

ORDINANCE NO. 2021-_____

AN ORDINANCE OF CITRUS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ORDINANCE NO. 2012-06, THE CITRUS COUNTY LAND DEVELOPMENT CODE, AS AMENDED, BY AMENDING SECTION 1500, DEFINITIONS (SETBACKS); SECTION 1701, PLANNING AND DEVELOPMENT COMMISSION; SECTION 2300, BUILDING SETBACK REQUIREMENTS AND HEIGHT REQUIREMENTS FOR ALL LAND USE DISTRICTS; SECTION 3101, RESIDENTIAL ACCESSORY STRUCTURES; SECTION 7320, PROTECTION AND USE OF RIGHTS-OF-WAY; SECTION 11005, LOT RECONFIGURATION; SECTION 11010, MINOR SUBDIVISION; SECTION 11015, LARGE LOT RURAL SUBDIVISION, AND MULTIPLE SECTIONS THROUGHOUT THE LAND DEVELOPMENT CODE TO CORRECT REFERENCES TO THE GROWTH MANAGEMENT DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARINGS; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Chapter 163, Florida Statutes, the Board of County Commissioners, adopted the Citrus County Comprehensive Plan, Ordinance No. 89-04, on April 18, 1989, and subsequent amendments;

WHEREAS, on June 12, 2012, the Board of County Commissioners adopted the Citrus County Land Development Code (LDC) as Ordinance No. 2012-06;

WHEREAS, the Citrus County Board of County Commissioners recognize the need to plan for orderly growth and development while protecting Citrus County's abundant natural resources;

WHEREAS, certain changes are necessary to comply with Florida Statutes as enacted by the State of Florida Legislature;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Citrus County, a political subdivision of the State of Florida, as follows:

SECTION 1. THAT SECTION 1500, DEFINITIONS (SETBACKS), OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED WITH A PORTION RELOCATED TO SECTION 2300.D, BUILDING SETBACK REQUIREMENTS AND HEIGHT REQUIREMENTS FOR ALL LAND USE DISTRICTS, AS FOLLOWS:

1500. Definitions (Setbacks)

Setbacks: The setback distance between a natural or man-made feature (such as a road, lot line, a body of water, or a jurisdictional boundary) and the closest portion of a building.

For the purpose of mining, setbacks shall refer to property boundaries.

(The following portion relocated to Section 2300.D, Building Setback Requirements and Height Requirements for all Land Use Districts) as follows:

2300. D. Permitted Encroachments. Encroachments into required setbacks as follows in residential districts are permitted up to 3 feet into required setbacks for the following items:

1. Awnings may encroach up to three feet into front and rear yard setbacks.
2. Architectural projections, such as cornices, eaves, and similar elements, may encroach up to three feet into any front and rear yard setback.
3. Eave encroachments are permitted up to three feet into side yard setbacks.
4. All of the preceding setback encroachments are also permitted into setbacks in multifamily projects.

SECTION 2. THAT SECTION 1701, ESTABLISHMENT AND PURPOSE PLANNING AND DEVELOPMENT COMMISSION – PDC), OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:

1701. ESTABLISHMENT AND PURPOSE

- A. The PDC of Citrus County is hereby established for the purpose of advising the Citrus County Board of County Commissioners on issues related to planning and development and reviewing specific applications for development orders. The PDC shall serve as both the Local Planning Agency and the Land Development Regulation Commission as described in Chapter 163, Part II, Florida Statutes. This commission is charged with the responsibility of reviewing the existing Comprehensive Plan and making recommendations regarding the Comprehensive Plan to the BCC, recommending appropriate planning and development policies to the BCC, and reviewing specific development proposals for conformance to this LDC. The Commission is charged with final approval authority for specific types of proposals.
- B. The PDC shall consist of eight members including seven regular members, two alternate members, and one School Board Representative. The School Board Representative is a non-voting member. All regular and alternate members of the PDC shall be appointed by the Board of County Commissioners. Regular members and alternate members shall be voting members, except that an alternate member shall not participate in the hearing of any matter before the PDC unless one of the regular members is absent from such hearing. Regular members and alternate members shall serve for a term of four years, with only three regular members' terms and only one alternate member's term expiring in any one-year period. If any member fails to attend three successive PDC meetings without good

cause, the PDC shall declare the member's seat vacant and notify the Chairperson of the Board of County Commissioners and the member of such vacancy. The Board of County Commissioners shall have the power to remove any regular or alternate member of the PDC for nonfeasance, misfeasance, or malfeasance. Each member of the PDC shall not be seated until having taken and signed an oath to perform the duties of such office. The signed oath shall be filed with the Clerk of the Board of County Commissioners. The regular and alternate members of the PDC shall serve without compensation, except for actual expenses incurred in the performance of PDC duties as may be allowed by Florida law and authorized by the Board of County Commissioners. The qualifications of the regular and alternate members of the PDC shall be as follows:

1. *Application.* All prospective members shall timely submit to the Director of Land Development Division a completed application, the form of which shall be in the discretion of the Director, but which form shall include at a minimum the appointment or application for appointment to any other public office, and any other circumstance which may present the possibility of a conflict of interest.
2. *Residency.* All members shall be permanent residents of Citrus County.
3. *Education, training, and experience.* Three members shall be employed or retired from one of the following professions: architect; urban, rural, or regional planner; landscape architect; environmental scientist; civil engineer; real estate broker or agent; surveyor; or construction contractor. Two members shall be employed in or retired from any other profession. Two members shall be the representative of a homeowners/property owners association or a civic association. The BCC may appoint any resident of Citrus County deemed to be otherwise qualified to serve on the basis of suitable education, training, experience, or any combination thereof.

SECTION 3. THAT SECTION 3101G. RESIDENTIAL ACCESSORY STRUCTURES (GUEST COTTAGES AND GARAGE APARTMENTS), OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:

3101. RESIDENTIAL ACCESSORY USES

Accessory uses and structures may be permitted. For lots less than two acres, all accessory structures shall be compatible with the exterior color and materials of the principal residential structure, excepting detached accessory structures 1,200 square feet or less in size or when the proposed accessory structure is a swimming pool, screen enclosure, dock, or boatlift.

Accessory uses may include, but are not limited to the following:

G. Guest cottages and garage apartments with living units (accessory dwelling units) having 850 square feet of living area or less for noncommercial occupancy only. Only one such unit is allowed per residential site.

SECTION 4. THAT SECTION 7320, PROTECTION AND USE OF RIGHTS-OF-WAY, OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:

7320. PROTECTION AND USE OF RIGHTS-OF-WAY

- B. Use of the right-of-way for public or private utilities including, but not limited to; sanitary sewer, potable water, telephone wires, cable television wires, gas lines, electricity transmission, sidewalks, and bicycle ways shall be allowed subject to the placement specifications contained herein. Small wireless facilities may be permitted pursuant to the standards in this section and Section 3755, Small Wireless Facilities. A right-of-way utilization permit is required from the Engineering Division.
- C. All other work within the right-of-way including, but not limited to; roadway improvements, drainage improvements, structures, pole installations, sidewalks, bicycle paths, or sign placements shall be allowed subject to the technical specifications contained herein. A right-of-way utilization permit shall be required from the Engineering Division.

SECTION 5. THAT SECTION 11005, LOT RECONFIGURATION, OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:

11005. LOT RECONFIGURATION

- A. This section is provided to allow for the relocation of a common lot line(s) without the requirement to plat, for land that has not been previously platted, as defined in Chapter 177, F.S. However, if the land is part of a previously platted subdivision, then a replat is required. If additional parcels need to be created, the addition may be completed through a Minor Subdivision, Large Lot Rural Subdivision, or record plat.
- B. In order to qualify for the lot reconfiguration provision, the following information shall be provided:
 - 1. An application for approval of the lot reconfiguration shall be required.

2. One (1) survey map labeled "Boundary Survey" which includes the following information:
 - a. Existing boundary configuration and legal description (per Standards of Practice Chapter 5J-17.050 through .053 F.A.C.), which shows the existing parcel(s) and/or lot line(s) of the area to be reconfigured and all existing easements and road rights-of-way of record (both internal and abutting).
 - b. The survey map must be annotated with bearings and distances as applicable.
 - c. The survey map must be signed and sealed by a Florida licensed Professional Surveyor & Mapper.
3. A separate survey map of the reconfigured parcel labeled "For the purpose of a Lot Reconfiguration" which includes the following information:
 - a. Proposed parcel(s) or lot line(s) being reconfigured, along with the new proposed legal description(s).
 - b. The reconfigured area(s) shall not prevent direct access to an improved public right-of-way.
 - c. Both the lot/parcel lines and the lines of any proposed easements, when applicable, shall indicate the new dimensions with bearings & distances (per the Standards of Practice Chapter 5J-17.050 through .053 F.A.C.)
 - d. The survey map must be signed and sealed by a Florida licensed Professional Surveyor & Mapper.
 - e. The Lot Reconfiguration and boundary survey shall be drawn at a legible scale and shall be bold enough to remain clearly legible after reduction. Additional detail may be required at the discretion of Land Development Division Director.
 - f. A computer-generated mathematical closure report, indicating acreage area, square feet, and precision of closure, shall be provided for both the existing boundary survey and the Lot Reconfiguration Boundary Survey.
4. Lot reconfiguration shall not result in an increase in density beyond that allowed by the Comprehensive Plan or this LDC.
5. New lots and/or parcel(s) shall not create a noncompliance with any setback requirements of this LDC.
6. All parts of the parent tract(s) must be accounted for in the reconfiguration.

7. After approval by the Director of the Land Development Division, or designee, the boundary survey identifying the new lot(s) and/or parcel(s) shall be recorded with the Clerk of the Circuit Court and the recording information shall be provided to the Land Development Division within 30 days after application approval.

SECTION 6. THAT SECTION 11010, MINOR SUBDIVISION, OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:

11010. MINOR SUBDIVISION

- A. This section is provided for the purpose of defining and describing an exemption to the requirement to plat for land that is proposed for subdivision into less than three parcels. All parcels resulting from said subdivision must have frontage for access along an existing public paved road, without passing over lands owned or controlled by others outside of the subdivision. Lots created pursuant to this exemption may not be further subdivided unless they are in accordance with the platting requirements of this LDC.
- B. In order to qualify for this provision, the following conditions shall apply:
 1. An application for approval of the minor subdivision shall be required.
 2. A boundary survey (signed and sealed) showing the original parcel of land and subsequent subdivision of land shall be prepared by a Florida licensed Professional Surveyor & Mapper and shall include the following information:
 - a. Existing boundary survey and legal description of the original parcel labeled Boundary Survey (per Standards of Practice Chapter 5J-17.050 through .053 F.A.C.). All existing easements and road rights-of-way of record (both internal and abutting) must be indicated on the survey.
 - b. New Lot(s) and/or parcel(s) shall have an assigned number or letter through which it may be identified.
 3. A separate map for the Minor Subdivision Boundary Survey (per Standards of Practice Chapter 5J-17.050 through .053 F.A.C.), the proposed legal descriptions, lot/parcel lines and dimension shall be shown. The lot/parcel lines shall indicate the new dimensions with bearings and distances per the aforementioned Standards of Practice

without any topographic features. Topographic features, if required, shall be depicted on a separate sheet.

- a. The Minor Subdivision Boundary Survey shall indicate "For the purpose of a Minor Subdivision".
 - b. The Minor Subdivision map shall be drawn at a legible scale and shall be bold enough to remain clearly legible after reduction. Additional detail may be required at the discretion of the Director of the Land Development Division.
 - c. A computer-generated mathematical closure report, indicating acreage area, square feet, and precision of closure, shall be provided for both the existing boundary survey and the Minor Subdivision Boundary Survey.
4. All lots and/or parcels so created shall meet the minimum lot frontage, area, and dimensional requirements for the land use district in which they are located; however, in no case shall residential lots have a minimum lot width of less than 100 feet or in no case shall a nonresidential lot have a minimum lot width of less than 150 feet for the entire depth of the lot and as measured along the existing paved public road.
 5. A Minor Subdivision application shall comply with all other provisions of this LDC.
 6. All parts of the parent tract must be accounted for in the new configuration.
 7. After approval by the Director of the Land Development Division, or designee, the boundary survey identifying the new lot(s) and/or parcel(s) shall be recorded with the Clerk of the Circuit Court and the recording information shall be provided to the Land Development Division within 30 days after application approval.

SECTION 7. THAT SECTION 11015, LARGE LOT RURAL SUBDIVISION, OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:

11015. LARGE LOT RURAL SUBDIVISION

- A. This section is provided for the purpose of defining and describing an exception to the requirement to plat for land that has not been previously platted as defined in Chapter 177, F.S. The intent of this section is to

provide for large unplatted residential lots/parcels outside the Planned Service Area with access from a County road or via a 20-foot wide exclusive access easement which shall abut the County road and remain part of the parent parcel. However, if the land is part of a previously platted subdivision, then a replat is required.

B. All of the following requirements shall apply:

1. Land must be outside the limits of the Planned Service Area, as delineated by the Comprehensive Plan.
2. Land can be subdivided in such a manner that all parcels resulting from said subdivision have access from an existing public road, directly or via an approved exclusive access easement which abuts an existing public road.
3. The proposed subdivision will not eliminate or diminish access to any adjacent parcel.
4. The applicant shall demonstrate via topographic maps or grading improvement plans that all proposed access easements are able to accommodate normal vehicular traffic. Any topographic features submitted shall be shown on an additional sheet(s) depicting the Large Lot Rural Subdivision Boundary Survey.

If all of the requirements can be met, the proposed subdivision can be exempt from the platting requirements and considered through the Large Lot Rural Subdivision process.

C. In order to qualify for this Large Lot Rural Subdivision provision, the following conditions shall be met:

1. An application for approval of the Large Lot Rural Subdivision and exemptions to the platting requirements shall be required.
2. A boundary survey (signed and sealed and labeled "Boundary Survey") showing the original parcel (per Standards of Practice 5J-17.050 through .053 F.A.C.) inclusive of all existing easements and rights-of-way (both internal and abutting). Where easements are not coincident with property lines, they must be labeled with bearings and distances and tied to the principal lot, tract, or right-of-way. The boundary survey shall be prepared by a Florida licensed Professional Surveyor & Mapper.

3. A boundary survey for a Large Lot Rural Subdivision of land showing the dimensions of the proposed lot(s) and/or parcel(s) to be subdivided. This shall include:
 - a. A separate boundary survey and legal description(s), along with the appropriate bearings/dimensions of the created parcels (lots). New lot(s) and/or parcel(s) shall have an assigned number or letter through which it may be identified.
 - b. Any newly created exclusive ingress/egress easement (20-foot wide minimum) associated with any proposed new lot/parcel shall also be indicated.
 - c. If an exclusive access easement is proposed for ingress/egress, the following language must be placed on the boundary survey:

“No governmental agency, including the Citrus County Board of County Commissioners, shall be responsible for the maintenance, upkeep, or improvements of any private drives, roads, streets, easements, or rights-of-way providing ingress and egress to the property herein conveyed.”
 - d. The boundary survey of the new parcel shall indicate that its purpose is for a Large Lot Rural Subdivision.
 - e. The boundary surveys shall be drawn at a legible scale and shall be bold enough to remain clearly legible after reduction. Additional detail may be required at the discretion of the Director of the Land Development Division.
 - f. The boundary surveys shall be prepared by a Florida licensed Professional Surveyor & Mapper.
- D. All lots and/or parcels so created shall meet the minimum area requirements for the land use district in which they are located; however, in no case shall lots have a minimum lot width of less than 100 feet which shall be measured at the proposed building site. Access drives shall be no less than 20 feet in width and shall connect directly to a County roadway via an approved driveway apron. No more than two access drives may occur within any 100 feet of public road frontage.
- E. A Large Lot Rural Subdivision shall not result in an increase in density beyond that allowed by the Comprehensive Plan or this LDC.
- F. All parts of the parent tract must be accounted for in the new configuration.

- G. After approval by the Director of the Land Development Division, or designee, the boundary survey identifying the new lot(s) and/or parcel(s) shall be recorded with the Clerk of the Circuit Court and the recording information shall be provided to the Land Development division within 30 days after application approval.
- H. A driveway apron shall be provided for stabilization of the County road at the point of ingress/egress from the County road in accordance with the driveway apron construction standards of Citrus County.

SECTION 8. THAT REFERENCES TO THE PLANNING AND DEVELOPMENT DEPARTMENT AND/OR PLANNING AND DEVELOPMENT DIRECTOR IN THE FOLLOWING SECTIONS WILL BE MODIFIED TO REFERENCE THE GROWTH MANAGEMENT DEPARTMENT AND/OR GROWTH MANAGEMENT DIRECTOR, OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AS FOLLOWS:

- Section 1401.D, Interpretation
- Section 1403, Appeals
- Section 1500, Definitions (“Department” and “Final Development Order”
- Section 1601, Planning and Development Director
- Section 1606, Director of the Department of Water Resources
- Section 1800.D.7, Penalties, Remedies and Enforcement Standards (Revoke Permits and Approvals)
- Section 3560, Endangered and Threatened Species Habitat Protection
- Section 3573, Development Requirements (Historical and/or Archeological Area Protection)
- Section 3603, Review Process and Compliance (Floral City Community Plan – Supplemental Standards),
- Section 3730, Animals
- Section 3750.J., Commercial Wireless Telecommunications Towers, Structures, and Antennas (Abandonment)
- Section 3755.A.6, Small Wireless Structures (Abandonment)
- Section 3770, Construction and Demolition Debris Disposal,
- Section 3775, Hazardous Waste Facilities, Biohazardous Waste Facility(ies), and Residuals Disposal Sites
- Section 3780, Incinerators
- Section 3785, Vegetative Debris Disposal in Former Sand (Borrow Pits)
- Section 4101, Applicability (Site Improvement Plans)
- Section 4800.G, Mining Development – Application and Standards
- Section 4900, Groundwater and Wellhead Protection
- Section 5800, Canopy Protection of Red-Cockaded Woodpecker Colonies
- Section 7130, Nonresidential Driveway Criteria
- Section 7150.B, Access Management for State Highways (US-19 Access

Management Plan Standards)

- Section 7320, Protection and Use of Rights-of-Way
- Section 7400, Interchange Management Areas
- Section 10170, Discontinuance, Termination, or Abandonment (Nonconforming Development)
- Section 10180, Replacement of Damaged Buildings
- Section 10190, Procedures for Administrative Determination of Valid Nonconforming Uses

SECTION 9. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Board of County Commissioners hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional and all ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 11. It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk to the Board.

SECTION 12. This ordinance shall become effective as per Florida law.

DONE AND ADOPTED at a duly called session of the Board of County Commissioners of Citrus County, Florida, this ___ day of _____, 2021.

ATTEST:

**CITRUS COUNTY, FLORIDA , A
POLITICAL SUBDIVISION OF THE
STATE OF FLORIDA**

ANGELA VICK, CLERK OF COURT

BY: _____
SCOTT CARNAHAN, CHAIRMAN

**APPROVED AS TO FORM FOR THE
RELIANCE OF CITRUS COUNTY ONLY**

DENISE A. DYMOND LYN, COUNTY ATTORNEY