  7. If a deviation from the fencing requirements is requested, the method of fencing, screening, finished color and if applicable, the method of aesthetic mitigation and illumination.
  8. A visual impact analysis as described in Subsection 5811.B that assesses the cumulative impacts of the proposed facility, and identifies and includes all feasible measures necessary to mitigate any negative visual impact by the proposed tower as a result of the deviation(s).
- D. Criteria and Standards. A deviation from the requirements of this section may be granted only upon a finding by the Board of County Commissioners that the

deviation meets the following standards and criteria:

1. The deviation will not be detrimental to the public good or to the surrounding properties.
2. The location of existing uses, structures or other features on or adjacent to the property create a need for the deviation.
3. The deviation sought is the minimum necessary to address the need for the deviation, subsequent subject to exploring all reasonable siting alternatives.
4. The location of the proposed telecommunication antenna support structure or tower in relation to existing structures, trees and other visual buffers shall minimize to the greatest extent reasonably practical under the circumstances any impacts on affected residential areas or parcels designated as Rural Residential on the land use map.
5. The telecommunication tower will be compatible to the greatest extent possible, with the existing contiguous uses or compatible with the general character and aesthetics of the neighborhood or the area, considering the design and height of the telecommunication antenna support structure or tower, the mitigating effects of any existing or proposed landscaping, fencing or other structures in the area, the proximity of the communication tower to existing or proposed buildings or structures and similar factors.
6. A suitable alternative site is not available. The applicant shall demonstrate that an alternative site does not exist.
7. The deviation requested is the minimum necessary to address the need for the deviation, subsequent to exploring siting alternatives.
8. The granting of the deviation is consistent with the general intent and purpose of the Comprehensive Plan.

(Ord. #1997-002, 11-18-97; Ord. #2001-008, 8-7-01; Ord. #2003-006, 8-19-03; Ord. #2021-002, 4-6-21)

**Subsection 5814. Abandonment.** In the event the use of any telecommunication tower has been discontinued, or not used for transmission or retransmission for one hundred eighty (180) consecutive days, the telecommunication tower shall be deemed to be abandoned. The determination of the date of abandonment shall be made by the Planning Official who shall have the right to request documentation and/or affidavits from the facility owner/operator of the facility regarding the active use of the facility regarding the issue of telecommunication tower usage, and/or from electrical usage records, etc. The owner/operator is responsible for removal of the abandoned tower and all structures.

A. Limitations of time. Upon the County's determination of such abandonment, the

owner/operator of the communication site shall have an additional one hundred eighty (180) days to:

1. Reactivate the use of, or transfer the telecommunication antenna, tower or equipment to another owner/operator who makes actual use of the telecommunication antenna support structure or tower; or
  2. Dismantle and remove the antenna, tower or structure.
- B. Notification requirements. Upon determination of such abandonment, the County shall notify the owner of the property of record as recorded at the Gadsden County Property Appraiser by certified mail, return receipt, of the above requirements pursuant to abandonment.
- C. Expiration of Approvals. All approvals shall expire at the earlier of the one hundred eighty (180) abandonment period or upon completion of dismantling and removal of the tower and all associated structures.

(Ord. #1997-002, 11-18-97; Ord. #2001-008, 8-7-01; Ord. #2003-006, 8-19-03; Ord. #2021-002, 4-6-21)

## **SECTION 5900. Recreational Vehicle Parks and Campgrounds.**

**Subsection 5901. Purpose and Intent.** Gadsden County recognizes the value of the natural environment and recreational areas and the contribution of recreational tourism to the County's economic development.

It is the intent of this ordinance to allow the siting of recreational vehicle parks and campgrounds in the Commercial Future Land Use category as a special exception use. Recreational Vehicle Parks shall be permitted in a manner which is in compliance with Chapter 513, F.S., Mobile Home and Recreational Vehicle Parks, and in compliance with the public health laws necessary for protecting the public health, welfare and safety of residents.

(Ord. #2011-006, 10-04-11; Ord. #2016-015, 11-15-16)

### **Subsection 5902 Recreational Vehicle Park Standards.**

- A. Recreational Vehicle Parks shall conform to the standards of the Florida Department of Health in accordance with Chapter 513, F.S.
- B. Site Standards.
  1. The minimum land area for a recreational vehicle park shall be five (5) acres.
  2. The maximum density for recreational vehicle spaces, camp and/or tent campsites shall not exceed eight per acre. Density shall be calculated as

net density and shall exclude water bodies starting at the high-water mark and wetlands areas within the approved Recreational Vehicle Park or Campground boundaries.

3. The minimum setbacks from property lines for all principal and accessory structures, recreational vehicle and tent camping spaces shall be a minimum of 50 feet from any property line.
4. Travel trailers or similar vehicles or individual tent campsites shall have a minimum space size of 1,500 square feet with a minimum space width of 30 feet.
5. Interior setbacks:
  - Front setback is ten feet (10') measured from edge of an interior driveway for recreational vehicles/camper or tents (this shall also include parking spaces);
  - Side setback – minimum separation of twenty feet (20') between units;
  - Rear setback - minimum of ten feet (10').
6. Maximum Impervious Areas - Forty percent (40%) of gross parcel area.
7. Buffering shall be required along all property lines (see Subsections 5302.A.3. and 5902.B.3 above).
8. Access to any recreational vehicle parks shall be to and from a paved arterial or collector roadway. The Board of County Commissioners may grant a variance to allow access to local roads provided public safety and level of service requirements are met.
9. Individual spaces for RV spaces or campsites shall have access to internal driveways and shall not have direct access to adjoining public rights-of-way.
10. Parking spaces. At least two parking spaces shall be provided per campsite at the campsite location. Other spaces shall be permitted for guests and for internal park uses (also see Table 5607).
11. All facilities within the recreational facility shall be served by a central water and an approved sanitary sewage system. All facilities within  $\frac{1}{4}$  mile of a central sanitary sewer system shall connect to such system if capacity is available. Fire flow and pressure shall be provided by the constructed water supply system.

C. Permitted accessory uses. Within a recreational vehicle park and campground the following accessory uses are permitted:



1. Recreation amenities restricted to use by guests, including pools, tennis and shuffleboard courts, recreation rooms, nature and walking trails, play grounds, tot lots, docks and similar facilities;
  2. Gate houses or similar facilities designed to provide security to the park;
  3. Laundry and Maintenance facilities;
  4. Administrative office space necessary for operation of the park with one accessory permanent residential dwelling unit (not an RV or tent); and,
  5. Commercial or retail use located internal to the park and restricted to two thousand five hundred (2,500) square feet for use by guests, including convenience food and beverage items and recreational vehicle parts. Such uses may not be separately signed along a public road and shall not be constructed until seventy-five percent (75%) of the recreational vehicle and tent sites have been completed.
- D. Prohibited Uses. The following uses, activities or improvements are prohibited within the Recreational Vehicle Park:
1. Permanent residences. Permanent residential use of a park, vehicle, structure or facility is prohibited, except that one (1) accessory residential unit, which may be a mobile home unit or site built structure per park is permitted. Residence in any recreational vehicle space or tent within the park is restricted to six (6) months during any one (1) year period. Pursuant to Chapter 513.112, Florida Statutes, it is the duty of each operator of a RV park that rents to guests to maintain at all times a register, signed by the guests who occupy rental sites within the park. The register shall information required pursuant to Chapter 513, F.S., including retaining a register for no longer than two (2) years.
  2. Improper parking. Parking of recreational vehicles in areas not designated for such use is prohibited.
  4. Storage. The storage of recreational vehicles is prohibited.
  5. Propane gas sales. The sale or dispensing of propane gas is prohibited excluding ten gallon or less containers already containing propane gas normally used to fuel grills and stoves, etc.

(Ord. # 2006-020, 8-29-06; Ord. #2016-015, 11-15-16)