

ORDINANCE NO. 21-22-11

AN ORDINANCE OF HIGHLANDS COUNTY, FLORIDA, PERTAINING TO AN AMENDMENT TO THE HIGHLANDS COUNTY CODE OF ORDINANCES, CHAPTER 12, LAND DEVELOPMENT REGULATIONS; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR AN AMENDMENT TO CHAPTER 12, LAND DEVELOPMENT REGULATIONS, ARTICLE 16, BUILDING CODE, SECTION 12.16.310; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes, Chapter 125, confers upon a local government, the authority to adopt ordinances and regulations which are designed to promote the public health, safety and general welfare of its citizens; and

WHEREAS, the County has adopted Building Code regulations as part of its Code of Ordinances, Chapter 12, Land Development Regulations; and

WHEREAS, from time to time it is necessary for Highlands County to update and/or amend its codes and regulations; and

WHEREAS, the County has determined that amending its Land Development Regulations to revise the requirements for providing form board surveys is in the best interest, health, safety and welfare of the public.

NOW THEREFORE, BE IT ORDAINED BY HIGHLANDS COUNTY, FLORIDA AFTER DUE NOTICE AND PUBLIC HEARING, AS FOLLOWS:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT. Highlands County has complied with all requirements and procedures of the Florida law in processing this Ordinance. The above recitals are hereby adopted.

SECTION 2. AMENDING CHAPTER 12, LAND DEVELOPMENT REGULATIONS, ARTICLE 16, BUILDING CODE, SECTION 12.16.310. Highlands County Code of Ordinances, Chapter 12, Land Development Regulations, Article 16, Building Code, Section 12.16.310 is hereby amended as follows:

Note: Underlined words constitute additions to existing text, ~~strikethrough~~ words constitute deletions to existing text, and asterisks (*) indicate omitted parts which are intended to remain unchanged.**

Section 12.16.310. Form board survey required.

- A. A form board survey shall be required when ~~buildings-proposed principal structures~~ exceed the minimum required zoning setbacks by less than ~~18-inches~~ five (5) feet or are closer than ~~18-inches~~ five (5) feet to existing easements; and
- B. A form board survey shall be required when accessory structures or additions to an existing principal structure exceed the minimum required zoning setbacks by less than 18 inches or are closer than 18 inches to existing easements; and
- BC. Any contractor or owner-builder who has received a variance on a zoning setback from the BOA after commencement of a permitted building or structure, shall be subject to the following:
1. First Offense: ~~The contractor or owner-builder shall receive a written warning from the Highlands County Development Services Department; The contractor or owner-builder shall be required to submit a form board survey on subsequently permitted buildings and structures prior to completion of the initial building inspection for a period of one (1) year from the date the variance is granted;~~
 2. Second Offense: ~~The contractor or owner-builder shall be required to submit a form board survey on subsequently permitted buildings and structures prior to completion of the initial building inspection for a period one (1) year from the date the variance is granted; The contractor or owner-builder shall be required to submit a form board survey on subsequently permitted buildings and structures prior to completion of the initial building inspection for a period of three (3) years from the date the variance is granted;~~
 3. Third Offense or more: The contractor or owner-builder shall be required to submit a form board survey on all subsequently permitted buildings and structures prior to completion of the initial building inspection ~~for a period of three (3) years from the date the variance is granted; and~~
- GD. Any contractor or owner-builder who, after January 1, 2009, receives a vacation of a portion or all of a drainage and/or utility easement from the Board of County Commissioners after commencement of a permitted building or structure shall be subject to the following:
1. First Offense: ~~The contractor or owner-builder shall receive a written warning from the Highlands County Development Services Department; The contractor or owner-builder shall be required to submit a form board survey on subsequently permitted buildings and structures prior to completion of the initial building inspection for a period of one (1) year from the date the vacation is granted;~~
 2. Second Offense: ~~The contractor or owner-builder shall be required to submit a form board survey on subsequently permitted buildings and structures prior to completion of the initial building inspection for a period of one (1) year from the date the vacation is granted; The contractor or owner-builder shall be required~~

to submit a form board survey on subsequently permitted building and structures prior to completion of the initial building inspection for a period of three (3) years from the date the vacation is granted; and

3. Third Offense or more: The contractor or owner-builder shall be required to submit a form board survey on all subsequently permitted building and structures prior to completion of the initial building inspection ~~for a period of three (3) years from the date the vacation is granted; and~~

SECTION 3. IMPLEMENTING ADMINISTRATIVE ACTIONS. The County Administrator is hereby authorized and directed to take such actions as are deemed necessary and appropriate in order to implement the provisions of this Ordinance. The County Administrator may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such County employees as deemed effectual and prudent.

SECTION 4. SAVINGS CLAUSE. All prior actions of the Board of County Commissioners of Highlands County pertaining to the revisions to Highlands County Code of Ordinances, Chapter 12, Land Development Regulations, as well as any and all matters relating thereto, are hereby ratified and affirmed consistent with the provisions of this Ordinance.

SECTION 5. CODIFICATION AND SCRIVENER'S ERRORS.

A. Sections 2 and 3 of this Ordinance shall be codified in the Highlands County Code of Ordinances and the sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the codifier of the Highlands County Code of Ordinances.

B. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the County Administrator and County Attorney, may be corrected with the endorsement of the County Manager, or designee, without the need for a public hearing.

SECTION 6. CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 7. SEVERABILITY. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its filing with the Department of State.

DONE AND ADOPTED this 18th day of January, 2022.



BOARD OF COUNTY COMMISSIONERS
OF HIGHLANDS COUNTY, FLORIDA

By: Kathleen G. Rapp
Kathleen G. Rapp, Chairperson

ATTEST:

By: Sally B. Hood for
Jerome N. Kaszubowski, Clerk



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

January 21, 2022

Honorable Robert W. Germaine
Clerk of the Circuit Court
Highlands County
590 South Commerce Avenue
Sebring, Florida 33870-3867

Attention: Jill A. Shields

Dear Mr. Germaine:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Highlands County Ordinance No. 21-22-11, which was filed in this office on January 20, 2022.

Sincerely,

Anya Owens
Program Administrator

AO/lb