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AN ORDINANCE OF LIBERTY COUNTY, FLORIDA, AMENDING TITLE II (LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE NO. 92-03) BY ADDING ADDITIONAL ACTIVITIES ALLOWED WITHIN THE GENERAL COMMERCIAL TYPE OF USE; ELIMINATING CERTAIN LOCATIONAL REQUIREMENTS; PROVIDING FOR CHANGES IN THE SITE PLAN REVIEW PROCESS; PROVIDING FOR NON-CONFORMING USES AND STRUCTURES; ADDING A DEFINITION FOR NEIGHBORHOOD COMMERCIAL USE; PROVIDING FOR SEVERABILITY, ORDINANCES IN CONFLICT AND AN EFFECTIVE DATE.

WHEREAS, Liberty County has adopted a Comprehensive Plan and has adopted a Development Code to implement the policies and objectives of the County's adopted Comprehensive Plan, and

WHEREAS, the County now wishes to make certain amendments or modifications to the Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LIBERTY COUNTY, FLORIDA:

Section 1. Chapter 2, Language and Definitions of the Liberty County, Florida Land development Code, Sec. 2.4 Definition of Terms is amended to add the following definition:

Commercial use, neighborhood: Means commercial uses of a convenience commercial nature intended to serve the daily needs of the surrounding neighborhood, including retail commercial, professional, office, personal services, financial services, and the sale of automobile fuel.

Section 2. Chapter 4, ZONING, of the Liberty County, Florida Land Development Code, Section 4.3-2 Types of Uses, subsection E. General Commercial is amended to read as follows:

E. General Commercial

A wide variety of general commercial, commercial recreational, entertainment, and related activities is included in this group of uses. Examples include professional and office uses as well as the following specific uses, and all substantially similar types of uses:

1. Arcades, billiards/pool parlors, bowling alleys, indoor recreation centers and

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1 18. Gasoline sales and service, combination gasoline
2 sale and food marts.*

3 * Neighborhood scale general commercial uses

4 Section 3. Chapter 4, ZONING, of the Liberty County, Florida
5 Land development Code, Section 4.5 (B) Locational Requirements is
6 amended as follows:

7 (B) Locational Requirements

8 Locational requirements are applicable only for the following
9 land use districts:

10 1. Conservation. All development shall maintain a minimum
11 twenty-five (25) foot buffer from known archaeological
12 and historical sites.

13 2. Industrial. All industrial land use shall be directed
14 away from residential areas.

15 3. Town Center, Rural Village, Mixed Use-
16 Suburban/Residential, Mixed Use-Rural Residential.

17 (a) In order to ensure protection of residential
18 development, only residential uses shall be allowed
19 on interior subdivision and local streets;

20 ~~(b) In order to minimize strip commercial development~~
21 ~~General Commercial High Intensity Commercial and~~
22 ~~Professional Office and Service uses shall be~~
23 ~~located within 1,320 feet of the intersection of~~
24 ~~Major Arterial Minor Arterial Major Collector or~~
25 ~~Minor Collector streets.~~

26 Section 4. Chapter 4, ZONING, of the Liberty County,
27 Florida Land Development Code, Section 4.6-3 Site Plan Review is
28 amended as follows:

29 Section 4.6-3 Site Plan Review

30 (A) Development and Uses Requiring Site Plan Review

31 The following uses of land and development shall require a
32 site plan for review and approval:

33 1. Permitted Uses. All permitted uses within all districts,
34 except single-family detached dwellings, two-family

1 dwellings, and their accessory uses and structures.

2 2. Special Exception Uses. A All special exception uses
3 within al districts.

4 3. Alterations or Remodeling. All building or structural
5 alterations or remodeling, except single-family detached
6 dwellings and two family dwellings, where said
7 alterations or remodeling affect fifty percent (50%) or
8 more of the floor area of the principal building or use;
9 or the cost of said alterations or remodeling exceeds
10 fifty percent (50%) of the assessed value of the
11 improvements on the site prior to the alterations or
12 improvements.

13 (B) **Preapplication Conference**

14 In order to expedite the review of a Site Plan, coordinate its
15 local review in respect to the provisions of all applicable
16 County Ordinances, and to inform the County of a Site Plan in
17 preparation; one or more preapplication conferences between
18 the applicant and representative of the County's
19 Administrative Staff is encouraged. The preapplication
20 conference(s), while informal, will serve several purposes and
21 focus on the following items:

22 1. To inform the County of any Site Plans in progress
23 together with the scale and character of the plan so that
24 the County may recognize the proposed development in any
25 of its physical or facility planning for the entire
26 County.

27 2. To inform the applicant of the County's informal response
28 as to the scale and character of the proposed development
29 and to alert the applicant to all applicable ordinances
30 and regulations as well as any specific areas of concern
31 that the County may have for that specific site or
32 proposed plan.

33 3. To clarify and inform both the applicant and the County
34 with respect to the Site Plan Review Procedure.

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1 (C) **Major Development Review**

2 The County may, if in its opinion it is necessary, retain
3 consultants to assist in the review of an application for site
4 plan review which meets one or more of the following criteria:

- 5 1. Encompasses two (2) or more acres of land within the
6 application.
- 7 2. Proposes twenty (20) or more dwelling or motel units or
8 fifty thousand (50,000) square feet of non-residential
9 building area.
- 10 3. Requires, by the nature and content of the application,
11 professional expertise in one or more professions not
12 available on the administrative staff of the County.

13 (a) **Types of Review.** The types of review to be
14 conducted under the major development review
15 procedures may be classified in either of the
16 following categories:

- 17 1) Consideration of development issues of impacts
18 arising from the physical aspects of project
19 development including environmental, traffic,
20 land use, density and similar impacts.
- 21 2) Consideration of fiscal impacts identifying
22 the cost of providing public services to the
23 development and the tax revenues expected to
24 be generated by the project.

25 (b) **Review Costs.** The cost of retaining said
26 consultants shall be borne by the applicant in the
27 manner set forth within a resolution of the County
28 concerning application and permit fees.

29 (D) **Submission Requirements**

30 Any application for site plan review shall be accompanied
31 by the following information:

- 32 1. ~~Vicinity map at a scale of 1" = 400' or such other scale~~
33 ~~as deemed appropriate by the Development Administrator.~~
- 34 2. ~~The boundary survey of the tract showing the~~

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1 location and type of boundary evidence and showing
2 the location of all existing streets, buildings,
3 railroads, bulkhead lines and easements, and other
4 important features in or adjoining the property.
5 The boundary survey shall be related to the state
6 plane coordinate system if available:
7 1. A site plan containing the title of the project,
8 its date and scale, a north arrow and illustrations
9 of the locations of all proposed buildings and
10 structures, access and traffic flow, off-street
11 parking and off-street loading areas, recreational
12 facilities, landscaped buffer areas, refuse
13 collection areas, and proposed utilities.
14 4. Existing topography with a maximum contour interval
15 of two (2) feet, except where existing ground is on
16 a slope of less than two percent (2%), in which
17 case either one (1) foot contours or spot
18 elevations shall be provided where necessary, but
19 not more than one hundred (100) feet apart in both
20 directions:
21 5. Proposed finished grading by contours supplemented
22 where necessary by spot elevations, and in
23 particular, at those locations along lot lines.
24 6. All existing and proposed street right of way
25 reservations and easements, their names, numbers
26 and widths; canals and watercourses and their names
27 as well as the owner, existing land use
28 designation, and present use of all adjoining
29 properties.
30 7. The density or intensity of land use to be
31 allocated to all parties of the site to be
32 developed together with tabulations by area and
33 percentages thereof. Such allocations shall
34 include, but not be limited to:

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- 1 ~~(a) Total site area.~~
- 2 ~~(b) Density (dwelling units per acre) or intensity~~
- 3 ~~(units per acre and/or ratio of gross floor~~
- 4 ~~area to total site area).~~
- 5 ~~(c) Percentage of site covered by building(s).~~
- 6 ~~(d) Permeable space and landscaped area(s).~~
- 7 ~~(e) Vehicular circulation and parking areas(s).~~
- 8 ~~(f) Location, area, and use of all other portions~~
- 9 ~~of the site.~~
- 10 2. ~~8.~~ The location, size, and character of any common
- 11 open space, and the form of organization proposed
- 12 to own and maintain any common open space.
- 13 ~~9. The proposed location, general use, number of~~
- 14 ~~floors, height, and the net and gross floor area~~
- 15 ~~for each building to include outside display areas,~~
- 16 ~~and, where applicable, the number, size, and type~~
- 17 ~~of dwelling or transient units.~~
- 18 ~~10. Location, type, and size of vehicular entrances to~~
- 19 ~~the site.~~
- 20 3. ~~11.~~ Location, type, size, and height of fencing,
- 21 retaining wall, and screen planting where required
- 22 under the provisions of this ordinance.
- 23 4. ~~12.~~ All off-street parking, loading space, and
- 24 walkways, indication type of surfacing, size, angle
- 25 and width of stalls and aisles, together with
- 26 schedule showing the number of parking spaces
- 27 provided and the number required by the provisions
- 28 of this ordinance.
- 29 ~~13. All proposed signs and exterior lighting.~~
- 30 5. ~~14.~~ Provisions for the adequate disposition of natural
- 31 and stormwater in accordance with the adopted
- 32 design criteria and standards of the County,
- 33 indicating the location, size, type and grade of
- 34 ditches, catch basins, and pipes and connections to

- 1 the existing drainage system.
- 2 6. ~~15.~~ Provisions for the adequate control of erosion and
- 3 sedimentation, indication the proposed temporary
- 4 and permanent control practices and measures that
- 5 will be implemented during all phases of clearing,
- 6 grading, and construction.
- 7 7. ~~16.~~ A landscape plan indicating the location, type,
- 8 size, and description of all proposed landscape
- 9 materials, including the limits and/or extent of
- 10 tree removal and/or tree protection.
- 11 ~~17. The location of phase lines indicating all~~
- 12 ~~applicable construction phases.~~
- 13 ~~18. Development schedule showing the order of~~
- 14 ~~construction, the proposed date for the beginning~~
- 15 ~~of construction and completion of the project as a~~
- 16 ~~whole, and any phases thereof.~~
- 17 ~~19. Covenants, grants, easements, dedications and~~
- 18 ~~restrictions to be imposed on the land, buildings,~~
- 19 ~~and structures, including proposed easements for~~
- 20 ~~public utilities and instruments relating to the~~
- 21 ~~use and maintenance of common open spaces and~~
- 22 ~~private streets. Such instruments shall give~~
- 23 ~~consideration to access requirements of public~~
- 24 ~~vehicles for maintenance purposes.~~
- 25 8. ~~20.~~ Any additional data, plans, or specification which
- 26 the applicant believes is pertinent and will assist
- 27 in clarifying the application.

(E) **Review Procedures**

- 29 1. **Acceptance.** Upon receipt of a site plan application, the
- 30 County shall have ~~five (5)~~ ten (10) working days to
- 31 determine its appropriateness and completeness and accept
- 32 or reject the application.
- 33 2. **Administrative Review.** Upon acceptance, the development
- 34 administrator shall prepare a report for the County

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1 Commission indicating the degree of conformance of the
2 site plan with all applicable codes and ordinances. This
3 report may include a major development review as
4 authorized in (C).

5 3. **County Commission Review.** An application for site plan
6 approval shall be presented to the County Commission at
7 a regular meeting no later than forty-five (45) days
8 after the acceptance of the site plan. The Commission
9 shall ~~hold a public hearing on the site plan and~~, within
10 sixty (60) days, take action either approving, approving
11 with modifications, or denying the plan.

12 (F) **Modification of the Site Plan**

13 Any changes or amendments to a site plan approved by the
14 county commission shall require a resubmission in accordance
15 with the provisions of this ordinance, except that minor
16 alterations and/or adjustments may be permitted by the
17 Development administrator provided that such alterations
18 and/or adjustments do not:

- 19 1. Affect more than fifty percent (50%) of the square
20 footage of the approved site plan.
- 21 2. Alter the use or uses of the approved site plan.
- 22 3. Significantly change the concept intent or arrangement of
23 the approved site plan.
- 24 4. Result from a proposal to change the approved site plan
25 but rather are a result of refinement and detailing of
26 the site plan as approved.

27 (a) **Intent of Minor Alterations.** In all cases where
28 the Development Administrator acts in accordance
29 with this section of the ordinance, he must and
30 shall find before granting approval to the
31 requested alterations that:

- 32 1) The granting of the alterations would be in
33 the best interest of the County.
- 34 2) In the case of alterations to an approved site

1 plan for a condominium, a majority of the
2 owners in the affected condominium association
3 have consented to the alterations and any
4 applicable rules of said association have been
5 met.

6 (b) **Appeal of Development Administrator's Action.** The
7 applicant or any directly interested party shall
8 have the right to appeal any decision of the
9 Development Administrator with respect to
10 permitting alterations and/or adjustments to an
11 approved site plan. Any such appeal shall be made
12 to the County Commission within ten (10) days of
13 the Development Administrator's action upon which
14 said appeal is based.

15 (G) **Time Limit**

16 (1) An approved site plan shall be effective for a period of
17 twelve months from the date of approval by the County
18 Commission. If a development order is not issued within
19 such period, the approval for the site plan shall be null
20 an void.

21 (2) Failure to comply with this Section shall negate the
22 approval of the subject site plan and modifications.

23 Section 5. Chapter 4, ZONING, of the Liberty County, Florida
24 Land Development Code, Section 4.6 Special Land Development
25 Requirements is amended to add Section 4.6-1A Non-conforming Uses
26 and Structures, as follows:

27 SECTION 4.6-1A Non-Conforming Uses and Structures

28 (1) Intent. It is the intent of these land development
29 regulations to permit existing uses and structures which would be
30 prohibited under the terms of this Chapter to continue until they
31 are voluntarily removed. It is further the intent of these zoning
32 regulations that non-conformities may be enlarged upon, expanded,
33 intensified, or extended, so long as the type of use is not
34 changed.

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1 To avoid undue hardship, nothing in these land development
2 regulations shall be deemed to require a change in the plans,
3 construction, or designated use of any building on which actual
4 construction was lawfully begun prior to the effective date of
5 adoption or amendment of these land development regulations and
6 upon which actual building construction has been carried on
7 diligently. Where excavation or demolition or removal of an
8 existing building has been substantially begun preparatory to
9 rebuilding, such excavation, or demolition, or removal shall be
10 deemed to be actual construction, provided that work shall be
11 carried on diligently.

12 2. Discontinuance of Non-Conforming Use. If any non-
13 conforming use of a structure, or structure and premises in
14 combination, ceases for any reason (except where governmental
15 action prevents use of the premises) for a period of more than six
16 (6) consecutive months, any subsequent use shall conform to the
17 regulations for the district in which the use is located.

18 3. Uses Under Special Exception Provisions Not Non-
19 conforming Uses. Any use which is permitted as a special exception
20 under the terms of these land development regulations shall not be
21 deemed a non-conforming use.

22 Section 6. Severability.

23 Each separate provision of this ordinance is deemed
24 independent of all other provisions herein so that if any provision
25 or provisions of this ordinance be declared invalid all other
26 provisions thereof shall remain valid and enforceable.

27 Section 7. Conflict.

28 All ordinances or parts of ordinances in conflict herewith
29 shall be and the same are hereby repealed.

30 Section 8. This Ordinance shall become effective as provided
31 by law.

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1 Section 9. Approved by the Board of County Commission of
2 Liberty County, Florida, in regular meeting duly assembled this
3 21st day of July, 1992.

4
5 ATTEST:
6
7 BY: Duncan Hosford
8 DUNCAN HOSFORD
9 Clerk of the Circuit Court

LIBERTY COUNTY, FLORIDA
John T. Sanders
JOHN T. SANDERS, Chairman
Board of County Commissioners

10 APPROVED AS TO FORM:
11 John C. Pelham
12 County Attorney

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