

## ARTICLE II. ENFORCEMENT OF ZONING REGULATIONS

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

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

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

*(Ord. No. 85-4, 7-23-1985)*

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

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

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

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

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

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

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

(a) Name of owner.

(b) Zoning designation and statement of intended use.

(c) Linear dimensions and size of the site as found in the legal description; scale; north arrow.

(d) Building and structure location, height and area in square feet, along with linear dimensions of same.

- (e) Location of all setback lines and required yards in relation to adjacent properties and roads or rights-of-way.
  - (f) Location of proposed driveways and/or parking areas, wells, septic tanks, existing buildings and utilities.
  - (g) The applicant's signature indicating under penalty of perjury that the information submitted is true and correct to the best of his knowledge and belief.
- (5) *Contents of plans for other developments.* Site plans for all other developments shall contain maps and drawings indicating:
- (a) Name of project.
  - (b) Statement of intended use of site.
  - (c) Date, north arrow and number of sheets.
  - (d) Vicinity map showing relationship of site to surrounding streets at a scale of not less than one inch equals 2,000 feet.
  - (e) Linear dimensions and size of the site as found in the legal description.
  - (f) Existing topography at two-foot contour intervals unless building and zoning official requests one-foot contour intervals.
  - (g) Proposed finished grading elevations.
  - (h) All existing and proposed building, parking and other development restriction lines (setbacks, easements, etc.).
  - (i) Building and structure locations, height, number of stories, gross floor areas, number of dwelling units and density (for site plans for multifamily uses), and number of seats or capacities for restaurants and similar commercial uses.
  - (j) Street, sidewalk and driveway engineering plans, specifications and cross sections.
  - (k) Designation of all parking spaces, number of spaces, number and location of handicapped spaces, number and designation of loading spaces, number of square feet of paved parking and driveway areas and surface materials of driveways.
  - (l) Location and size of all fire lanes.
  - (m) Location of proposed driveways, median cuts and proposed exits and entrances from roads or rights-of-way.
  - (n) Internal traffic circulation plan (directional arrows, signs and devices).
  - (o) Water management plans per the requirements of this Code.
  - (p) Dredge and fill permits, if required.
  - (q) Florida Department of Environmental Regulation stormwater permit.
  - (r) Erosion control plan.
  - (s) Identification of flood hazard areas.
  - (t) Water and sewer facility engineering plans and specifications.
  - (u) Solid waste disposal plans.
  - (v) Landscape and tree protection plans.
  - (w) Additional information as requested by said official.

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

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

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

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

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

(d) *Approval of small sites.* The building and zoning official may approve, approve subject to conditions or disapprove all site plans which encompass 20,000 square feet or less of building floor area; however, he must include the written reasons for his decision, whatever that decision might be.

(e) *Small site appeals.* The denial of any site plan which encompasses 20,000 square feet or less of building floor area may be appealed as herein provided.

(8) *Planning commission review of site plan.* The planning commission shall review all site plans encompassing more than 20,000 square feet of building floor area, and hear the appeal of any smaller site plan disapproved by the building and zoning official, through the following procedure:

(a) Promptly after receipt of a site plan containing more than 20,000 square feet in building floor area, or the denial of a smaller site plan if the applicant therefore wishes to appeal said denial, the building and zoning official shall forward the site plan and accompanying documents to the planning department.

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

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

(9) *Review by county commission.* The county commission shall, after review by the planning commission, decide all appeals of disapproved site plans encompassing 20,000 square feet or less of building floor area and approve or deny all other site plans, in accordance with the following procedure:

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

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

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

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

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

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

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

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

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

*(Ord. No. 85-4, 7-23-1985; Ord. No. 86-3, §§ 7, 12—14, 4-2-1986; Ord. No. 12-10, § 1, 6-4-2012)*

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

No site plan shall be approved by the building and zoning official, the planning commission or the county commission unless it complies with all relevant provisions in this Code, including but not limited to all regulations in the district in which said site is to be located concerning use; setback lines; lot area, width, depth and coverage; building height;

density; conditional use; accessory buildings; landscaping; water or sewer systems; off-street parking; road and utility design and construction standards; signs; and special requirements; and also such regulations as they apply to the particular use or uses included in the site plan.

### **Sec. 5-13. - Enforcement of zoning regulations.**

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

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

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

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

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

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

*(Ord. No. 85-4, 7-23-1985)*

**Cross reference**— *Violation of subdivision regulations, § 7-28; penalty for violation of coastal construction regulations, § 9-20.*

**Secs. 5-14—5-19. - Reserved.**