

ORDINANCE NO. 2022_____

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 2300, BUILDING SETBACK REQUIREMENTS AND HEIGHT REQUIREMENTS FOR ALL LAND USE DISTRICTS, TO ADD STANDARDS FOR WATERFRONT SETBACKS; AMENDING SECTION 3102, SPECIAL REQUIREMENTS FOR ALL ACCESSORY USES; DELETING SECTION 3501, SURFACE WATER PROTECTION STANDARDS AND AMENDING SECTION 3520, FLOOD PLAIN PROTECTION STANDARDS OF THE LDC TO RELOCATE AND/OR MODIFY REQUIRED WATERFRONT SETBACK CRITERIA; AMENDING SECTION 6410, LOT DEVELOPMENT REVIEW AND SECTION 6420, GENERAL REQUIREMENTS; 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 3102.B, SPECIAL REQUIREMENTS FOR ALL ACCESSORY USES, OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A

POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:

3102. SPECIAL REQUIREMENTS FOR ALL ACCESSORY USES

All accessory uses, regardless of location, shall be allowed once a permit is issued and meets the following requirements:

Accessory structures shall not be occupied as a residence, with the exception of guest cottages (accessory dwelling units)/garage apartments as outlined herein.

SECTION 2. THAT SECTION 2300, BUILDING SETBACK REQUIREMENTS AND HEIGHT REQUIREMENTS FOR ALL LAND USE DISTRICTS, OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:

2300. BUILDING SETBACK REQUIREMENTS AND HEIGHT REQUIREMENTS FOR ALL LAND USE DISTRICTS

- A. A minimum setback from an abutting right-of-way shall be required for all buildings. The required minimum setback shall be measured from the centerline of the right-of-way. The distance is determined by the functional classification of the roadway, as specified on the Functional Classification Map in this LDC. Minimum distance is shown in the following table:

BUILDING SETBACK REQUIREMENTS	
Local Street (public or private)	50 feet
Minor Collector	65 feet
Major Collector	75 feet
Minor Arterial	100 feet
Principal Arterial	125 feet

1. Principal uses should be located 25 feet from any existing right-of-way line, except as provided elsewhere within this LDC. In cases where private and local streets are 60 feet in width where residential uses may be permitted, the setback may be administratively approved no less than 20 feet from an existing right-of-way line.
2. Metal or wood carports, awnings, or other open accessory structures may be permitted administratively with up to 20 percent reduction of the required building setback from the centerline of the right-of-way.

There are no minimum setbacks required for side and rear yards (those sides of a building which do not abut a right-of-way) that do not abut surface water, wetlands, or springs, provided that if the distance from the structure to the property line is less than five feet, the applicant must show evidence of a maintenance easement granted by adjacent property owner(s).

NOTE: Standards for specified individual uses as provided in this LDC may include requirements for setbacks.

- B. When a building exceeds 50 feet in height, the minimum distance from an adjacent building or property line shall be increased by two feet for each 10 feet above 50 feet.
- C. Architectural features, eaves, balconies, and the like may project into required front yards not more than three feet.
- D. Special setbacks are established for structures adjacent to existing sinkholes and caves as provided in this LDC.
- E. All structures shall be a minimum of 35 feet from either the mean landward of the mean high-water line or ordinary high water or jurisdictional wetland line, except as follows:
 - 1. Proposed structures for lots with seawalls or rip rap and lacking a natural vegetative buffer that are on natural grade, such as slabs or decks (without railings or similar construction), shall be set back a minimum of 15 feet from the ordinary high water, mean high water line, or jurisdictional wetland line. For purposes of this section "natural grade" shall include those deck structures no more than 12" above grade with ½-inch spacing;
 - 2. Structures may utilize the greater of (1) an average setback of the six closest similar uses on either side of the proposed site, and (2) the furthest setback for immediately abutting improved properties on either side of the proposed site. Any structures used for this calculation must be permitted, and the minimum setback allowable via this process cannot be less than 15 feet from the ordinary high water, mean high water line or jurisdictional wetland line.
 - 3. Structures in the vicinity of springs, spring runs, and sinkholes open to the aquifer shall be setback a minimum of 100 feet from the ordinary high-water line or mean high water line. When a lot of record cannot accommodate a 100-foot setback, development shall follow an engineer designed system that directs stormwater runoff away from springs, spring runs and sinkholes open to the aquifer and locates structures the maximum distance possible from the spring, spring run and sinkhole open to the aquifer.

SECTION 3. THAT SECTION 3501. SURFACE WATER PROTECTION STANDARDS, OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY DELETED.

3501. SURFACE WATER PROTECTION STANDARDS

SECTION 4. THAT SECTION 3520, FLOODPLAIN PROTECTION STANDARDS OF THE LDC; OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:

3520. FLOODPLAIN PROTECTION STANDARDS OF THE LDC

A. Floodplain management regulations shall be administered and enforced as part of the provisions of Chapter 18 of the Citrus County Code, or its successor.

A. Setbacks in Velocity Zones and Coastal A Zones: Located within areas of special flood hazard so designated by Federal Emergency Management Agency in its Flood Insurance Rate Maps (FIRM) as having special flood hazards associated with wave action from storms, all buildings or structures shall be located as outlined in Section 2300, Building Setback Requirements and Height Requirements for All Land Use Districts, as determined by a survey meeting the requirements of the FDEP. Mean high water line and mean high water as used herein shall have the same meaning given in Chapter 177, F.S.

B. Flood Hazard Warning: All agreements for deed, purchase agreements, leases, or other contracts for sale or exchange of lots and all instruments conveying title to lots within areas of special flood hazard zone must carry the following flood hazard warning prominently displayed on the document in 10 point black type, enclosed within a substantial border which serves to clearly demarcate the Flood Hazard Warning from the remaining language of the document:

FLOOD HAZARD WARNING

This property may be subject to flooding. You should contact the local building official and obtain the latest information regarding flood elevations and restrictions on development before making plans for the use of this property.

SECTION 5. THAT SECTION 6410, LOT DEVELOPMENT REVIEW, OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:

Prior to the issuance of a residential construction permit (building permit) by the Building Division, a review of the stormwater management system for the entire development site will be conducted for any of the following:

- A. A new primary structure on a parcel of land less than 10,000 sq. ft. in an existing subdivision, which does not have an existing master plan of development or site development plan on file with the County;
- ~~B.~~ Any new structure-on a waterfront lot.

SECTION 6 THAT SECTION 6420, GENERAL REQUIREMENTS, OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:

6420. GENERAL REQUIREMENTS

A. Review Procedure

A site drainage plan shall be submitted with the building permit application online. If the submittal is not an online permit submit three (3) paper copies.

Upon a determination of compliance, the County Land Development Division, or its successor, will notify the Building Division. If disapproved, the applicant shall be notified with a written statement for the reasons of disapproval.

B. Plan Details

- 1. For lots meeting the requirements of 6410.a (10,000 s.f. or less lot size) the grading and drainage plan does not have to be done by a licensed professional engineer and shall provide all items on list below.
 - a. Lots shall be designed and constructed with adequate drainage, such that no adverse impacts to adjacent properties are demonstrated.
 - ~~b.~~ The location of all existing and proposed structures, including, but not limited to, buildings, swimming pools, decks, patios, walkways, walls, fences, and other impervious areas.
 - c. The location, and dimensions for any existing or proposed driveway aprons, driveways, parking, and onsite turnaround areas.

- d. Finished floor elevations for all proposed structures that contain living area. The finished first floor elevation shall be one (1) of the following, whichever is higher:
 - 1) The finished first floor elevation shall be at a minimum of twelve (12) inches above the highest point of the adjacent roadway, or as approved by a finish floor elevation waiver.
 - 2) FEMA 100-year flood. The finished floor elevation shall meet or exceed the most recent edition of the Florida Building Code.

NOTE: There may be additional standards as outlined in Chapter 18 of the Citrus County Code or Ordinances and/or the Florida Building Codes.

- e. All intended lot grading, cutting and/or filling shall be represented by sufficient information to depict the proposed conditions, such as spot elevations, or contour lines at a corresponding one-foot intervals. Assumed elevations can be used. Include changes in drainage patterns, drainage swales, structures, piping, or retaining structures. The proposed drainage flow shall be illustrated by use of directional arrows.
- f. A typical swale and/ or berm cross-section shall be provided, if used in the design of the drainage system.
- g. Rainwater from roof valleys, downspouts, scuppers, or other rainwater collection devices shall not directly impact adjacent parcels of land.
- h. All soil erosion and sediment control methods shall be implemented.
- i. The ground immediately adjacent to all foundations shall be sloped away from the structure in compliance with the Florida Building Codes.
- j. Slopes:
 - 1) Graded slopes, within areas utilized for drainage, shall be stable and shall have a maximum ratio of three (3) to one; however, a slope of four (4) to one is preferable where conditions permit in order to achieve a slope with better aesthetic and maintenance characteristics.
 - 2) The top of a cut or the bottom of a fill shall not adversely affect adjacent properties.
 - 3) Slopes permitted by the Citrus County Environmental Health Department for septic system installations are allowed.

2. For lots meeting the requirements of 6410.b the grading and drainage plan shall be prepared by a professional engineer or architect licensed in the State of Florida and shall provide all items on list below.
 - a. The grading and drainage plan shall be drawn to a scale of not less than one-inch equals 30 feet and prepared in sufficient detail to show the design.
 - b. Lots shall be designed and constructed with adequate drainage, such that no adverse impacts to adjacent properties are demonstrated.
 - c. Map showing all areas within 100 feet of the lot which is the subject of the intended improvement. A recent aerial is sufficient.
 - d. A topographic map of the subject property, including lands twenty (20) feet beyond the boundary of subject lot, and adjoining public and/or private streets, showing one foot contour intervals. This information is available on the Citrus County Board of County Commissioners Website. When deemed necessary by the County, the map shall contain additional topographic information including data and contours relative to adjacent lands 100 feet beyond subject property.
 - e. The location of any waterbodies, storm sewers, wetlands, floodplain, FEMA flood elevation, storm drainage detention and retention structure or areas, easements or drainage facilities which relate to drainage of storm waters emanating from or affecting the subject property.
 - f. The location and details of any proposed storm sewers, ditches, swales, dry wells, detention and retention facilities or other drainage facilities which are designed to dispose of storm waters from the subject property.
 - g. The individual lot drainage scheme shall be designed to minimize adverse impacts to adjacent properties.
 - h. Store onsite the first one-half (0.5) inch of rainfall from the developed area, or if discharging to an Outstanding Florida Water, the first three-quarters (0.75) inches of rainfall from the developed area, or an equivalent Best Management Practice (BMP).
 - i. Recordable Affidavit – An affidavit documenting the construction of BMP must be recorded with the Clerk of Courts of Citrus County.
 - j. Inspection – An inspection of the BMP must be certified by a professional engineer or architect and submitted to the County

Stormwater Section every five (5) years to ensure the system is operating as designed.

- k. The location of all existing and proposed structures, including, but not limited to, buildings, swimming pools, decks, patios, walkways, walls, fences, and other impervious areas. In addition, the plan shall show all required building setback lines.
- l. The location, and dimensions for any existing or proposed driveway aprons, driveways, parking, and onsite turnaround areas.
- m. Finished floor elevations for proposed structures that contain living area. The finished first floor elevation shall be one (1) of the following, whichever is higher:
 - 1) The finished first floor elevation shall be at a minimum of twelve (12) inches above the highest point of the adjacent roadway, or as approved by a finish floor elevation waiver.
 - 2) FEMA 100-year flood. The finished floor elevation shall meet or exceed the most recent edition of the Florida Building Code.

NOTE: There may be additional standards as outlined in Chapter 18 of the Citrus County Code or Ordinances and/or the Florida Building Codes.

- n. Water supply wells, overhead and underground utility lines, and subsurface sewage disposal systems.
- o. All intended lot grading, cutting and/or filling shall be represented by sufficient information to depict the proposed conditions, such as spot elevations, or contour lines at a corresponding one-foot intervals. Include changes in drainage patterns, drainage swales, structures, piping, or retaining structures. The proposed drainage flow shall be illustrated by use of directional arrows.

SECTION 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8. 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 9. 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 10. 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 _____, 2022

ATTEST:

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

ANGELA VICK, CLERK OF COURT

BY: _____
RONALD E. KITCHEN, JR. CHAIRMAN

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

DENISE A. DYMOND LYN, COUNTY ATTORNEY