

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 3150, FENCES, HEDGES, AND WALLS; SECTION 4002, APPLICABILITY (SITE DEVELOPMENT PLANS); SECTION 4003, SUBMITTAL REQUIREMENTS (SITE DEVELOPMENT PLANS); SECTION 4100, SITE IMPROVEMENT PLANS; SECTION 4101, APPLICABILITY (SITE IMPROVEMENT PLANS); SECTION 4102, SUBMITTAL AND REVIEW (SITE IMPROVEMENT PLANS); SECTION 4200, APPROVED SITE DEVELOPMENT AND IMPROVEMENT PLANS; SECTION 4303, GENERAL STANDARDS FOR PUD DEVELOPMENTS; AND SECTION 5710, GENERAL PROVISIONS (TREE PRESERVATION AND PROTECTION STANDARDS); 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 3150, FENCES, HEDGES, AND WALLS, OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:

3150. FENCES, HEDGES, AND WALLS

- A. Fences in residential districts shall not be constructed of barbed wire or electrical unless an agricultural use is authorized.
- B. Fences and walls may be permitted along property lines outside of required easements. No fence or wall in a residential district shall exceed six feet in height.
- C. Fences, walls, hedges, or other structures or vegetation shall not be permitted over 30 inches in height above the average road grade in a visibility triangle. Such triangle shall consist of the area bounded by: (i) the edge of pavement of a road (or the edge of an unpaved road); (ii) the edge of pavement of an intersecting road or driveway (or the edge of an unpaved road or driveway); and (iii) an imaginary line connecting the other two lines at points 25 feet from their intersection.
- D. Fences shall consist of one or more of the following materials: wood posts, picket, field fence, basket weave, lattice, split rail, woven saplings, cast or wrought iron, chain link or pvc/plastic, except where an agricultural use is authorized.



Basketweave fence

SECTION 2. THAT SECTION 4002, APPLICABILITY (SITE DEVELOPMENT PLANS), OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:

4002. APPLICABILITY

- A. No development allowed by this code shall be established, changed, or altered and no building shall be used, occupied, or altered after the effective date of this code until there is first on file, approved by official County action, a site development plan or preliminary subdivision plat for such premises. Nothing herein shall relieve any applicant of the additional responsibility of seeking all permits required by any applicable statute,

ordinance, or regulation in compliance with all of the terms of this code or any other applicable law.

- B. A site development plan shall be required for any development on vacant land.
- C. Site development plans may be submitted for any portion of a site (a phase or any portion of a phase, including early work authorization for site work and/or groundwork) provided development proceeds according to an approved plan of development. All work performed is at the risk of the owner and/or developer and any work performed that is not in compliance with this LDC shall be removed or modified.

SECTION 3. THAT SECTION 4003, SUBMITTAL REQUIREMENTS (SITE DEVELOPMENT PLANS), OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:

4003. SUBMITTAL REQUIREMENTS

- A. Documentation required
 - 1. The site development plan shall be prepared on durable material with permanent writings and markings thereon showing to accurate scale all existing and proposed development on the property. The scale shall be no smaller than one inch equals 200 feet. The plan shall show property boundaries with a legal or a metes and bounds description, references to section, township, and range, and subdivision name and lot numbers if applicable. Copies shall be submitted to county staff as prescribed on application forms prepared by the County.
 - a. For residential submittals, the plan shall show all proposed physical improvements including: existing and proposed buildings, driveway and/or driveway apron, water bodies, wetlands, and the distances of any improvements from the boundaries of the property.
 - b. For non-residential submittals, the area of the property shall be noted in square feet and acres. The plan shall show all proposed physical improvements including: existing and proposed buildings; off-street parking areas; pavements; landscaping; utilities; on-site recreation (if applicable); storm water management facilities; water bodies; wellheads; walls; poles; towers; signs; and the distances of all these improvements from the boundaries of the property.

2. For non-residential submittals, the plan drawings shall be prepared by a registered architect, landscape architect, or civil engineer licensed in the State of Florida, each certifying to their field of expertise by signing and sealing the drawings, and shall include the following information, if applicable:
- a. Name, address, telephone number, and email address of the owner(s) and/or developer of the property, the drawing scale used, number of sheets per set of plans, north indicator, and complete dimensions. All dimensions shall be in feet and decimal fractions of a foot. The plan shall be prepared drawn to scale so that it is readable.
 - b. A site location inset shall be included on the top page of each set of plans to indicate the location of the project relative to surrounding areas and including at least the nearest arterial or collector roadway.
 - c. A complete legal description of the property.
 - d. A boundary survey (drawn to scale so that it is readable), signed, sealed, and prepared by a Florida registered land surveyor, showing the location and dimensions of all property lines, existing streets or roads, easements, rights-of-way, and areas dedicated to the public. In the case of improved property, the survey is to show all vertical improvements.
 - e. The land use districts of all abutting properties shall be shown. Where the property abuts a right-of-way, the street name shall be indicated.
 - f. The location of all streams, floodplains, water bodies, and wetlands lying within, adjacent to, or affecting the site shall be clearly delineated.
 - g. Total area and percentages of the total site area shall be given for impervious surface.
 - h. If a multi-unit residential development is proposed, the total number and type of residential units shall be given. The total number of units (all types) and units per acre shall be included. Construction phase lines, if proposed, shall be shown.
 - i. Locations of all proposed permanent signs and exterior lights shall be shown. Sign face area with dimensions shall also be provided.

- j. Exact locations of the nearest existing and all proposed fire hydrants shall be shown.
- k. The layout of any proposed sanitary sewer and water main construction shall be given including the locations of proposed connection to existing facilities.
- l. If a garbage dumpster is proposed, show pad location and specifications.
- m. The plans shall show the total number of proposed parking spaces, spaces reserved for handicapped parking, loading areas, wheel stops, proposed ingress and egress (including proposed public street modifications), and projected on-site traffic flow. The full dimensions of parking spaces, travel lanes, and driveways shall be labeled.
- n. Cross sections and specifications shall be shown for all proposed pavement.
- o. Stormwater drainage and site grading plans, as necessary, shall be submitted in accordance with this LDC, Chapter 6 Stormwater Management.
- p. Proposed landscaping, including a plant legend, shall be shown. A plan for tree protection showing the locations and names of any existing trees shall also be shown with labels as to which trees are to be removed or relocated and which will remain in accordance with the section for Tree Preservation and Protection Standards of this LDC. Buffer areas and/or silt fencing shall be indicated.
- q. Submission shall indicate provisions to be made for adequate control of erosion, sedimentation, dust, and debris during all phases of clearing, grading, and construction.
- r. Provisions for protection of historic and/or archaeological resources shall be indicated, if applicable.
- s. Provisions for protection of habitat and endangered or threatened species, including land area set aside, shall be indicated.
- t. Façade renderings shall be provided as may be required by this LDC.

- u. A space measuring at least four inches in width and three inches in height shall be provided in the title block on the top page of each set of plans. This space will be reserved for the County's development approval stamp.
 - v. Copy of warranty deed for property.
 - w. Any additional data, materials, or information deemed necessary by the County to make a determination.
3. *Staff review:* The County shall advise the applicant what information, if any, is needed to deem the application properly completed in compliance with the filing requirements prescribed by the County as further outlined in Florida Statutes. A properly completed application is one that contains all the required materials prescribed by the County. If the County does not provide written notice that the applicant has not submitted a properly completed application within the Statutory timeframe, the application shall be deemed properly completed and accepted as may be applicable in Florida Statutes. This does not imply the application will be approved. Within statutory timeframe requirements after receiving a completed application, the County must notify an applicant if additional information is required for the County to determine the sufficiency of the application and shall specify the additional information that is required. Each time an applicant responds to a request for additional information, the review period begins anew.

SECTION 4. THAT SECTION 4100, SITE IMPROVEMENT PLANS, OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:

4100. SITE IMPROVEMENT PLANS

A site improvement plan shall be required for any development proposed on improved land.

SECTION 5. THAT SECTION 4101, APPLICABILITY (SITE IMPROVEMENT PLANS), OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:

4101. APPLICABILITY

Submittal of a site plan may be reviewed under the site improvement plan (SIP) review process if the development proposal involves a site which is currently improved with principal structures, parking facilities, water and sewer services,

and defined ingress/egress.

- A. Sites developed with non-residential structures and/or non-residential development permitted and functional prior to January 1, 2010, may qualify for a reduction of certain site or building upgrade requirements normally required when a change of use has been determined by the Building Official. Applicants desiring a waiver or reduction in normal requirements shall submit their request to the Department of Growth Management in accordance with the following procedures:
1. Applicants shall first attend a preapplication conference with staff to discuss a waiver or reduction of normal requirements of the LDC prior to formal submittal of the site improvement plan to be reviewed under the SIP review process.
 2. The Department of Growth Management shall review and approve, approve with conditions, or deny the desired waivers. If further reductions are desired beyond those allowed by the Growth Management, the applicant shall apply for a variance or Conditional Use review as appropriate.
 3. Reduction of normal requirements is limited to the following standards:
 - a. Landscaping
 - b. Paved Parking/Loading area requirements
 - c. Façade design
 - d. Cross Access Driveway Connection
 - e. Bicycle parking

- f. Pedestrian Access requirement for sidewalks on collector or arterial roads
- 4. Where parking is deficient, additional requested off-street parking spaces may be stabilized by alternative surfaces to be maintained in a safe and non-eroding condition. All dimensional standards shall be required as specified by this LDC. Alternative surfaces may still need to provide drainage retention.
- 5. No exemptions shall be allowed for mandatory standards and criteria enforced by other agencies outside the control of the Department of Planning and Development. These include:
 - a. Fire Code/Life safety
 - b. ADA requirements
 - c. State building code requirements
 - d. State Department of Health requirements

SECTION 6. THAT SECTION 4102, SUBMITTAL AND REVIEW (SITE IMPROVEMENT PLANS), OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:

4102. SUBMITTAL AND REVIEW

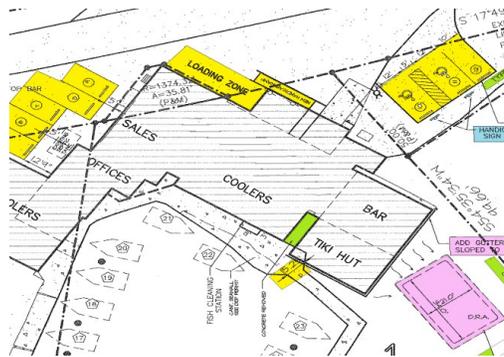
A site improvement plan shall be prepared drawn to scale so that it is readable.

- A. For residential submittals, the plan shall show all proposed physical improvements including: existing and proposed buildings, driveway and/or driveway apron, water bodies, wetlands, and the distances of any improvements from the boundaries of the property.
- B. For non-residential submittals, the area of the property shall be noted in square feet and acres. The plan shall show all proposed physical improvements including: existing and proposed buildings; off-street parking areas; pavements; landscaping; utilities; on-site recreation (if applicable); storm water management facilities; water bodies; wellheads; walls; poles; towers; signs; and the distances of all these improvements from the boundaries of the property.

The plan drawing shall be prepared by a registered architect, landscaping architect, or civil engineer licensed in the State of Florida, each certifying to their field of expertise by signing and sealing the drawings, and setting form

the following information:

1. The project title, property owner, address, telephone number, and email address
2. Legal description, scale, and north arrow.
3. Land use designation of the subject site and adjacent sites and the proposed use of the subject site.
4. Location, configuration, and dimensions of all buildings and lot improvements.
5. Location and configuration of parking and loading areas, and the directional movement of access point(s) to the site.



6. Location, configuration, and dimensions of all buildings and lot improvements.
7. Location and configuration of parking and loading areas, and the directional movement of access point(s) to the site.
8. Location of the dimension of access point(s) to the site.
9. Parking summary, in matrix form, indicating the required and provided parking for each existing and proposed use.
10. Location and configuration of handicapped parking facilities and building accessibility features.
11. Location, dimension, and configuration of existing water management facilities.
12. Location of trash enclosures.

13. Location of existing and proposed landscaping with specifications as to size, quantity and type of vegetation and the locations and names of any existing trees with labels as to which trees are to be removed or relocated and which will remain in accordance with the section for Tree Preservation and Protection Standards of this LDC.
14. A boundary survey (drawn to scale so that it is readable), signed, sealed, and prepared by a Florida registered land surveyor, showing the location and dimensions of all property lines, existing streets or roads, easements, rights-of-way, and areas dedicated to the public. In the case of improved property, the survey is to show all vertical improvements.

SECTION 7. THAT SECTION 4200, APPROVED SITE DEVELOPMENT AND IMPROVEMENT PLANS, OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:

4200. APPROVED SITE DEVELOPMENT AND IMPROVEMENT PLANS

Site development and improvement plans only remain valid and in force for two years from the date of their approval unless construction has commenced. If actual construction has not commenced within two years, measured by the date of issuance of the SDP or SIP, the site development or improvement plan approval term expires and the SDP or SIP is of no force or effect; however, an amendment to the SDP or SIP may be approved prior to the expiration date, which would allow the SDP or SIP, as amended, to remain valid for two years measured from the date of approval of the amendment so long as the proposed amendment complies with the requirements of the then existing code. Where no amendment is proposed, the Land Development Division may grant one extension up to two years from the expiration date so long as the SDP or SIP still complies with the requirements for the existing code. A request for extension shall be made in writing to the Director of the Land Development Division prior to the expiration of the SDP or SIP.

SECTION 8. THAT SECTION 4303, GENERAL STANDARDS FOR PUD DEVELOPMENTS, OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:

4303. GENERAL STANDARDS FOR PUD DEVELOPMENTS

All PUD developments shall conform to the provisions of the adopted Comprehensive Plan of the county and those uses allowed as per the Land Use Atlas designation. Where standards exist in the plan and comparable standards do not exist in this code, the standards and procedures set out in the plan shall apply in addition to the standards herein.

- A. Only uses which are consistent with the Comprehensive Plan may be approved as a PUD. Approval or denial of a PUD is deemed to be a quasi-judicial action of the Board of County Commissioners, and an applicant for a PUD shall have no right in the application hereunder beyond the right to have the Board of County Commissioners consider same and approve or deny the application based on applicable law and the findings of fact.
- B. After the effective date of this Code, any development approved through the PUD application process, which is not designated a use by right (shown as a "P" in the applicable LDC section) in the respective land use district for the subject PUD parcel, shall be compatible with established or planned uses both within the development footprint and surrounding neighborhoods and property. All PUD's, Master Development Plans, Planned Residential and Non-Residential Developments, and Planned Development Overlays approved prior to the effective date of this code are not subject to this provision. A compatibility review shall not include these land uses within the PUD that are allowable in accordance with the Comprehensive Plan and Land Development Code District ("P" uses) but shall be limited to those specific deviations or approvals sought through the PUD process.
- C. Accessory uses shall be permitted as set forth within the approved general concept plan or as found by the Board of County Commissioners to be compatible with an approved plan.
- D. Subsequent to the approval of a PUD, uses not enumerated may be permitted through amendment of the PUD and approved by the Board of County Commissioners.
- E. The land area included within the PUD development shall be of such proportions as to properly accommodate all proposed uses in keeping with the general requirements of the county and the established objectives and policies of the adopted Comprehensive Plan.
- F. Landscaping and design and maintenance shall follow the principles of *Florida Friendly Landscaping* TM and the *Florida Yards and Neighborhoods*

(FYN) Homeowner Program to reduce water use and fertilizer runoff.

1. Planted turf grass and landscaping on residential lots shall be limited to a maximum of 50% of the upland portion of the lot.
 2. Turf grasses and landscape vegetation shall be common to the area and drought tolerant.
- G. There shall be no specific lot requirements for individual uses; provided, however, that the area designated for any particular use shall be of sufficient size and proportion so as to properly accommodate said use and to provide for adequate open space and buffering between it an adjacent use.
- H. The maximum height of structures, setbacks, and density within a PUD development shall be as specifically established by the Board of County Commissioners in its approval action.
- I. Approval of the proposed PUD development shall include approval of all maps, diagrams, tables, and reports submitted by the applicant.
- J. A planned unit development will terminate within three years of the date of approval if either a site development plan or preliminary subdivision plat application is not filed with the county. If one of these applications is not filed within the specified time frame, the PUD shall be null and void, and a new PUD application will need to be approved for development on the site.

SECTION 9. THAT SECTION 5710, GENERAL PROVISIONS (TREE PRESERVATION AND PROTECTION STANDARDS), OF THE LAND DEVELOPMENT CODE OF CITRUS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IS HEREBY AMENDED AS FOLLOWS:

5710. GENERAL PROVISIONS

- A. Except for residential development, tree removal outside of an approved construction footprint, the Firewise Program footprint, and/or where there are other site requirements shall be prohibited. The Land Development Division Director or his/her designee may approve additional tree removal under the following circumstances: ensuring the structural integrity of buildings, necessary grading work on sloping properties, and the provision of essential services.
- B. Trees may be removed from within a wetland, surface water body, or construction buffer area required by this LDC, if the area in question is

covered by an approved State Environmental Resource Permit or its successor.

- C. Trees within and adjacent to certain scenic tree-lined and canopied road rights-of-way, as listed in the following table, are hereby provided special protection standards as contained herein.

SECTION 10. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 11. 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 12. 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 13. 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