

## ARTICLE 12

### ADMINISTRATION AND ENFORCEMENT

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Article History								
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12	Administration and Enforcement; provides for repeal of Article II of Zoning Ordinance 88-1; repeal of Article 11 of LDC; repeal of Parts I through VII of Ordinance 8309; repeal of Article I, §1-3 through 1-11, Article II, Div. 1-4 and 6, Article XXIII, Div 2 and 3 of Zoning Ordinance 88-1.	<input type="checkbox"/>		11/26/02	12/16/02	02/01/03		2002-42
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12	Citations		12.18.04	10/12/04	10/12/04	10/18/04		2004-30
12	Vacation of Plats		12.08	10/25/05	11/07/05	11/07/05		2005-50
12	Amendment to Administration and Enforcement		12.04.02 12.04.04 12.04.05	04/25/06	05/08/06	05/08/06		2006-15
12	Amendment Subdivisions, PUD's, Special Use Permits		12.08.03 12.08.05 12.11.03 12.12.01	12/12/06	12/21/06	12/21/06		2006-52
12	Amendment Preliminary and Final Development Review for Class III Developments, Lot Splits and Subdivisions		12.04.05 12.06.05 12.08.02 12.08.03 12.09.01 12.09.02	09/23/08	09/30/08	09/30/08		2008-34
12	Amendment Permit Required prior to undertaking any Development Activity - Compliance		12.02.03	05/26/09	05/28/09	05/28/09		2009-18
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**ARTICLE 12  
ADMINISTRATION AND ENFORCEMENT**

**SECTION 12.01      GENERALLY**

**12.01.01   Purpose and Definitions**

This Article provides the requirements for the following procedures: obtaining development approvals and certain types of permits; as well as procedures for rezoning property, seeking a special use permit, appealing decisions, seeking legislative action to amend this Code and the Comprehensive Plan, and enforcing this Code. For purposes of this Article, the word “development” and certain terms incorporating the word “development” shall be defined as follows:

a. DEVELOPMENT, also referred to as DEVELOPMENT ACTIVITY, means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land or other modifications of the natural landscape above and below ground or water on a particular site. It includes the division of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land. Subparagraphs (1) – (2) provide more specific examples of what is and what is not “development” for purposes of this Code. Reference to particular activities, uses or operations is not intended to limit the generality of this subsection.

1. The following activities or uses shall be taken for the purposes of this act to involve "development":

(a) Any construction, reconstruction, alteration of the size, or material change in the external appearance of a structure on newly developed or existing parcels.

(b) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.

(c) Alteration of a wetland or the shore or bank of a river, stream, lake, pond, or canal.

(d) Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.

(e) Demolition of a structure.

(f) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(g) Construction, filling, excavating, grading, paving, dredging, root raking, mining, drilling or related activities that otherwise significantly disturb the soil of a site.

(h) Building, installing, enlarging, replacing or substantially restoring an impervious

surface, or water management system, and including the long-term storage of materials.

- (i) Subdividing land into two or more parcels.
  - (j) Erection of a permanent sign unless expressly exempted by Article 8 of this Code.
  - (k) Alteration of a historic property for which authorization is required under this Code.
  - (l) Changing the use of a site so that the need for parking is increased.
  - (m) Construction, elimination or alteration of a driveway onto a public street, or any alteration of an existing driveway connection a roadway to existing property included in subsection (a) above.
2. The following operations or uses shall not be taken for the purpose of this act to involve "development":
- (a) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.
  - (b) Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks or the like.
  - (c) Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure, except to the extent that such alterations are regulated on a structure designated as historic under Article 4 of this Code.
  - (d) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock, or for other agricultural purposes. Provided, however, that agriculture activities and agriculture related uses that may require a special use permit or a commercial or industrial zoning shall be considered development. Examples of these types of uses may include commercial feedlots, concentrated dairy farms, rendering plants, livestock auction facilities and saw mills.
  - (e) A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class, unless the original use is the subject of a special use permit, a PUD zoning or development agreement and the change in use will represent a deviation from the conditions of the special use permit, the PUD or the development agreement.
  - (f) A change in the ownership or form of ownership of any existing parcel (i.e. does not involve the division of land into two or more parcels) or existing structure.

- (g) The creation or termination of riparian rights and private covenants concerning development of land or other rights in land.
- (h) Clearing vegetation without altering the topography of a single lot or parcel for purposes of building a single family home. All such clearing shall be in accord with the site design requirements and limitations in Article 6 of this Code.
- b. DEVELOPMENT APPROVAL means the following:
1. The issuance of a Development Permit for Class I Development.
  2. The issuance of a Final Development Order for Class II or Class III development pursuant to the procedures in this Article.
- c. DEVELOPMENT AGREEMENT means an enforceable development agreement that may include, but is not limited to, development agreements created pursuant to Article 10 of this Code, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes. Such Development Agreements shall include, at a minimum, the requirements of section 163.3227, Florida Statutes, as amended.
- d. DEVELOPMENT ORDER means an order granting, denying, or granting with conditions an application for approval of a development project or activity. A distinction is made between development order, which encompasses all orders and permits, and three distinct types of development orders -- preliminary development order, final development order, and development permit, which are defined as follows:
1. PRELIMINARY DEVELOPMENT ORDER means any preliminary approval that does not authorize actual construction, mining, or alterations to land and/or structures. A preliminary development order may authorize a change in the allowable use of land or a building, and may include conceptual and conditional approvals where a series of sequential approvals are required before the action authorizes commencement of construction or land alteration. For purposes of this Code, preliminary development orders include Future Land Use Map amendments, Comprehensive Plan amendments that affect land use or development standards, preliminary development plan approval, and master plan approval.
  2. FINAL DEVELOPMENT ORDER means the final authorization of a development project; the authorization of which must be granted prior to issuance of a development permit as defined for purposes of this Code. The final development order authorizes the project, whereas the development permit authorizes specific components of the project, such as building construction, parking lot installation, landscaping, and the like. For purposes of this Code, the final development plan approval is the final development order.
  3. DEVELOPMENT PERMIT means, for purposes of this Code, an official County document which authorizes the commencement of construction or land alteration without need for further application and approval. Development permits include, but are not limited to: all types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading permits, septic tank permits, sign permits, etc.



### **12.01.02 Specialized Procedures Elsewhere in the Code**

This Code contains additional specialized provisions for approval of certain types of developments. Unless such special procedures are expressly provided for elsewhere in this Code, the administration and enforcement procedures of this Article shall apply.

### **12.01.03 Staff Responsibilities**

Except as otherwise provided, the Director of the Planning and Development Services Department or designees (the "Department") shall administer and enforce the provisions of this Code. Throughout the Code other County staff members have been identified as the party responsible for administering and enforcing particular sections of this Code. The Department has primary responsibility for the following:

- a. The day-to-day administration of this Code.
- b. Assisting applicants in understanding the provisions of this Code.
- c. Collecting the required fees and depositing same with the appropriate County fiscal officer.
- d. Providing written recommendations to the Planning Commission and the Board of County Commissioners regarding modifications to this Code and the Comprehensive Plan, including all maps and the zoning maps.
- e. Conducting field inspections necessary to make decisions related to enforcement and administration of this Code and to adequately advise all boards participating in development review and enforcement procedures.
- f. Providing written recommendations, case records and related materials to all boards participating in development review and enforcement procedures.
- g. Periodically canvassing the County for Code violations and referring code violations to the Code Enforcement Board.
- h. Requesting the state attorney's office to initiate criminal proceedings against the violators of this Code.
- i. Requesting Department Counsel to initiate civil proceedings against violators of this Code.

## **SECTION 12.02 PERMIT REQUIRED PRIOR TO UNDERTAKING ANY DEVELOPMENT ACTIVITY**

### **12.02.01 Generally**

Unless expressly exempt under the Florida Building Code *and* this Code, no development activity may be undertaken in unincorporated Putnam County unless the activity is authorized by a development permit.

### **12.02.02 Post-Permit Changes**

After a development permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the permit. The Department shall determine whether the modification is a major or minor deviation under the criteria for deviations established under section 12.15. A minor deviation shall be handled administratively without need of additional development review. A major deviation shall be processed in the same manner as the original permit. A written record of the modification shall be entered upon the original permit and maintained in the files of the Department.

### **12.02.03 Permit on Properties where Code Enforcement Action is Outstanding**

- a. On properties where there is an open code enforcement case, no development permit shall be issued unless the following actions occur:
- b. The permit would resolve the code enforcement action, if applicable, and bring the property into compliance.
- c. Any fine on the property would be resolved through payment at the time of development permit issuance or going through a fine reduction process and payment of the resultant reduced fine, if approved, prior to the issuance of a Certificate of Occupancy.
- d. If the code enforcement action involves non permit related issues, the violation would need to be brought into compliance and the fine would need to be resolved as stated in b above.
- e. The Director of Planning and Development Services may approve issuance of a development permit even if the conditions above are not satisfied based upon the following criteria:
  1. The development permit is to take care of an unsafe condition.
  2. There is a written commitment to resolve the code enforcement case within a specified period of time.
  3. The code enforcement fine is paid prior to issuance of the development permit.

## **SECTION 12.03 BASIC ELEMENTS OF DEVELOPMENT REVIEW AND CLASSES OF DEVELOPMENT ACTIVITY**

### **12.03.01 Basic Elements of Development Review**

There are five basic elements of the development review process. The five elements are:

- a. Pre-application conference: The purpose of the pre-application conference is for the applicant to introduce and describe the proposed development project and for the

County to advise the applicant of all the applicable development standards, the applicable review processes, and the design and improvement standards of this Code.

- b. Application: This step entails the preparation of and submittal to the County by the applicant, all documents, plans and studies required by this Code.
- c. Sufficiency review: At this step, the Department reviews the application and supporting documentation to determine whether all information needed for making a determination has been submitted by the applicant. Sufficiency review takes place at each submittal stage in the Development Review process.
- d. Preliminary development plan review: This step entails a review of a development plan that meets the minimum level of detail required by the submittal requirements of Section 12.05 of this Article in order to determine compliance with all applicable requirements of this Code.
- e. Final development plan review: This step is for the final review of a development plan to ensure all requirements of this Code are met and that all conditions attached to a preliminary development order, where issued, have been met.

### **12.03.02 Classes of Development Activity**

For purposes of prescribing which elements of the review process apply to a particular development, development activities are divided into three classes: Class I, Class II, and Class III. The development activities falling into each class are described below. Any development that is a development of regional impact shall also be reviewed in accordance with Chapter 380 of Florida Statutes.

- a. Class I. The following development activities shall be designated as Class I development:
  - 1. Development activities undertaken pursuant to a final development order issued under this Article.
  - 2. Development activity necessary to implement a valid site plan/development plan on which the start of construction took place prior to the adoption of this Code and has continued in good faith.
  - 3. Development activity necessary to implement a valid site plan/development plan which was approved prior to the adoption of this Code and such development commences within one (1) year of the date of the application for the permit at issue.
  - 4. The construction or alteration of a one or two family dwelling on a lot or parcel determined to be a conforming or lawfully created lot or parcel in compliance with this Code.
  - 5. Additions of two hundred fifty (250) square feet or less to existing nonresidential buildings where there is no proposed change of use.

6. The erection of a sign on a previously developed site and independent of any other development activity on the site.
  7. The re-surfacing of a vehicle use area if the vehicle use area conforms to all requirements of this Code.
  8. A lot split granted pursuant to the procedures in Subsection 12.09 of this Article.
- b. Class II. All development activities that are neither Class I development nor Class III development shall be designated as Class II Development.
  - c. Class III. A development plan shall be designated as a Class III development if it satisfies one or more of the following criteria:
    1. Non-residential developments involving a land area in excess of five (5) acres or a gross building area that equals or exceeds 50,000 square feet.
    2. Residential developments involving one or more of the following:
      - (a) Development activity that encompasses more than one hundred (100) acres;
      - (b) More than one hundred (100) dwelling units;
      - (c) More than ten (10) acres at a density of five (5) to seven (7) dwelling units per acre;
      - (d) More than five (5) acres at a density of greater than seven (7) but not more than nine (9) dwelling units per acre;
      - (e) More than nine (9) dwelling units per acre.
    3. Any development that the Department designates as a Class III development project because the proposed development is part of a larger parcel for which additional development is anticipated that when aggregated with the project in question exceeds the limits of a. or b. above.

### **12.03.03 Review Requirements for Each Class of Development Activity**

Section 12.04 describes in detail each element of the development review process. The Director of the Planning and Development Services Department may modify or waive certain procedural requirements when requested by an applicant and determined to be unnecessary by the Department.

## **SECTION 12.04 PROCEDURE FOR REVIEW OF DEVELOPMENT PLANS**

The following provisions detail the procedural requirements for review of development plans, beginning with the designation of the development class. The development review process is separate and different from the other review processes, such as rezonings (including PUDs), special use permits, variances, nonconforming use determinations, vestings, subdivisions reviews, comprehensive plan amendments and concurrency

determinations. The County shall conduct a concurrent review of such matters, to the extent concurrent review is possible.

#### **12.04.01 Designation of Plans as Class I, Class II or Class III Developments**

Before submitting a development plan to a specific development procedure, all development plans shall be designated by the Department as a Class I, II or III development, according to the criteria in section 12.03.02 above. Before submitting a development plan for review, the developer shall provide the Department with sufficient information to make this determination. A determination that a development is Class II or Class III shall be supported by written findings and that determination shall be deemed a final administrative decision for purposes of appeal.

#### **12.04.02 Pre-Application Conference**

Prior to filing for development plan review for projects designated Class II or Class III, the developer shall submit draft versions of the documentation required under section 12.05.01.a. Upon receipt of all documentation required under section 12.05.01.a, the proposed project shall be placed on the agenda of Development Review Committee or otherwise distributed to Development Review Committee members for their review and comment. There is no required public notice. The applicant will describe the proposed development project and the Development Review Committee will advise the applicant of all the applicable development standards, the applicable review processes, and the design and improvement standards of this Code and the Comprehensive Plan. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form. The Development Review Committee shall consider, to the extent possible:

- a. Characteristics of the site and surrounding area, including important natural and man-made features, the size and accessibility of the site, and surrounding land uses.
- b. How the impact to facilities and the concurrency requirements of Article 5 of this Code will be handled if the development were built.
- c. The nature of the proposed development, including land-use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas; the preservation of natural features; proposed parking areas; internal traffic circulation system, including trails; the approximate total ground coverage of paved areas and structures; and types of water and sewage treatment systems.
- d. Conformity of the proposed development with the Comprehensive Plan, this Code and other applicable regulations.

#### **12.04.03 Development Plan Review For Class I Developments**

The Department shall identify and conduct a sufficiency review of Class I developments upon receipt of the submittals required under section 12.05.01 and shall:

- a. Determine that the application and supporting materials are complete and in compliance with requirements of this Code and the Comprehensive Plan, and direct the applicant to submit the documents to the Building Official for a development permit, if needed; or
- b. Determine that the information is incomplete or in non-compliance and inform the developer of the deficiencies. The developer may submit an amended Plan at any time without payment of a reapplication fee, but, if more than thirty (30) days have elapsed, must thereafter re-initiate the review process and pay an additional fee.

**12.04.04 Development Plan Review For Class II Developments**

- a. The developer of a proposed Class II development shall submit the Development Plan with supporting documentation and information required under sections 12.05.03 and 12.05.04 to the Department.
- b. The Department shall complete a sufficiency review and either:
  - 1. Determine that the Plan is complete and proceed with the procedures below; or
  - 2. Determine that there are minor deficiencies in the information submitted and proceed with the procedures below subject to a request to the applicant to correct the deficiencies within a time certain; or
  - 3. Determine that the information is substantially incomplete and inform the developer in writing of the deficiencies.
- c. Upon receipt of a complete application for Development Plan Review, a copy of the plan shall be sent to each member of the Development Review Committee. Each member shall review the proposal and submit written comments.
- d. The Department shall review the Plan and comments of the Development Review Committee and determine whether the proposal complies with the requirements of this Code.

**12.04.05 Preliminary And Final Development Plan Review For Class III Developments**

- a. Review of Preliminary Development Plans
  - 1. Upon application for Development Plan Review, the Department shall conduct a sufficiency review and either:
    - (a) Determine that the information is substantially incomplete and inform the developer in writing of the deficiencies.
    - (b) Determine that there are minor deficiencies in the information submitted and proceed with the procedures below subject to a request to the applicant to

correct the deficiencies or provide additional information within a time certain;  
or

(c) Determine that the information provided is complete and proceed with the following procedures.

2. Upon receipt of a complete application for Development Plan Review, the Department shall send a copy of the Preliminary Development Plan to each member of the Development Review.
3. Each Committee member shall present comments as to the proposed development's probable effect on the public facilities and services that the member represents and any other comments regarding whether the proposal is in compliance with the requirements of this Code. Additional preliminary reviews can be scheduled as deemed necessary by the applicant and the Committee.

b. Review of Final Development Plans

1. The developer shall submit a Final Development Plan for review within the time period in which the Preliminary Development Order is valid.
2. The Department shall determine whether the Final Development Plan should be approved or denied based on whether the plan conforms to the Preliminary Development Order.
3. The Department shall either:
  - (a) Issue a Final Development Order complying with Subsection 12.04.08 below;  
or
  - (b) Refuse to issue a Final Development Order based on the failure of the Development to comply with the conditions imposed by the Preliminary Development Order.

**12.04.06 Project Phasing**

A Master Plan for the entire development site must be approved for a Class III development that is to be developed in phases. The Master Plan shall be submitted simultaneously with an application for review of the Preliminary Development Plan for the first phase of the development and must be approved as a condition of approval of the Preliminary Plan for the first phase. A Preliminary and Final Development Plan must be approved for each phase of the development under the procedures for development review prescribed above. Each phase shall include a proportionate share of the proposed recreational and open space, and other site and building amenities of the entire development, except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases. Multiple phases of a project may also be reviewed and approved simultaneously when determined to be appropriate by the Department.

## **12.04.07 Extensions of Time for Development Orders**

Applicants may request extensions of time on Preliminary and Final Development Orders and such extensions shall only be granted upon a showing by the applicant that reasonable efforts have been made towards addressing issues raised in the preliminary development review process; or where a final development order is involved, that reasonable efforts towards securing the required permits and commencing work on the project. Any request for extension of a Development Order shall be heard by the Board that granted it. The applicant shall also be required to obtain a revised Certificate of Concurrency pursuant to Article 5 of this Code.

## **SECTION 12.05 REQUIRED CONTENTS OF SUBMITTALS FOR DEVELOPMENT REVIEW**

### **12.05.01 Application for Development Review**

Applications for development review shall be available from the Department. The completed application shall be signed by all owners of the subject property, or their authorized agent(s), and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and documentation showing authorization to act for the corporation. All applications shall comply with the following submittal requirements unless deemed unnecessary by the Department:

- a. The application shall include, but not be limited to the following:
  1. Name, address and telephone number of owner.
  2. Description of intended use.
  3. Description of proposed development activities.
  4. Location and linear dimensions and size of parcel.
  5. Construction plans for all proposed development activities. This is required for Class I developments only, and is optional for Class II or III developments at the application stage.
  6. Legal description of property involved.
  7. A site plan drawn to scale showing dimensions of existing and proposed structures, with the setbacks from each other and the property line, the lot coverage, proposed parking including aisles direction of flow and dimensions, landscaping, and a north arrow.
- b. Where applicable to the development activity proposed, the Department may require the following to be submitted as part of the application:
  1. Building, structure, sidewalk and pavement location, height and setback.



2. Location, length, width and composition of proposed driveways including driveway alignment with driveways on surrounding land.
3. A map of vegetative cover including the location and identity by common name of all protected trees. Groups of protected trees may be designated as "clusters" with the estimated total number noted.
4. Floor plan for existing and proposed structures.
5. A detailed landscape plan meeting or exceeding the requirements of this Code for all new or existing uses.
6. Sign plans, including the location of signs on the site; dimensions of all signs, including maximum square footage, height and width; and distance from the ground to the bottom of the sign display area (including borders).
7. Survey of property.

#### **12.05.02 Submittal Requirements for Preliminary Plan Review of Class III Developments**

- a. Location Map with a boundary survey, signed and sealed by a certified surveyor, showing all existing and proposed easements, emergency access ways, other cross-access easement agreements, and rights-of-ways.
- b. Use and description of the proposed project.
- c. A quality scaled drawing of the site showing the following:
  1. Location and dimensions of all existing and proposed structures indicating all access points, gross floor area per floor per building, building height and number of stories, statement of number of dwelling units.
  2. All existing and proposed vehicular and pedestrian access ways with dimensions.
  3. Areas designated for off-street parking showing the number of existing, required, and proposed parking spaces based upon parking standards, including handicapped parking. The composition shall also be noted.
  4. Designated loading and service areas.
  5. Total area of site with percentages allocated to buildings, paving, impervious area and open space.
  6. Dimensions of all features on the site must be indicated, including but not limited to setbacks, building separation, driveway and street widths, etc.
  7. Designate all common areas.

8. Any proposed or required screening or buffering mechanism, including walls, hedges and/or fences.
- d. Location of all adjacent streets, internal streets, driveways and all access points.
- e. Identify any known special fire protection and health concerns such as: flammable liquids storage tanks, dry cleaning operations, paint spray operations, manufacturing processes, furnaces, ovens, combustible storage, etc.
- f. Provide locations of fire hydrants and the size and locations of water mains that supply them. The point of service for fire protection systems connected to the public water system shall also be designated.
- g. Show the paved areas and/or stabilized areas of the site that may be used for access to the structures. This will include cul-de-sacs, dead ends, emergency accesses, lime rock based areas of travel, etc.
- h. Generalized landscaping and irrigation plan.
- i. Indicate the location of all existing utilities on the site.
- j. Indicate existing and proposed easements for facilities to be maintained by Putnam County.
- k. General location of proposed water and wastewater facilities.
- l. Areas of special flood hazard shall be identified, with elevations and the source of information, if applicable.
- m. Wetland protection setback line shall be located on plan.
- n. Location of proposed storm water management facilities.
- o. The occupancy classification of the building.
- p. If the project is phased, a Master Plan showing phasing schedule, acreage of each phase, sequence of development and nature of the development is each phase.

### **12.05.03 Submittal Requirements For Final Development Plan Review of Class II and III Developments**

In addition to the information submitted in conjunction with the Preliminary Development Plan approval, all submittals for final development plan approval of Class II and Class III developments shall include the following information unless deemed unnecessary by the Department:

- a. All plans shall be drawn to a scale of one (1) inch equals twenty (20) feet, unless the Department determines that a different scale is sufficient or necessary for proper review of the proposal.

- b. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.
- c. The front cover sheet of each plan shall include:
  - 1. A general vicinity or location map drawn to scale (both stated and graphic) showing the position of the proposed development in the section(s), township and range, together with the principal roads, municipal boundaries, and/or other pertinent orientation information.
  - 2. A complete legal description of the property.
  - 3. The name, address and telephone number of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.
  - 4. Name, business address, and telephone number of those individuals responsible for the preparation of the drawing(s).
  - 5. Each sheet shall contain a title block with the name of the development, stated and graphic scale, a north arrow, and date.
  - 6. The plan shall show the boundaries of the property with a metes and bounds description reference to section, township and range, tied to a section or quarter-section or subdivision name and lot number(s).
  - 7. The area of the property shown in square feet and acres.
- d. The number of copies, as established by the Department, of the submittal shall be required.
- e. Unless a format is specifically called for below, the information required may be presented textually, graphically, or on a map, plan, aerial photograph, or by other means, whichever most clearly conveys the required information. It is the responsibility of the developer to submit the information in a form that allows ready determination of whether the requirements of this Code, the Comprehensive Plan, or other federal, state, or regional laws and regulations have been met.

#### **12.05.04 Specific Submittal Requirements for Final Development Plan**

In addition to the requirements of section 12.05.03, all final development plans for Class II and III developments shall, include the following information unless otherwise determined to be unnecessary by the Department:

- a. Location Map with a boundary survey, signed and sealed by certified surveyor, showing all existing and proposed easements, emergency access ways, other cross-access easement agreements, and rights-of-ways.
- b. Use and description of proposed project.

- c. A quality scaled drawing of the site showing the following:
  - 1. Location and dimensions of all existing and proposed structures indicating all access points, gross floor area per floor per building, building height and number of stories, and a statement of number of dwelling units.
  - 2. All existing and proposed vehicular and pedestrian access ways with dimensions.
  - 3. Areas designated for off-street parking showing the number of existing, required, and proposed parking spaces based upon parking standards, including handicapped parking. The composition of such areas shall also be noted.
  - 4. Designated loading and service areas.
  - 5. Total area of site with percentages allocated to buildings, paving, impervious area and open space.
  - 6. Dimensions of all features on the site must be indicated, including but not limited to setbacks, building separation, driveway and street widths, etc.
  - 7. Designate all common areas.
  - 8. Any proposed or required screening or buffering mechanism, including walls, hedges and/or fences.
- d. A tree survey showing hardwoods 12" in diameter or more, and pines 18" in diameter or more, at 4 1/2 feet above ground level.
- e. Location and identification of all adjacent streets, internal streets, driveways and all access points.
- f. Identify any known special fire protection and health concerns such as: flammable liquids storage tanks, dry cleaning operations, paint spray operations, manufacturing processes, furnaces, ovens, combustible storage, etc.
- g. Provide locations of fire hydrants and the size and locations of water mains that supply them. The point of service for fire protection systems connected to the public water system shall also be designated.
- h. Show the paved areas and/or stabilized areas of the site that may be used for access to the structures and the composition of each. This will include cul-de-sacs, dead ends, emergency accesses, etc.
- i. Specific landscaping and irrigation plan.
- j. Indicate the location of all existing utilities on the site.
- k. Indicate existing and proposed easements for facilities to be maintained by Putnam County.

- l. Location of proposed water and wastewater facilities including any existing potable water lines within 250 feet of the boundaries of the subject property and any central sewage lines deemed to be “available” by the Florida Department of Health.
- m. Areas of special flood hazard shall be identified, with elevations and the source of information if applicable.
- n. Wetland protection setback line shall be located on plan.
- o. Location of proposed storm water management facilities.
- p. The occupancy classification of the building.
- q. Location of all service laterals and water meters including size.
- r. Drainage narrative including the following:
  - 1. Explanation of all assumptions.
  - 2. Method of analysis with calculations.
  - 3. Soil boring results, if necessary.
  - 4. Storm water Management Utility summary sheet.
  - 5. Signed and sealed by a professional engineer.
- s. Drainage plan in accordance with section 12.10 below, which shall include the following:
  - 1. Typical sections and details of all drainage facilities.
  - 2. Specifications of construction.
  - 3. Complete construction notes.
  - 4. Signed and sealed by a professional engineer.
- t. Grading and paving plan, including horizontal control, elevations, complete notes and specifications covering construction (this can be combined with the drainage plan).
- u. Sedimentation control plan must be submitted, if appropriate, or a statement must be on the plans that one is not required.
- v. A statement outlining the status of federal, state and regional environmental permits.
- w. Maintenance statement for the storm water management facilities.
- x. A phasing plan where applicable.

### 12.05.05 Master Plan

Any development may be constructed in phases. A master plan is required for any phased development. A master plan shall provide the following information for the entire development:

- a. A concept plan for the entire master plan area.
- b. A preliminary development plan for the first phase or phases for which approval is sought.
- c. A development phasing schedule including the sequence for each phase; approximate size of the area in each phase; and proposed phasing of construction of public recreation and common open space areas and facilities.
- d. Total acreage in each phase and gross intensity (non-residential) and gross density (residential) of each phase.
- e. Number, height and type of residential units.
- f. Floor area, height and types of non-residential uses.
- g. Total land area, and approximate location and amount of open space included in each residential, office, commercial, and industrial area.
- h. Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress.
- i. Approximate location and acreage of any proposed public use such as parks, school sites, and similar public or semi-public uses.
- j. A vicinity map of the area within one (1) mile surrounding the site showing:
  1. Land use designations and boundaries.
  2. Traffic circulation systems.
  3. Major public facilities.
  4. Municipal boundary lines.
  5. Urban service area boundaries.
- k. Other documentation necessary to permit satisfactory review under the requirements of this Code, the Comprehensive Plan, or other federal, state, or regional laws and regulations that may be applicable and required by special circumstances in the determination of the Department.

### **12.05.06 Withdrawal of Applications**

An application for development review may be withdrawn at any time. No application fees will be refunded to the applicant where the application had been submitted for greater than three (3) business days.

## **SECTION 12.06 NOTICE REQUIREMENTS**

### **12.06.01 Generally**

Unless otherwise mandated by State law or elsewhere in this Code, this Section contains notice requirements for all rezoning requests, special use permit requests, variance requests, vesting determinations, appeals, development agreements and any other public hearings held by any appointed board formed under this Code or the Board of County Commissioners.

### **12.06.02 Notice in the Newspaper**

Notice of each case before the Planning Commission or the Zoning Board of Adjustment shall be published once in a newspaper of general circulation, not less than ten (10) days in advance of the date of such hearing. Such published notice shall be in a form prescribed by the Planning Commission or Zoning Board of Adjustment, whichever board is applicable.

### **12.06.03 Sign Notice**

The Department shall be responsible for posting signs on the land that is the subject of the application. Such signs shall be posted no later than ten (10) days prior to the date of the public hearings at which such application is to be considered. The sign shall specify that the property is under consideration for review and specify the reviewing body, time, date and place of the meeting. The signs shall be no less than four (4) square feet in size, shall be produced with a bright noticeable color and shall be placed in sufficient numbers and suitable locations so as to be easily seen by the public. All property frontages on public rights of way shall be posted at approximately two hundred (200) feet intervals of frontage. All signs shall be erected in full view of the public on each street side of such land. Where such land does not have frontage on a public street, such signs shall be erected on the nearest street right-of-way. The applicant shall pay for the cost of the sign(s).

### **12.06.04 Notice by Mail**

Unless otherwise provided, mailed notice required by this Article shall be sent fifteen (15) days prior to the scheduled hearing to all property owners within 300 feet of any part of the property boundary of the parcel(s) that are the subject of the application and hearing. Except that vesting determinations shall only be required to provide notice by mail to the property owners that own the property that is subject to the vesting. The notice shall include the location of the land in question by parcel number and 911 address, the nature of the request being heard and the board reviewing the matter, as well as the date, time and place of the hearing. Mailing addresses shall be obtained from the records of the Putnam County Property Appraiser. The failure of any person to receive notice shall not

invalidate an action if a good faith attempt was made to comply with the notice requirements of this Article.

## **SECTION 12.07 QUASI-JUDICIAL HEARINGS**

### **12.07.01 Applicability**

Except as otherwise provided in this Code by more specialized procedures, in addition to the requirements of section 11.03 and 11.05 of the Code, each quasi-judicial administrative hearing conducted by any one of the following Boards shall conform to the procedures set forth in this section, as supplemented by law, rule or decision:

- a. The Board of County Commissioners;
- b. The Planning Commission; and
- c. The Zoning Board of Adjustment;

This section shall serve to supplement any specialized procedures provided elsewhere in this Code. To the extent these general procedures conflict with specialized procedures provided elsewhere in this Code, the specialized procedures shall prevail.

### **12.07.02 Hearing Procedures**

- a. Jurisdiction: The reviewing Board shall:
  1. Determine whether it has jurisdiction over the matter.
  2. Determine whether any member must abstain or is disqualified.
- b. Official Notice of Relevant and Undisputed Facts and Law: The reviewing Board may take official notice of known information related to the issue, including:
  1. State law and applicable ordinances, resolutions, rules and official policies of the County.
  2. Other public records and facts judicially noticeable by law.

Matters officially noticed need not be established by evidence and are binding to the extent that they are relevant and material. Requests that official notice be taken shall be made on the record and an opportunity for rebuttal shall be given to opposing parties. The reviewing Board may take notice without prompting or suggestion of matters listed in paragraph b.2 above and shall state all matters officially noticed for the record.

- c. Site Visits: Submittal of an application for action by any Board constitutes express permission to the Board members and Planning, Zoning and Building Staff to enter onto the property to investigate matters relevant to the application. The reviewing Board members may view the site of the proposed development with or without



notification to the parties, but after the visit, shall place the time, manner and circumstances of the viewing in the record.

- d. Order of Proceedings: The order of proceedings at a quasi-judicial hearing shall be as follows:

ORDER	ITEM
1	Introduction of Petition
2	Staff Presentation
3	Applicant Presentation
4	Interested Party For
5	Interested Party Against
6	Rebuttals
7	Close of Formal Proceedings
8	Public Input
9	Close Public Hearing, Deliberation and Vote

The reviewing board may alter this order in the interest of fairness, efficiency or other reason so long as the basic due process rights of the parties are respected.

- e. For purposes of these proceedings, an “interested party” is a person who is prepared to present evidence to the reviewing board and willing to be subject to cross examination. Persons simply wishing to provide comment or other input without being subject to cross examination may do so during the “public input” portion of the hearing.
- f. Direct and Cross Examination: Direct and cross-examination of witnesses shall be permitted in the course the above proceedings. However, the reviewing Board may approve or deny a request from a person attending the hearing to ask a question. Unless the Board specifies otherwise, if the request to ask a question is approved, the Board will direct the question to the person submitting testimony.
- g. Time Limits: The time limits for public input presentations at the public input stage may be limited to 3 minutes per speaker at the discretion of the Chairman.
- h. Board Deliberation: Before the hearing has concluded, the Board shall restate the issues and comment upon the law and facts pertaining to the decision, and if opportunity for rebuttal is provided, may ask additional questions of any person who has testified or presented information. Board decisions shall be decided by motion.
- i. Evidence: Evidence may be submitted that is relevant to the proceedings without regard to whether the evidence would be admissible in civil proceedings in the Courts of this State. The Chairman or acting Chairman of the reviewing Board may curtail testimony or cross examination that is redundant, irrelevant, disruptive, belligerent or otherwise out of order.
- j. Ex Parte Communications: All Boards established under this Code are subject to the following *ex parte* disclosure requirements:

1. A county employee, elected official or other person who is or may become a party to a quasi-judicial proceeding shall avoid engaging in *ex parte* communications with a member of the reviewing board.
2. If a person engages in an *ex parte* communication with a member of the reviewing board, the member shall place on the record of the pending case all *ex parte* written communications received, all written responses to such communications, a memorandum or verbal statement setting forth the substance of all oral communications received, and all oral responses made, and shall advise all parties that such matters have been placed on the record.
3. The foregoing is not meant to inhibit discussions between members of the reviewing board and county staff that pertain solely to scheduling of hearings and other administrative matters unrelated to the merits of the case.

### **12.07.03 Findings**

When approving or denying a request, the reviewing Board shall state its findings and conclusions upon which the approval or denial is based.

### **12.07.04 Record of Proceedings**

- a. All proceedings shall be recorded electronically and shall be summarized in written meeting minutes. Copies of the electronic recordings and meeting minutes will be made available to the public upon request. Reproduction and copying costs shall be borne by the requesting party and shall include Staff time spent in obtaining the requested items. Applicant(s), interested parties or members of the general public that want a verbatim record of the proceedings shall be responsible insuring that such a verbatim record is made.
- b. The Board shall, where practicable, include in the hearing record each item of physical or documentary evidence presented and shall mark each item to show the identity of the person who presented it. Each exhibit received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, when it may be returned to the person identified thereon, or otherwise disposed of in accordance with Florida law.
- c. The findings and conclusions shall be included in the record.

## **SECTION 12.08 PROCEDURES FOR REVIEW OF SUBDIVISIONS**

### **12.08.01 Purpose**

The purpose of this Section is to promote and protect the public health, safety and welfare of the citizens of the County by requiring the orderly and progressive review of development of subdivisions and requiring the platting of all Type I subdivisions, regardless of its land use and zoning designations, within the unincorporated areas of the County.

## **12.08.02 Scope of Section**

A subdivision of land within the unincorporated limits of the County is the division of a parent tract of land into two (2) or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land. A Type I subdivision must first receive the approval of the Board of County Commissioners pursuant to the procedures set forth herein. Developments such as, but not limited to, condominiums and mobile homes parks with a gross density of six or more units per acre shall meet the requirements of a Type I subdivision. A subdivision created pursuant to any density exception in the comprehensive plan shall meet the requirements of a Type I subdivision if three or more lots are to be created. A "parent tract," for purposes of Section 12.08 and 12.09, shall mean the lot of record or parcel that existed as of February 1, 2003. Unless otherwise exempt under the provisions of this Code, any parcels, lots, tracts, tiers, blocks or units of land created after February 1, 2003 shall be counted in determining whether a subdivision has or will be created under this section, regardless of ownership.

## **12.08.03 Classifications of Subdivisions**

There shall be five (5) kinds of subdivisions as follows:

- a. Type I subdivisions, which shall be those subdivisions other than Type II or Type III subdivisions in which the streets and drainage are dedicated to the public or to the Board of County Commissioners.
- b. Type II subdivisions, which shall be limited to large lot subdivisions as described in section 12.08.05.
- c. Type III subdivisions, which shall be limited to agricultural areas as described in section 12.08.06.
- d. Exempt subdivisions, which may include any of the following upon determination by the Director of Planning and Development Services:
  1. Any conveyance of an illegal or nonconforming parcel(s), as determined by the Department, to adjust or settle a common boundary line between adjoining property owners in accordance with the following conditions:
    - (a) The purpose of the conveyance is to settle boundary disputes, correct encroachments, or otherwise resolve conditions which are illegal, nonconforming or deemed by the Director of Planning and Development Services to be undesirable under this Code;
    - (b) A deed, or other conveyance instrument, shall be recorded in the Official Records of Putnam County;
    - (c) The grantee of the conveyance shall combine the conveyed parcel with their original parcel under a single parcel identification number in the records of the Putnam County Property Appraiser; and
    - (d) Upon completion of the conveyance transaction, the resulting parcels shall

conform to all dimensional and frontage requirements of this Code, or shall result in greater conformance with this Code, as determined by the Director of Planning and Development Services.

2. Any division of land for the purpose of conveyance to any Federal, State or local government entity or public utility provided the instrument is accepted by the grantee and recorded in the Official Records of Putnam County;
  3. Any conveyance (i.e. corrective deed) necessary to correct an error made in the language used in an earlier conveyance for the purpose of resolving land title issues;
  4. Any division of land by order of a court of competent jurisdiction; and
  5. Any parcel that contains 30 acres or greater and not intended for development with permanent structures as defined in the Florida Building Code. No permanent structures may be erected on the parcel unless the access roads and drainage are determined to be acceptable by the Public Works Director. No such creation of a lot 30 acres or greater in size shall be exempt under this section if it results in the remainder of the parcel being subdivided having less than 30 acres.
- e. Any lot split done according to the requirements of Article 12.09 of this Code.

#### **12.08.04 Requirements for Type I Subdivisions**

- a. It shall be a violation of this Code for the owner of any land within a Type I subdivision to transfer, sell, agree to sell, or negotiate to sell such land by reference to, exhibition of or other use of a plat of a subdivision of such land without having the plat approved and recorded as required by this Section. All Type I subdivision plats shall be recorded and shall fulfill the requirements of Chapter 177, Part I, Florida Statutes.
- b. In Type I subdivisions all streets must be paved and drainage improvements constructed pursuant to the paved street design and construction criteria, the Storm water Management requirements and the drainage regulations in Articles 6 and 7 of the Code.
- c. Unless otherwise specifically authorized pursuant to paragraph d below, all streets, sidewalks, and associated right of way shall be transferred by dedication on plat to Putnam County for ownership and maintenance by the County. Upon the recommendation of the Putnam County Public Works Department, the County Commission may require that other improvements such as, but not limited to, drainage facilities and parks, be transferred to the County for ownership and maintenance where necessary or desirable to protect or promote the public interest.
- d. The Board of County Commissioners may approve private streets, sidewalks and/or other improvements when such improvements will be constructed to the specifications of this Code, and when the County Commission determines, at its sole discretion and with the concurrence of the County Attorney and Public Works Director, that adequate provision for initial installation and future private maintenance is made for such improvements. The presumption shall always be, however, that streets, sidewalks and

other improvements shall be dedicated to the County as set forth in paragraph c above, and in no event shall this paragraph be interpreted as requiring the County Commission to approve a subdivision with private streets or sidewalks.

#### **12.08.05 Requirements for Type II Subdivisions**

Type II subdivisions may be approved in areas designated Agriculture I and Agriculture II in the Putnam County Comprehensive Plan when the following conditions are met:

- a. The subdivision shall conform to minimum lot size, lot dimension requirements, and density restrictions in the Putnam County Comprehensive Plan and Land Development Code.
- b. No more than six (6) lots may be created by the division, and no new lot resulting from the division shall be smaller than ten (10) acres. Provided, however, that one or more of the lots may be less than 10 acres in size if each and every lot meets the minimum lot size requirements of the zoning district, each of the lots will front on a road classified by the county as "local" or greater, the road fronting each lot meets the minimum design requirements under Section 7.10 of this Code as determined by the Director of Public Works, and the overall density of the subdivision does not exceed a density of 1 unit per 10 acres. Nothing herein shall be read to allow a Type II Subdivision to exceed the maximum density of the applicable future land use category.
- c. All new parcels resulting from the division shall have frontage on a county-maintained road, and no roadway construction is proposed within the subdivision.
- d. The parent tract is not the result of a prior Type II subdivision or Lot Split under this Code.

#### **12.08.06 Requirements for Type III Subdivisions (Family Subdivisions)**

Type III subdivisions may be approved in areas designated Agriculture I or Agriculture II in the Putnam County Comprehensive Plan and have Agricultural (Ag) zoning when the following conditions are met:

- a. Not more than 6 lots may be created in a Type III "Family" Subdivision.
- b. The subdivision shall conform to minimum size, lot dimension requirements and density restrictions as set forth in the Putnam County Comprehensive Plan (including Family Density exception if applicable) and Land Development Code.
- c. All new lots are created for the purpose of providing a home site for an individual who is a member of the owner's immediate family (parent, stepparent, adoptive parent, sibling, child, adopted child, grandchild or grandparent of the owner or owner's spouse).
- d. The land has been held by the current owner or a member of the owner's immediate family for at least 10 years.

- e. An individual is eligible to receive a parcel thru the Type III (Family) Subdivision one time only.
- f. All new lots created through the “Family Subdivision” shall have frontage on a county-maintained road if available. If county maintained road is not available, each new lot created must be accessed, at a minimum, by a recorded 66 ft. wide easement. The easement must connect the created lots with a public road or private road. In the case of connecting to a private road, the applicant must provide documentation that they have right to access via the private road.
- g. Execution of Agreement between the County and each newly created parcel owner for recording in the Public Records which stipulates that:
  - 1. At no time is/will the county be responsible for maintenance or development of roads, drainage or other infrastructure to the lots created through the Family Subdivision.
  - 2. The individual property owner is responsible for providing and maintaining adequate access to parcels for emergency service, school and other public service vehicles.
  - 3. The agreement shall identify the persons who are to receive the lots and their relationship to the owner(s).
  - 4. Owner and family members receiving lots shall be solely responsible for any environmental permitting and compliance with the regulations of the St Johns River Water Management District, Florida Department of Environmental Protection and Florida Department of Health.
- h. The creation of new parcels by the use of the Type III (Family) Subdivision shall be completed pursuant to the procedures for obtaining a Lot Split set forth in Section 12.09 of the Land Development Code.

The Type III subdivision maybe utilized no more than twice by any property owner and property that meets the above criteria. However, in no case shall the 6 lot maximum, as provided in paragraph a. above be exceeded. Any future splitting of any lots within an approved Type III, in excess of 6 lots, would result in a Type I Subdivision as set forth in Article 12.08.04 of the Putnam County Land Development Code (or its successor in function) including all required road and drainage improvements.

### **12.08.07 Pre-application Review of Type I Subdivisions**

- a. The applicant shall submit a pre-application plan of the proposed project to the Development Review Committee prior to filing an application for preliminary subdivision development and plat approval. The number of copies of the documentation required below shall be determined by the DRC application requirements in the effect at the time of submittal. The Director may waive the requirement for certain items if deemed unnecessary due to the nature of a project. The pre-application plan shall include:
  1. A map showing an outline of the proposed subdivision boundaries and its location within the County.
  2. Drawings showing street and lot layouts.
  3. General information concerning the proposed subdivision.
  4. A non-refundable pre-application review fee. The fee shall be established by resolution of the Board of County Commissioners.
  5. A map of the lands to be platted showing the proposed layout of the subdivision, including location of lots, open space/common area, roads and drainage, areas of special flood hazard, jurisdictional wetlands, and any areas of environmental or archaeological significance.
  6. A map of the proposed subdivision showing the distribution and identification of soils found within the proposed plat. Soil identification shall reflect those reported in the Putnam County Soils Survey prepared by USDA, Soil Conservation Service.
- b. The Development Review Committee, upon review of the plan, shall provide written recommendations to the applicant. These comments and recommendations shall not limit subsequent comments by Development Review Committee members.
- c. Prior to application for Type I Subdivision under 12.08.07 below, the applicant shall submit the proposed plat including revisions which reflect changes made pursuant to written comments from the Development Review Committee. The Department shall make a determination of the number of copies required based upon the number of DRC members making comments and the nature of the comments received. Upon completion of review by the DRC, a determination shall be made by the Department whether the proposed plat is consistent with the Land Development Code and DRC conditions.

### **12.08.08 Application for Type I Subdivision Development and Preliminary and Final Plat Approval**

- a. The applicant shall prepare and submit to the Department twenty (20) copies of the application submittals under subparagraph c below.
- b. Fees as established by resolution by the Board of County Commissioners shall be paid at the time of submittal of application, and is not refundable.

- c. Application for subdivision development and plat approval shall consist of the following:
1. The application.
  2. A letter from the developer naming the developer's designated representative if such a person is to represent the developer in matters concerning the application.
  3. The legal description of the parent tract, to be subdivided.
  4. A title opinion of an attorney-at-law licensed in the state or a certification of an abstractor or a title company showing that record title to the land as described and shown on the plat is in the name of the person, persons, or corporation executing the dedication, if any, as it is shown on the plat and if the plat does not contain a dedication, that the developer has record title to the land. The title opinion or certification shall also show all mortgages not satisfied or released of record.
  5. A certified survey map showing the proposed layout of the subdivision, including location of lots, location of open/common area, location of roads and drainage, and the location of areas of special flood hazard, wetland areas and any areas of environmental or archeological significance.
  6. A map of the proposed subdivision, drawn at the same scale as the plat, indicating the location of different soil types found on the property. These soils shall be identified by U.S. Soil Conservation Service description.
  7. A proposed schedule for completion of the construction of improvements.
  8. A plan indicating the proposed use of the lots.

#### **12.08.09 Public Hearing for Consideration of Type I Subdivision Applications**

- a. A Type I subdivision for which no internal improvements are proposed may, at the discretion of the Director or Director's designee, be submitted for simultaneous Preliminary and Final Plat review and approval. In such cases, in addition to the items listed under 12.08.07.c, the applicant shall submit a plat including all the information requested under 12.08.08.c below and meeting the requirements of Chapter 177 F. S.
- b. The Planning Commission shall consider all evidence and testimony pertinent to applications for subdivision development and plat approval. All Planning Commission action in matters concerning final disposition of applications shall be the result of evidence and testimony presented during the public hearings. The Department shall make certain that notice of the hearing is provided pursuant to section 12.05. Newspaper ads and letters shall include the following information:
  1. An announcement of public hearing by the Planning Commission or by the Board of County Commissioners.
  2. Scheduled date, time and place of the public hearing.



3. Name of the type of application.
4. Name of applicant.
5. Location by section, township, and range of the proposed subdivision.

Public notice signs posted adjacent to the subject property may contain only the application number, scheduled date, time, place of the hearing and the Department contact information. Public hearings, once opened, may be continued to a date, time, and place certain without additional publication of notice.

- c. Upon consideration of the application, the Planning Commission shall vote to forward a recommendation for approval, approval with conditions, or disapproval of the application to the Board of County Commissioners. The following shall be mandatory conditions that shall be met prior to review by the Board of County Commissioners:
  1. At least fifteen days prior to the Board of County Commissioners hearing, the applicant shall submit a reproduction of the preliminary plat of the proposed subdivision prepared by a land surveyor as described in section 177.061, Florida Statutes and constructed as follows:
    - (a) The size of each sheet shall be twenty-four (24) inches by thirty-six (36) inches with a marginal line completely around each sheet placed so as to leave at least a one-half-inch margin on each of three (3) sides and a three-inch margin on the left side of the plat for binding purposes, as described in section 177.091, Florida Statutes.
    - (b) When more than one (1) sheet must be used to accurately portray the lands subdivided, each sheet must show the particular number of that sheet and the total number of sheets included, as well as clearly labeled match lines to show where other streets match or adjoin. An index or key map must be included as designated in section 177.091(2), Florida Statutes
    - (c) The scale shall be no smaller than one hundred (100) feet to the inch unless otherwise approved in advance by the County's designated representative.
    - (d) The name of the plat shall be shown in bold legible letters, as stated in section 177.051, Florida Statutes. The name of the subdivision shall be shown on each sheet included. Such name shall not be the same or in any way so similar to any name appearing on any recorded plat in the same county as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is subdivided as an additional unit or section by the same applicant or his successors in title. The name of the professional surveyor and mapper that prepared the plat, along with the street and mailing address must be shown on each sheet.
    - (e) Where the subdivision is approved for private streets, sidewalks and other infrastructure improvements, there shall be a statement on the face of the plat as follows: "All purchasers are herein notified that the improvements in this subdivision are privately maintained and the County will not accept

responsibility for the maintenance of the improvements. All maintenance shall be the responsibility of the developer or the homeowners association as provided in this chapter.”

- (f) A prominent "north arrow" shall be drawn on every sheet included showing any portion of the lands subdivided. The bearing or azimuth reference shall be clearly stated on the face of the plat in the notes or legend.
- (g) Permanent reference monument locations shall be shown. The locations of permanent reference monuments shall conform to the requirements of Chapter 177, Florida Statutes.
- (h) The plat shall show the section, township, and range as applicable, or, if in a land grant, the plat will so state.
- (i) The name "PUTNAM COUNTY, FLORIDA" shall appear under the name of the plat.
- (j) Each plat shall show a description of the lands subdivided, and the description shall be the same in the title certification. The description must be so complete that from it, without reference to the plat, the starting point and boundary can be determined.
- (k) All section lines and quarter section lines occurring in the map or plat shall be indicated by lines drawn upon the map or plat, with appropriate words and figures. If the description is by metes and bounds, the point of beginning shall be indicated, together with all bearings and distances of the boundary lines. If the platted lands are in a land grant or are not included in the subdivision of government surveys, then the boundaries are to be defined by metes and bounds and curves. The initial point in the description shall be tied to the nearest government corner or other recorded and well-established corner.
- (l) Location, width, and names of all streets waterways, or other rights-of-way shall be shown, as applicable. The streets must provide adequate ingress and egress to all lots.
- (m) Location and width of easements shall be shown on the plat or in the notes or legend, and their intended use shall be clearly stated as required by section 177.091(16), Florida Statutes.
- (n) All contiguous properties shall be identified by subdivision title, plat book, and page, or, if unplatted, land shall be so designated. If the subdivision platted is a re-subdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made; the fact of its being a re-subdivision shall be stated as a subtitle following the name of the subdivision wherever it appears on the plat.

- (o) Sufficient angles, bearings, or azimuth to show direction of all lines shall be shown, and all bearings, angles, or azimuth shall be shown to the nearest second of arc.
  - (p) The centerlines of all streets shall be shown with distances, angles, bearings or azimuth, Points of Curvature (P.C.s), Points of Tangency (P.T.s), Points of Reverse Curvature (P.R.C.s), Points of Compound Curvature (P.C.C.s), Permanent Control Points (P.C.P.s), arc distance, central angles, tangents, radii, chord, and chord bearing or azimuth or both.
  - (q) Park and recreation parcels as applicable shall be so designated.
  - (r) All interior excepted parcels shall be clearly indicated and labeled "Not a part of this plat."
  - (s) The purpose of all areas dedicated must be clearly indicated or stated on the plat.
  - (t) When it is not possible to show curve detail information on the map, a tabular form may be used. Where tabular data is used, the data shall appear on the face of the sheet of plat to which it applies
  - (u) The land surveyor's calculations showing closure within a tolerance of one (1) foot in ten thousand (10,000) feet.
2. Unless otherwise deemed unnecessary by the Public Works Director a drainage plan for the proposed subdivision prepared by a professional engineer currently registered in the state consisting of, but not limited to, the following:
- (a) A map of the area of the proposed subdivision indicating the subdivision boundaries; the boundaries of the surface water basins within which the proposed subdivision is located with the total acreage of each drainage basin clearly indicated; arrows indicating the directions of flow of surface water into, through, and out of the subdivision; and existing watercourses by proper name and/or type with the locations of any surface water gauging stations indicated. The map shall not be larger than twenty-four (24) inches by thirty-six (36) inches.
  - (b) A map of the proposed subdivision drawn at the same scale as the plat indicating topographic contours at a contour interval of not more than five (5) feet except in the immediate vicinity of proposed drainage improvements where the contour interval shall not be more than one (1) foot, the locations of existing watercourses by name and/or type, the locations of proposed drainage improvements, and the location and elevation of a permanent bench mark to be established on the property with elevation referenced to mean sea level or assumed (where a bench mark referenced to mean sea level exists within one (1) mile of the property, its elevation shall be used to determine the elevation of the bench mark on the property).

- a. Engineering design plans with supporting drainage calculations for all proposed drainage improvements.
  3. A basic street construction plan prepared by a professional engineer currently registered in the state including profiles and plan views of all streets showing natural and finished grades and proposed construction details drawn to a scale of not less than one (1) inch equals fifty (50) feet horizontal, and one (1) inch equals five (5) feet vertical.
  4. Three (3) independent itemized estimates of the cost of the construction of the proposed improvements, prepared by experts in the field of street and drainage improvements construction.
- d. Prior to hearing before the Board of County Commissioners, the Development Review Committee shall review the submittals required for the Board of County Commissioner's hearing and issue written comments and recommendations on the submittals. The applicant shall receive copies of the Committee's comments and recommendations prior to the Board hearing.
  - e. Upon receipt of the preliminary plat, drainage plan and street plan required above, the Board of County Commissioners will consider the application and the Planning Commission's recommendations at a regularly scheduled meeting of the Board. The Board shall review the proposed subdivision for consistency with the Comprehensive Plan and compliance with the Land Development Code. The Board of County Commissioners shall not be bound by the Planning Commission's recommendation and may approve or disapprove the application or remand consideration of the application to the Planning Commission for further action.
  - f. If remanded to the Planning Commission, the Planning Commission shall reconsider the application. After consideration of additional information, the Planning Commission shall again forward its recommendations to the Board of County Commissioners. The Board of County Commissioners shall then again consider the Planning Commission's recommendations and shall take final action to approve or disapprove the application.
  - g. If the application is disapproved, the grounds for disapproval shall be stated in the records of the Board of County Commissioners.
  - h. If the application is approved, the Board of County Commissioners may make such approval contingent upon reasonable conditions and shall establish the estimated cost of the construction of improvements to be used to establish the amount of the required security. A schedule with time limits for partial and final completion of the construction of improvements shall also be established. Once a preliminary plat is approved, the applicant shall obtain final plat approval within 18 months. Any outstanding preliminary plats that have not received final plat approval and have not been recorded as of the effective date of the section shall have 18 months to complete the final plat requirements and be recorded. Any preliminary plat exceeding these timeframes shall be deemed to have expired unless a new preliminary plat approval is received from the Board of County Commissioners.

- i. Related documents such as development agreements affecting the subject property and a title report shall be executed and submitted with the application for final plat approval.

#### **12.08.10 Submittal of Final Plat and Plans for Type I Subdivisions**

- a. Within sixty (60) days of the date of final approval of application for subdivision development and plat approval by the Board of County Commissioners, the original reproducible final plat and plans for development shall be submitted to the Department.
- b. The reproducible plat and plans shall be made with black permanent drawing ink or varitype process on a good grade linen tracing cloth or with a suitable permanent black drawing ink on a stable base film, a minimum of 0.003 inches thick coated upon completion with a suitable plastic material to prevent flaking and to assure permanent legibility; or non-adhered scaled print on a stable base film made by photographic processes from a film scribing tested for residual hypo testing solution to assure permanency. Certificates and approval forms shall be printed on the plat with a permanent black drawing ink. Four (4) reproducible copies and one digital copy of the original drawings shall be submitted with the original drawings. The digital copy shall be provided in a format established by the Putnam County GIS Coordinator. The information on the plat and plans shall be the same as that approved by the Board of County Commissioners. Any changes in the plat and plans required by the Board of County Commissioners as conditions for approval shall be included on the plat.
- c. The dedications required by F.S. 177.071 and 177.081, a form for approval by the Board of County Commissioners, a form for the certificate of the Clerk of the Circuit Court, and the land surveyor's certificate and seal shall be included.
- d. The dedication shall be executed by all developers having a record interest in the lands subdivided, in the same manner in which deeds are required to be executed. All mortgages having a record interest in the lands subdivided shall execute, in the same manner in which deeds are required to be executed, either the dedication contained on the plat or a separate instrument, joining in and ratifying the plat and all dedications and reservations thereon. If a separate instrument is executed, it shall be submitted at the time of submittal of the final plat.
- e. The final plat shall include the following language in a place of prominence: "NOTICE: This plat, as recorded in its graphic form is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this County."
- f. The final plat for recording shall contain a minimum of two separate state plane coordinates for locating the subdivision.
- g. PRMs and monuments shall be placed at each lot corner in accordance with sections 177.091(7) and 177.091(9), Florida Statutes.

### **12.08.11 Approvals, Certification and Recording of Type I Subdivisions**

- a. Within ten (10) business days from the date of receipt of the final plat and plans described in 12.08.09 above , upon assurance that Permanent Reference Markers ("P.R.M.s") have been set as per the requirements of section 177.091(7), Florida Statutes, and assurances from the Department through consultation with the County Surveyor that the plat meets the minimum standards of this Article and Chapter 177, and upon receipt of satisfactory evidence of good and sufficient security, the Department shall forward the plat to the Clerk of the Circuit Court, which shall secure the necessary approval of the Board of County Commissioners by having the Chairman of the Board permanently affix his signature on the plat and shall certify and seal the plat himself and shall then have the plat recorded in compliance with Chapter 177, Florida Statutes.
- b. There shall be no promotions for sale or sales of lands within the proposed subdivision by reference to the plat prior to recording of the plat.
- c. The documents for transfer of lands in a subdivision for which the County Commission has approved the installation of improvements to be privately owned and maintained shall have clearly written on the face of the documents a statement indicating that improvements within the subdivision are not owned or maintained by the County and referencing maintenance and ownership by a homeowners association or some other suitable single entity.

### **12.08.12 Review of Type II Subdivisions**

- a. Submittals: The Department shall consider a proposed Type II Subdivision upon the submittal of the following materials:
  1. A completed application form provided by the Department, which shall include land descriptions and acreage or square footage of the original and proposed parcels.
  2. Five (5) copies of a scaled survey drawing showing the intended division signed and sealed by a Florida licensed surveyor in accordance with minimal technical standards. The survey shall clearly describe the parcels of land and any existing principal or accessory structures. The survey shall contain a notation in not less than 14 point type as follows: "Pursuant to County regulations, no land that is subject to this Type II subdivision may be further divided by way of the Putnam County lot split procedure in Section 12.09 of the Putnam County Land Development Code."
- b. Procedure: The Department shall review an Application for a Type II subdivision and insure that all requirements of this Code have been met.

### **12.08.13 Improvement Agreements Required**

- a. As a condition precedent to commencing development of a Type I subdivision, the Board of County Commissioners shall require the developer to provide assurance that all required improvements, including, but not limited to storm drainage facilities, streets and highways, and water and sewer lines, and electric lines shall be satisfactorily

constructed according to the approved development plan. The following information shall be provided:

1. Agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.
  2. The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. The term shall not exceed five (5) years from the recording of the plat or thirty percent (30%) occupancy of the development, whichever comes first.
  3. The projected total cost for each improvement. Cost for construction shall be determined by either of the following:
    - (a) Estimate prepared and provided by the applicant's engineer.
    - (b) A copy of the executed construction contract provided.
  4. Specification of the public improvements to be made and conveyed to the County together with the timetable for making improvements.
  5. Agreement that upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making those improvements, the County shall utilize the security provided in connection with the agreement.
  6. Provision of the amount and type of security provided to ensure performance.
  7. Provision that the amount of the security may be reduced periodically, but not more than two (2) times during each year, subsequent to the completion, inspection and acceptance of improvements by the County.
- b. The amount of the security listed in the improvement agreement shall be determined by the Director of Public Works.
- c. Security requirements may be met by but are not limited to the following:
1. Cash
  2. Developer/Lender/County Agreement
  3. Irrevocable Letters of Credit
  4. Surety Bond
- d. The amount of security shall be one hundred and ten (110) percent of the total construction costs for the required developer installed improvements. The amount of security may be reduced commensurate with the completion and final acceptance of required improvements. In no case, however, shall the amount of the security be less

than one hundred and ten (110) percent of the cost of completing the remaining required improvements.

- e. Nothing in this section shall be construed as relieving a developer of any requirement relating to concurrency or a development exaction under Article 5 of this Code.
- f. This section does not modify existing agreements between a developer and the County for subdivisions platted and final development orders granted prior to the effective date of this Code, providing such agreements are current as to all conditions and terms thereof.

#### **12.08.14 Completion and Maintenance of Improvements**

- a. When improvements are completed in a Type I subdivision, final inspection shall be conducted and corrections, if any, shall be completed before final acceptance is recommended by the Director of Public Works. A recommendation for final acceptance shall be made upon receipt of a certification of project completion and one (1) copy of an as-built survey.
- b. As required improvements are completed and accepted, the developer may apply for release of all or a portion of the security.
- c. A maintenance agreement and security shall be provided to assure the County that all required improvements shall be maintained by the developer according to the following requirements:
  - 1. The period of maintenance shall be a minimum of one (1) year.
  - 2. The maintenance period shall begin with the acceptance by the County of the improvements.
  - 3. The security shall be in the amount of fifteen percent (15%) of the construction cost of the improvements.
  - 4. The original agreement shall be maintained by the Director of Public Works.
  - 5. Upon satisfactory completion of the one-year improvements maintenance period, the maintenance of streets, sidewalks, and any other conveyed improvements shall become the responsibility of the County.
- d. For those subdivisions where a surety bond or letter of credit is used as collateral, the bond or letter of credit shall be released by the Clerk of the Circuit Court upon notification from the public works department that satisfactory completion of the one-year improvements maintenance period has been achieved.
- e. For those subdivisions where an interest bearing escrow account is used as collateral, the funds including interest shall be returned to the developer in increments upon the completion of construction within each scheduled time limit established by the Board of County Commissioners. The amount of each incremental return of escrowed funds



shall be based upon the percentage by cost of the work accomplished within each scheduled time limit and shall be set by the Clerk of the Circuit Court.

#### **12.08.15 Vacation of Plats**

a. Initiated by Property Owner

A plat may be vacated by the County upon a petition filed by the owner of the land covered by the plat, or portion of a plat, pursuant to the procedures and standards therefore in Section 177.101, Florida Statutes. The petition shall be submitted to the Department and the Department shall set the matter on the next available agenda of the Board of County Commissioners, allowing adequate notice and the final order vacating the plat, or portion thereof, shall be recorded in the official records for Putnam County.

b. The County Commission shall hold a quasi-judicial hearing on the matter pursuant to the procedures set forth in Section 12.07 of this land development code. The County Commission may issue a final order vacating the plat upon making the following determinations:

1. Vacation of the plat is consistent with the Putnam County Comprehensive Plan.
2. Vacation of the plat is in the public interest.
3. There will be no substantial interference with vested private property rights.

c. The final order vacating the plat, or portion thereof, shall be recorded in the official records for Putnam County.

d. **Effect.** Every such order vacating a plat, or portion thereof, shall have the effect of:

1. Vacating all streets and rights-of-way which have not become necessary for use by the traveling public, and of vacating all other dedications to the public. A right-of-way or dedication, or portion thereof, that is not intended to be vacated shall be expressly excepted out of the vacation order.
2. Returning the property to acreage.
3. Requiring future development or land uses to comply with the Putnam County Comprehensive Plan and the most current land development regulations.

#### **SECTION 12.08.16 Remedies for Illegally Subdivided and Unbuildable Lands**

a. In cases where land has been divided in violation of the Putnam County Comprehensive Plan and the Land Development Code or has been determined by the Department to be unbuildable, the following remedies may, upon the determination of the Director, be available remedies to correct the violation and create a buildable parcel:

1. The owner(s) may petition the Board of County Commissioners to vacate the unauthorized subdivision, pursuant to the process in section 12.08.14, including any access roads or easements included therein; or
  2. The owner(s) may execute and record in the Public Records of Putnam County a Unity of title form, supplied by the Department, which shall permanently combine the parcels unless subsequently approved for lot split of subdivision in accordance with the current Comprehensive Plan and Land Development Code.
- b. No permits shall otherwise be issued on such illegal or unbuildable parcels of land except to repair and maintain a legally existing structure.

## **SECTION 12.09 PROCEDURE FOR OBTAINING A LOT SPLIT**

### **12.09.01 Review By the Planning and Development Services Department**

- a. Authorization: The Department may approve a Lot Split in the following circumstances:
1. The division of a single platted lot or other parcel into two (2) parcels (including the creation of two lots pursuant to a density exception in the comprehensive plan); or
  2. Any conveyance of an illegal or nonconforming parcel(s), as determined by the Department, to adjust or settle a common boundary line between adjoining property owners in accordance with the following conditions:
    - (a) The purpose of the conveyance is to settle boundary disputes, correct encroachments, or otherwise resolve conditions which are illegal, nonconforming or deemed by the Director of Planning and Development Services to be undesirable under this Code;
    - (b) A deed, or other conveyance instrument, shall be recorded in the Official Records of Putnam County;
    - (c) The grantee of the conveyance shall combine the conveyed parcel with their original parcel under a single parcel identification number in the records of the Putnam County Property Appraiser; and
    - (d) Upon completion of the conveyance transaction, the resulting adjoining parcels shall conform to all dimensional and frontage requirements of this Code, or shall result in greater conformance with this Code, as determined by the Director of Planning and Development Services.
  3. Any division of land for the purpose of conveyance to any Federal, State or local government entity or public utility provided the instrument is accepted by the grantee and recorded in the Official Records of Putnam County;
  4. Any conveyance (i.e. corrective deed) necessary to correct an error made in the language used in an earlier conveyance for the purpose of resolving land title issues;

5. Any division of land by order of a court of competent jurisdiction; and
  6. Any Lot Split done according to the requirements of Article 12.09 of this Code.
  7. Any parcel that contains 30 acres or greater and not intended for development with permanent structures as defined in the Florida Building Code. No permanent structures may be erected on the parcel unless the access roads and drainage are determined to be acceptable by the Public Works Director. No such creation of a lot 30 acres or greater in size shall be exempt under this section if it results in the remainder of the parcel being subdivided having less than 30 acres.
- b. Submittals: The Department shall consider a proposed Lot Split upon the submittal of the following materials:
1. An application form provided by the Department;
  2. A lot inquiry letter issued by the Department indicating that the parent parcel is eligible for a lot split;
  3. Five (5) paper copies of the proposed Lot Split;
  4. A statement indicating whether water and/or sanitary sewer service is available to the property; and
  5. Land descriptions and acreage or square footage of the original and proposed parcels and a scaled drawing showing the intended division signed and sealed by a Florida licensed surveyor in accordance with minimal technical standards. The survey shall clearly describe the affected platted lots or parcels of land and any existing principal or accessory structures. The Planning and Development Services Director may waive the requirement that the parent parcel be surveyed in its entirety when such parcel is of such size as to make a survey cost-prohibitive. The survey shall contain a notation in not less than 14 point type as follows: "Pursuant to County regulations, this land may not be further divided by way of the Putnam County lot split procedure in Section 12.09 of the Putnam County Land Development Code."
- c. Review Procedure
1. The Department shall transmit a copy of the proposed Lot Split to the Property Appraiser, County Surveyor, the Health Department and any other divisions of the State or local government deemed by the Department to be pertinent to the issues raised in the review and comments on the proposed split.
  2. If the proposed Lot Split meets the conditions of Subsection 12.09.02 below and otherwise complies with all applicable laws and ordinances, the Department shall approve the Lot Split in writing.
- d. Records: Upon approval of the Lot Split, the Department shall maintain an original signed and sealed survey of the division in the subdivision records maintained by the Department. Reference to the Lot Split shall be noted in the Property Appraiser's legal description data.

## **12.09.02 Standards and Restrictions**

- a. Standards: All Lot Splits shall conform to the following standards:
  1. Each new parcel shall conform to the requirements of this Code, including the applicable zoning district regulations.
  2. Each new parcel shall abut a public or private street (except as may be otherwise provided by this Code) for the required minimum lot width. If the original parcel has sufficient frontage on a road to provide the minimum frontage and lot width for two lots, both new parcels shall take access from that road, unless otherwise approved by the Public Works Director.
  3. If any new parcel abuts a street right-of-way that does not conform to the design specifications provided in this Code, the owner shall be required to dedicate to the County one-half the right-of-way width necessary to meet the minimum design requirements unless otherwise waived by the Public Works Director.
  4. The division shall not increase the density of the subdivision, unless it results in a density that is allowed under the applicable future land use designation or the division is done through a valid and previously approved density exception.
- b. Restriction: No further division of a parcel created by a Lot Split shall be permitted under this Section unless a Type I Subdivision is approved by the Board of County Commissioners.

## **SECTION 12.10 PROCEDURE FOR SUBMITTING SURFACE WATER AND STORMWATER MANAGEMENT PLANS**

- a. Applicability: No Class II, Class III or non-residential Class I development may occur without approval of a surface water and storm water management plan by the County, and, where applicable, the appropriate Water Management District, the Florida Department of Environmental Protection or pertinent federal agency (i.e. the Army Corp of Engineers or the Environmental Protection Agency).
- b. Surface and storm water management systems shall be reviewed in the context of the development permit and review process described in this Article, which may include an application for a development permit for the sole purpose constructing a surface and storm water management system. If the proposed development requires a Florida Department of Environmental Protection or Water Management District permit, a copy of the completed application package including backup information provided to the state or district shall be submitted to the County by the applicant. For development and redevelopment projects that are not regulated by the district, a storm water management plan shall be submitted with all the development permit applications.
  1. Submittal Requirements: A surface and storm water management plan shall be submitted using appropriate forms as provided by the County. The following specific items are the minimum submittal requirements:

- (a) Most recent aerial photograph of the project vicinity, taken not more than three years before the application date, covering the project area and the total lands that contribute runoff.
  - (b) Topographic map of the project area, showing the location and elevation of benchmarks, including at least one benchmark for each control structure. Benchmark elevations shall be referenced to the mean sea level (msl).
  - (c) Land use map showing both current and proposed conditions for the total lands that contribute runoff.
  - (d) Soils and vegetation map displaying the most recent U.S. Soil Conservation Service information and encompassing the project area and total drainage areas that contribute runoff to the project.
  - (e) Proposed grading, drainage, paving, and building plan showing details of proposed grading, drainage, paving, improvements and buildings.
  - (f) Erosion and sediment control plan, identifying the type, location, and schedule for implementing erosion and sediment control measures, including appropriate provisions for maintenance and disposition of temporary measures.
  - (g) Technical report, prepared by an Engineer, describing the assumptions, calculations, and procedures used for determining compliance with the 25-year frequency, 24-duration design requirements of Policy D.1.2.3 of the Comprehensive Plan.
- c. Sufficiency review: An application sufficiency review shall be conducted by the Director of Public Works, and within 30 days from the submittal date, written comments shall be provided to the applicant regarding the completeness of the application and requesting additional information, if necessary.
- d. Issuance: If the Director of Public Works determines that the submittals are in compliance with all provisions of this ordinance, a permit may be issued. If the Director of Public Works determines that the submittals do not conform with all provisions of this ordinance, permit issuance shall be denied and a written statement as to the reasons for the denial shall be provided to the applicant.
- e. Permit posting: Activities requiring a surface and storm water management plans shall not be commenced until the development permit card is posted in a conspicuous place in front of the premises. The permit card shall be protected from weather and shall remain posted until final inspection approval has been issued.
- f. Plan duration: Unless revoked or otherwise modified, the duration of a surface and storm water management plans approved pursuant to this ordinance shall be three (3) years or when construction of the permitted project discharge structure is completed, whichever occurs first.
- g. Plan Modification: If the surface water and storm water management plan authorized by the permit is not completed according to the approved schedule and permit conditions, the Director of Public Works shall be notified. For schedule revisions resulting in an extension of more than 30 days results in deviations from the permit conditions, approval of a plan modification is required.

- h. Plan Revocation: approval of surface and storm water management plan may be revoked if the approved schedule and permit conditions are violated without approval of a plan modification.

## **SECTION 12.11 PROCEDURE FOR REZONINGS**

### **12.11.01 Amendments Rezoning Land**

- a. The procedure for rezoning property in the County is as provided in this section.
- b. Any property owner or owners desiring to rezone property must file an application with the Planning and Zoning Department. The Board of County Commissioners may also initiate a rezoning of any property pursuant to this section.
- c. Prior to submitting the application, the applicant shall meet with the Department to discuss the purpose of the proposed rezoning and rezoning review process. No person may rely upon any comment or expression of any nature about the proposal made by any participant at this pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.
- d. No application can be accepted until after the applicant attends a pre-application meeting with the Department required under paragraph c above.
- e. Filing deadlines shall be established by the Department to provide sufficient time for required public notice and Staff review of the application. Applications and a schedule of hearing dates and filing deadlines are available in the Department.
- f. The applicant or the duly designated and authorized agent for the applicant shall appear before the Planning Commission to present the request, evidence in support thereof, and to answer questions that the commission may have. To be eligible to appear as an agent, an applicant must have designated the agent as such in writing and under oath; such written designation must be submitted to the Department before the hearing.
- g. All applications for rezoning shall include the following information:
  - 1. Legal description of the property to be rezoned, including lot and block numbers when the property is in a subdivision.
  - 2. Names and addresses of all owners of the property to be rezoned.
  - 3. Existing and proposed zoning classification of the property.
  - 4. A statement of the applicant's interest in the property to be rezoned, including a recorded legal document conveying ownership of real property.
    - (a) If joint or several ownership, all owners of record must sign the rezoning application, except as provided in paragraph (d) below.

- (b) If an authorized agent for the property owner, a copy of the agency agreement or the written consent of the owner.
  - (c) If a corporation or other business entity, the name of the officer or person responsible for the presentation of the application and written proof that the representative has the delegated authority to represent the corporation or other business entity.
  - (d) If a group of property owners is requesting the rezoning of the area in which their property is located, the written consent of at least fifty-one (51) percent of the people owning property in the area described in the application.
  - (e) The owner of the property must sign and file the application under oath.
5. A vicinity map indicating the general location of the site, abutting streets and utilities, and boundary lines of the subject property and the surrounding area. (i.e. a quarter panel of the applicable parcel map)
  6. A statement of the intended use of the property.
  7. Additional information as deemed necessary by the Department to complete the review.
- h. The Department shall review all applications for zoning changes for consistency with the Comprehensive Plan.
  - i. The Planning Commission shall hold a public hearing, with due public notice by newspaper, posting and mail, to consider rezoning requests and to receive public input. The Planning Commission shall submit a written report to the Board of County Commissioners indicating whether the rezoning should be approved. The report shall address whether the proposed rezoning is consistent with the Comprehensive Plan, and whether the rezoning complies with the applicable procedures and requirements of the Land Development Code. The report shall include meeting minutes and any physical evidence considered by the Planning Commission. The hearing held by the Planning Commission shall not be a formal quasi-judicial hearing, but rather a hearing designed to obtain public input in an informal way.
  - j. The Board of County Commissioners shall schedule a de novo quasi-judicial hearing at which time the Board of County Commissioners shall consider the recommendations of the Planning Commission, including the record of the Planning Commission hearing and any evidence that may be presented at the Board of County Commission hearing.
  - k. Following the public hearings, the Board of County Commissioners shall determine whether: (1) the rezoning is consistent with Comprehensive Plan; and (2) the rezoning complies with the applicable procedures and requirements of the Land Development Code. If the proposed rezoning meets the above requirements, the Board may nevertheless deny the application if the Board finds that the existing zoning serves a legitimate public purpose. The Board shall either change the Zoning Map for the applicant's property through the adoption of an ordinance; or deny the application. Rezoning applications may be withdrawn at any time prior to the final action of the

Board of County Commissioners. If the application is denied by final action of the Board of County Commissioners, no further action shall be taken on another application for basically the same proposal, on the same property, until twelve (12) months after the date the application was denied.

### **12.11.02 Required Signs and Published Notices**

Rezoning hearings shall be noticed by newspaper, by the posting of signs and by mail in accordance with section 12.05 of this Article. Dual notice of the Planning Commission and Board of County Commissioners hearings is acceptable.

## **SECTION 12.12 PROCEDURE FOR OBTAINING APPROVAL OF SPECIAL USE PERMITS**

### **12.12.01 Generally**

- a. The Zoning Board of Adjustment, when granting special use permits, may prescribe appropriate conditions and safeguards as deemed necessary in order to protect public health, safety and general welfare of County residents. Special use permits, along with all conditions and safeguards attached thereto, shall run with the land.
- b. Special Use Permits granted by the Zoning Board of Adjustment shall allow only those uses specifically described in the application and are subject to the terms or conditions expressed therein. The expansion or extension of the special use beyond the scope or terms of the permit is unlawful and is in violation of this Code.
- c. The Zoning Board of Adjustment may establish a reasonable time limit within which the action or use authorized by the special use permit must begin and end. If such action or use is not commenced or completed within the established time limits the special use permit shall become invalid and all rights granted thereunder shall be terminated. If no specific time limit for commencement is established, the period for commencing the use or action shall be 545 days. The Board may extend such time limits for a reasonable length of time, if probable cause is shown. Time limits shall not be extended for more than one (1) year.
- d. If the use or action authorized by a special use permit ceases for a period of twelve (12) consecutive months, the use shall terminate. Holders of a special use permit shall notify the Department if they terminate the use or action authorized.
- e. Any activity shall be carried out in accordance with the development plan approved with the special use, including any conditions placed on the use, and in accordance with standard Land Development Code requirements. No changes shall be made to the development plan for the special use without the approval of the Department. If the Department determines that there is a major deviation from the approved site plan, the owner or applicant and their successors shall file another application and another public hearing may be conducted to review the proposed change pursuant to the criteria of Section 12.12.03. Failure to abide by any of the requirements herein, including but not limited to conditions placed on the use by the Zoning Board of Adjustment, shall be grounds for revocation of the special use permit by the Zoning Board of Adjustment.



## 12.12.02 Application and Issuance

- a. A person requesting a special use permit shall submit an application to the Department on a form made available by staff. The application must contain the following information:
1. The legal description of the property for which the special use is requested and a recorded legal document conveying ownership of real property.
  2. A description of the property according to street address.
  3. The names and addresses of the owners of the property.
  4. A detailed description of the special use requested.
  5. Unless otherwise determined to be unnecessary by the Department a vicinity map indicating the general location of the site, abutting streets and utilities, a complete legal description of the property, and a site plan that includes the details listed below. Applications may be rejected if they do not contain site plans that contain each of the following items:
    - (a) Name, location and owner.
    - (b) Present zoning.
    - (c) Location of the site in relation to surrounding properties, including the means of ingress and egress to such properties and any screening or buffers on such properties.
    - (d) Date, North arrow and graphic scale.
    - (e) Location, number, dimension and surface type of all proposed parking areas and loading areas.
    - (f) Location, size and design of landscaped areas and building screens or architectural enclosures.
    - (g) The location of all existing and proposed structures and major features and complete dimensions of same. Also included shall be setbacks, distances between structures, floor areas, width of driveways, property or lot lines and the percentage of the property covered by structures.
    - (h) Location and acreage of open space, recreational, recharge and landscaped areas.
  6. The notarized signature of the applicant and/or his authorized agent.
- b. Prior to submitting the application, the applicant shall meet with the Department to discuss the nature of the proposed special use permit and the review process. No person may rely upon any comment concerning a proposed special use, or any

expression of any nature about the proposal made by any participant at this pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

- c. Filing deadlines shall be established by the Department to provide sufficient time for required public notice and Staff review of the application. Applications and a schedule of hearing dates and filing deadlines are available in the Department. Department staff will submit the application to the Zoning Board of Adjustment for review at the next available hearing date.
- d. Upon completion and receipt of the application, the Department shall place the request on the agenda of the next available meeting of the Zoning Board of Adjustment. The Zoning Board of Adjustment shall hold a quasi-judicial public hearing to review requests for special use permits.
- e. At conclusion of the hearing, the Zoning Board of Adjustment shall make a formal determination that the proposed use meets the issuance criteria of this Article and shall either grant the special use permit with or without conditions; or determine that the special use permit fails to meet one or more of the issuance criteria and deny the application, setting forth the criteria under which it failed and why it failed to meet them.
- f. Applications may be withdrawn at any time prior to the final action of the Zoning Board of Adjustment. If the Zoning Board of Adjustment denies an application for a special use permit, the denied application may not be resubmitted nor may any action be taken on a new application for basically the same proposal within twelve (12) months after the date the last application was denied. Appeals shall be to the Circuit Court.

### **12.12.03 Issuance Criteria**

When deciding requests for a special use permit, the Zoning Board of Adjustment shall not grant the special use unless it makes written findings that the special use satisfied the following criteria:

- a. The use is consistent with the Comprehensive Plan, and meets all concurrency requirements. A detailed statement of the facts and policies demonstrating compliance, or non-compliance, shall be included in the final order.
- b. The use is allowed as a special use in the zoning district in which the property is located, and will conform to all applicable regulations of this Code and the zoning district in which it is proposed.
- c. The special use will not adversely impact nor unduly restrict the enjoyment of permitted uses in the surrounding area.
- d. The special use will not substantially diminish or impair property values in the area, nor impede the orderly development and improvement of the surrounding property for permitted uses.

- e. Adequate access roads, on-site parking, on-site loading and unloading berths, and drainage have been or will be provided where required.
- f. Adequate measures have been taken to provide ingress and egress to the property that are designed in a manner to minimize traffic impacts on local roads.
- g. Adequate screening and buffering of the special use will be provided, if needed.
- h. The special use will not have signs or exterior lighting that will cause glare, adversely impact area traffic safety or have a negative effect on the area. Any signs or exterior lighting required by the special use shall be compatible with development in the zoning district and shall, at a minimum, meet the requirements of Article 8.
- i. There will be no undue risks to persons or property from hazardous substances.
- j. The proposed special use will not adversely affect the general public health, safety and welfare of the residents of Putnam County. An application may not be denied on this basis unless the Zoning Board of Adjustment makes findings as to the specific manner in which the proposed use would have such adverse effect.

## **SECTION 12.13 APPEALS**

### **12.13.01 Appeals to the Zoning Board of Adjustment**

#### **a. Right to Appeal**

Unless a different appeal procedure is specified elsewhere in this code, any aggrieved person or any officer, board or bureau of the County affected by any final administrative determination made by the Department or any other department working under the Board of County Commissioners that has been delegated final decision making authority in the administration of this Code may appeal the determination to the Zoning Board of Adjustment. If the final administrative determination is not otherwise reduced to writing and dated, any aggrieved person or county official may request that any final administrative determination, including an interpretation of the provisions of this Land Development Code, be reduced to writing and dated for purposes of taking an appeal pursuant to this section. This section shall not apply to final decisions of the Board of County Commissioners, the Planning Commission, the Zoning Board of Adjustment or any other Board formed and appointed under Article 11 of this Code.

#### **b. Notice of Appeal**

A notice of appeal, stating the grounds for the appeal, along with the applicable filing fee established by resolution of the Board, must be filed with the secretary to the Zoning Board of Adjustment within thirty (30) days after the rendition of determination from which the appeal was filed. The Department, upon notification of the filing of the appeal, shall transmit to the Zoning Board of Adjustment all materials constituting the record upon which the action appealed was taken, along with a written report summarizing the determination made and the facts supporting the determination,

including the applicable code and Comprehensive Plan provisions that were used in making the determination.

**c. Stay of Action**

An appeal to the Zoning Board of Adjustment stays all work on the project and all proceedings in furtherance of the action being appealed, unless the Department certifies to the Board of Adjustment that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life and property. In such cases proceedings or work shall not be stayed except by a restraining order granted by a court of competent jurisdiction. If a stay is issued, the issuing body shall immediately notify the Department.

**d. Notice**

Filing deadlines shall be established by the Department to provide sufficient time for required public notice and Zoning Board of Adjustment review of the application. The Department shall insure that due notice is provided in accordance with section 12.05 of this Article. At the review either party may appear in person or be represented by his agent or attorney.

**e. Hearing**

The hearing shall be a *de novo* hearing, at which the Zoning Board of Adjustment will take evidence and testimony.

**f. Action**

The Zoning Board of Adjustment, by majority vote of its members, may reverse, affirm or modify the order, requirement, decision or determination being appealed. The ruling of the Zoning Board shall be in writing and state the findings of fact and conclusions of law that support the Zoning Boards decision.

**g. Judicial Review**

Judicial review of a final decision or determination of the Board of County Commissioners or Zoning Board of Adjustment shall be to the Circuit Court in accordance with Florida law. It shall be the responsibility of the person seeking review to provide or obtain a verbatim transcript if one is desired by such party or required by the Circuit Court.

**SECTION 12.14 SPECIAL PROVISIONS RELATING TO ADMINISTRATIVE, QUASI-JUDICIAL AND APPELLATE DECISION-MAKERS**

**12.14.01 Challenges to Impartiality**

A party to an administrative, quasi-judicial or appellate hearing may challenge the impartiality of any member of the hearing body. The challenge shall state by affidavit facts relating to a bias, prejudgment, personal interest, or other facts from which the challenger

has concluded that the decision-maker cannot participate in an impartial manner. Except for good cause shown, the challenge shall be delivered by personal service to the Department no less than forty-eight (48) hours prior to the time set for the hearing. The Department shall attempt to notify the person whose qualifications are challenged prior to the hearing. The challenge shall be incorporated into the record of the hearing.

#### **12.14.02 Disqualification**

No member of a hearing body shall hear or rule upon a proposal if:

- a. Any of the following have a direct or substantial financial interest in the proposal: the decision-maker's or the decision-maker's spouse, brother, sister, child, parent, father-in-law, mother-in-law; any business in which the decision-maker is then serving or has served within the previous two years; or any business with which the decision-maker is negotiating for or has an arrangement or understanding concerning prospective partnership or employment; or
- b. The decision-maker has a direct private interest in the proposal; or
- c. For any other valid reason, the decision-maker has determined that he cannot impartially participate in the hearing and decision.

#### **12.14.03 Participation by Interested Officers or Employees**

No officer or employee of the County who has a financial or other private interest in a proposal shall participate in discussions with or give an official opinion to the hearing body on the proposal without first declaring for the record the nature and extent of the interest.

#### **12.14.04 Ex Parte Contacts**

All citizen board meetings are open to the public. All boards established under this Section shall be subject to the *ex parte* disclosure requirements of this Article.

#### **12.14.05 Involuntary Disqualification**

A majority of the members of a hearing body present and voting may for reasons prescribed by this Article or other applicable law vote to disqualify a member who has refused to disqualify himself.

#### **12.14.06 Rights Of Disqualified Member of the Hearing Body**

- a. An abstaining or disqualified member of a hearing body shall not be counted for purposes of forming a quorum.
- b. A member who takes a position on the issue based upon personal interest may do so only by abstaining from voting on the proposal, vacating the seat on the hearing body, physically joining the audience, and making full disclosure of his status and position at the time of addressing the hearing body.

- c. If the hearing body is reduced by abstentions or disqualifications to less than a quorum otherwise required by this Article, the quorum requirement may be reduced. However, if only two or fewer members are voting, then the matter shall be tabled until the next regular or specially called meeting of the hearing body when such delay creates the opportunity for other members of the hearing body to participate in the decision. Where there is no opportunity for a larger quorum, the matter shall be heard and decided by the Putnam County Board of County Commissioners.
- d. A member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

## **SECTION 12.15 ENFORCEMENT OF DEVELOPMENT PERMITS AND ORDERS**

### **12.15.01 Definitions**

- a. **Minor Deviations:** A minor deviation is a deviation from a Final Development Plan that falls within the following limits and that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process:
  - 1. Minor alteration of the location of any road, walkway, landscaping or structure as determined by the Planning and Development Services Director including any such alteration in location that does not increase the density or intensity of the use, provided such changes meet the express conditions of the final development plan approval and the requirements of this Code.
  - 2. Reduction of the total amount of open space by not more than five (5) percent, or reduction of the yard area or open space associated with any single structure by not more than five (5) percent; provided that such reduction does not cause the required yard area or open space to be less than that required by this Code.
- b. **Major Deviations:** A major deviation is a deviation other than a Minor Deviation from a Final Development Plan.

### **12.15.02 On-Going Inspections**

- a. **Inspections of Subdivisions**
  - 1. **Periodic inspections:** The County may inspect the construction of improvements periodically and without prior notice to the developer or his designated representative. If at any time during construction, in the opinion of the County, construction is not proceeding according to the approved plans, the County shall immediately so notify the developer or his designated representative, and if necessary, issue a stop work order until the issue(s) are addressed. All deficiencies so noted shall be corrected prior to inspection of completed construction by the County.
  - 2. **Inspection of completed construction:** The developer shall notify the County in writing upon completion of the construction of all improvements, and the land

surveyor shall furnish the clerk of the circuit court his certificate that the "P.C.P.s" have been set and the date the "P.C.P.s" were set. Upon receipt of such notifications, the County shall conduct an inspection of the improvements and shall notify the developer in writing of any deficiencies noted during the inspection. The construction of improvements shall not be considered satisfactorily completed until all deficiencies are corrected to the satisfaction of the County.

3. Satisfactory completion of improvements: When it is determined by the County's designated representative that all construction has been completed in accordance with the approved plans and all "P.C.P.s" have been properly set, said representative shall, in writing, so notify the developer or the developer's designated representative and the clerk of the circuit court. Such notification shall constitute proof of satisfactory completion. The date of inspection of the completed improvements shall be indicated in the written notification and shall constitute the date of satisfactory completion.
4. One-year improvements maintenance period: For a period of one (1) year following the date of satisfactory completion, the developer of a Type I subdivision shall perform maintenance, at his/her expense, on the improvements in the subdivision.
5. Inspections during one-year improvements maintenance period: The Putnam County Public Works Department shall conduct periodic inspections of the improvements in Type I subdivisions during the first year following the date of satisfactory completion. Following each inspection, all deficiencies in need of correction shall be reported in writing to the developer or his designated representative. All such deficiencies shall be corrected in a timely manner so as to not result in additional damage to the improvements and so as not to result in a threat to the health, safety and welfare of the citizens of the County.
6. Final inspection: A final inspection of the improvements in Type I subdivisions shall be conducted by the Public Works Department just prior to the end of the improvements maintenance period. A written report describing the results of the inspection and listing all deficiencies, if any, shall be forwarded to the developer or his designated representative and to the Clerk of the Circuit Court. If the improvements are found to be in substantially the same condition as that which existed at the time of satisfactory completion, except for anticipated and acceptable wear, the one-year improvements maintenance period shall be considered satisfactorily completed.
7. Stop work orders: If at any time during the construction of improvements the Public Works Department or the Planning and Development Services Department determine that construction is not proceeding according to the approved plans for the improvements; the relevant Department may order the construction to be stopped. Construction shall not resume except upon authorization of the department issuing the stop work order.
8. Tests: The County may conduct tests of construction materials and workmanship any time during the construction without prior consent of the developer or his designated representative.

9. Cease and desist from sale orders: If satisfactory completion of the construction of improvements is not achieved within the time limits set forth by the Board of County Commissioners, the County's designated representative shall so advise the clerk of the circuit court who shall so advise the developer and the board, and shall cause an automatic cease and desist from sale order to be placed in the public records thereby notifying all prospective purchasers that the developer has failed to construct the improvements according to the requirements of the board, thereby creating a caveat, and shall proceed under the board's guidance concerning the disposition of the collateral.
  10. Adjustments; correction of defects: If a satisfactory one-year improvements maintenance period is not achieved, the Clerk of the Circuit Court shall so advise the developer and the Board of County Commissioners. The Board of County Commissioners may grant an extension of time during which all deficiencies must be corrected. If not corrected within the extended period, the County's designated representative shall so advise the clerk who shall so advise the developer and the Board of County Commissioners, and shall proceed under the board's guidance concerning the fate of the retained collateral.
- b. Inspection of All Other Developments: The Department shall implement a procedure for periodic inspection of development work in progress to insure compliance with the Development Permit which authorized the activity. Inspections related to permits issued under the jurisdiction of the Florida Building Code are under the purview of the Building Official and are not governed by these provisions.
1. Minor Deviations: If the work is found to have one or more Minor Deviations that do not pose a threat to the public health safety and welfare, the Department shall amend the Development Order to conform to actual development. The Department may, however, refer any deviation that significantly affects the development's compliance with the purposes of this Code to the Zoning Board of Adjustment for treatment as a Major Deviation.
  2. Major Deviations: If the work is found to have one or more Major Deviations, the Department shall:
    - (a) Where the development is a Class II or Class III development, place the matter on the next available agenda of the Zoning Board of Adjustment or Board of County Commissioners, as appropriate, allowing for adequate notice, and recommend appropriate action for the Board to take.
    - (b) In all cases, issue a stop work order and/or refuse to allow occupancy of all or part of the development if deemed necessary to protect the public interest. The order shall remain in effect until the Department determines that the deviations have been corrected or that work or occupancy may proceed pursuant to the decision of the Zoning Board of Adjustment or Board of County Commissioners, as applicable.
    - (c) Refer the matter to the Building Official if it appears that the Developer has committed violations within the jurisdiction of the Florida Building Code.



3. The Zoning Board of Adjustment or Board of County Commissioners, as appropriate, shall hold a public hearing on the matter and shall take one of the following actions:
  - (a) Order the developer to bring the development into substantial compliance within a reasonable period of time. The Development Order or Permit may be revoked if this order is not complied with.
  - (b) Amend the Development Order or Permit to accommodate adjustments to the development made necessary by technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process. Amendments shall be the minimum necessary to overcome the difficulty, and shall be consistent with the intent and purpose of the development approval given and the requirements of this Code.
  - (c) Revoke the relevant Development Order or Permit based on a determination that the development cannot be brought into substantial compliance and that the Development Order or Permit should not be amended to accommodate the deviations.
4. Action of Developer After Revocation Of Development Order: After a Development Order or Permit has been revoked, development activity shall not proceed on the site until a new Development Order or Permit is granted in accordance with procedures for original approval.

#### **12.15.03 Application for Certificate of Occupancy**

Upon completion of work authorized by a Development Permit or Development Order, and before the development is occupied, the developer shall apply to the Department for a Certificate of Occupancy or final inspection, as applicable. The Department shall inspect the work to ensure it is in conformity with the Permit or Order. The Department may require that as-built drawings be provided to the Department as a condition of approval of final inspection or issuance of the Certificate of Occupancy as applicable.

#### **12.15.04 Authority of the Building Official**

This Article does not serve to define the manner in which the Building Official enforces the applicable building codes. The County Building Official shall carry out implementation of the applicable building codes and conduct inspections of on-going construction activities in accordance with his authority and the mandates of State law. The Department shall make every effort to achieve concurrent review by the Building Official in the administration and enforcement process outlined in this Article.

### **SECTION 12.16 PROCEDURE FOR AMENDING THIS CODE AND THE COMPREHENSIVE PLAN**

#### **12.16.01 State Law Controlling**

The procedures in this part shall be followed in amending this Code and the Comprehensive Plan. This part supplements the mandatory requirements of State law, which must be adhered to in all respects.

### **12.16.02 Application**

Any person, board, or agency may apply to the Department to amend this Code or the Comprehensive Plan in compliance with procedures prescribed by the Department. Formal application is not required for amendments recommended at the direction of the Department, any one of the citizen boards appointed under Article 11 or the Board of County Commissioners.

### **12.16.03 Recommendation of Planning Commission**

The Planning Commission shall hold a hearing on each application to amend this Code or the Comprehensive Plan and thereafter submit to the Board of County Commissioners a written recommendation which:

- a. Identifies any provisions of the Code, Comprehensive Plan, or other law relating to the proposed change and describes how the proposal relates to them.
- b. States factual and policy considerations pertaining to the recommendation.

### **12.16.04 Decision By County Commission**

The County Commission shall hold a legislative hearing on the proposed amendment and may enact or reject the proposal, or enact a modified proposal that is within the scope of matters considered in the hearing.

### **12.16.05 Legislative Hearing**

Each legislative hearing shall conform to the following requirements:

#### **a. Notice**

Notice that complies with the requirements of state law and section 12.06 of this Code shall be given. Where the proposed amendment is to the Future Land Use Map, such notice shall be by newspaper and mail. Posting of signs shall not be required except in the case of "small scale" comprehensive plan amendments, as that term is defined by State law.

#### **b. Hearing**

The public hearings shall as a minimum:

1. Comply with the requirements of state law, including holding two hearings where required.
2. Present the Department's analysis of the proposed decision.
3. Present the Department's summary of reports by other agencies.

4. Permit any person to submit written recommendations and comments before or during the hearing.
5. Permit a reasonable opportunity for interested persons to make oral statements.

c. Timing and scheduling

Hearings for Comprehensive Plan amendments shall be scheduled as follows:

1. Small-scale Comprehensive Plan amendments shall be filed and heard in accordance with deadlines and timing requirements of a rezoning under section 12.11.
2. Large scale Comprehensive Plan amendments or text amendments shall be filed and heard in accordance with the deadlines and timing requirements of a rezoning under section 12.11, and implementation of any such amendments shall be subject to the following:
  - (a) Approval of the amendments by the Board of County Commissioners will not become final until final approval, if any, has occurred through the State.
  - (b) Filing deadlines shall be established by the Department to provide sufficient time for required public notice, Staff review, review by other agencies, and Board review of the application.

## **SECTION 12.17 FEES**

A schedule of fees shall be established by resolution of the Board of County Commissioners, and shall apply to all applications filed and actions taken under this Code. A receipt showing payment of the applicable fee shall accompany an application. Such fees are to offset costs incidental to administrative review and review by the various boards and do not include the cost of any signs required to post notice. Costs for signs shall be paid for by the applicant for the action. The applicant shall the County for the costs of signs, which costs shall be paid at the time of application.

## **SECTION 12.18 CODE ENFORCEMENT**

### **12.18.01 Violations**

It is unlawful for any persons or persons to violate any of the provisions of this Code and related codes and ordinances referenced in sections 1.04 and 11.06.0.2.a of this Code, and any restrictions and limitations promulgated under the provisions of this Code and related codes and ordinances referenced in sections 1.04 and 11.06.0.2.a of this Code.

### **12.18.02 Penalties**

Penalties shall be as allowed by Florida Law or as stated in this Code and related codes and ordinances referenced in sections 1.04 and 11.06.0.2.a of this Code.

### **12.18.03 Enforcement Procedures and Remedies**

- a. Upon determination by County staff responsible for enforcement that there is a violation, a written notice shall be sent to the owner of the property and/or building involved and to the person responsible for the violation. This notice shall include:
  1. The section of the code or ordinance being violated.
  2. An order to cease such violation.
  3. A list of remedial actions indicating the necessary steps to abate such violation.
  4. Information concerning penalties for violation of this ordinance.
- b. To determine violations, staff responsible for enforcement is authorized to conduct inspections and obtain inspection warrants as provided by Chapter 933, Florida Statutes.
- c. If violations are not corrected in the time specified, the person or entity found to be in violation of this code may be prosecuted for said violation in the same manner as misdemeanors are prosecuted, as provided in section 125.69, Florida Statutes. Alternatively, violations may also be prosecuted as provided in section 11.06 of this Code, cited as provided in section 12.19.04 of this Code, or any other method provided by law.
- d. Each day a violation continues after a notice shall constitute a separate violation and may be punished as set forth in the preceding paragraph.
- e. Violations may be restricted by injunction, including a mandatory injunction, and otherwise abated in any manner provided by law, and such suit or action may be instituted and maintained by the Putnam County Board of County Commissioners, or by any person, firm or corporation, association or other group or body with standing to do so under the laws of Florida.
- f. Reasonable costs, including attorney fees, incurred by the County or the Court in an enforcement action may be assessed against the landowner, violator, or both.

### **12.18.04 Citations**

- a. In addition to the proceedings before the Code Enforcement Board described Article 11, a code inspector may issue a citation to a person when, based upon personal investigation, the code inspector has reasonable cause to believe that the person has committed a civil infraction in violation of the codes or ordinances described in Section 11.06.02(a) of this Code, as follows:
  1. Prior to issuing a citation, a code inspector shall provide notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall not exceed 30 days. If, upon personal investigation, the inspector finds that the person has not corrected the violation within the time period or if the

violation is corrected and then recurs, the inspector may issue a citation to the person who has committed the violation. The inspector does not have to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if a repeat violation is found or if the inspector has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.

2. A citation shall be in a form prescribed by the County and shall contain:
    - (a) The date and time of issuance,
    - (b) The name and address of the person to whom the citation is issued.
    - (c) The date and time the civil infraction was committed,
    - (d) The facts constituting reasonable cause.
    - (e) The number or section of the code or ordinance violated.
    - (f) The name and authority of the code inspector.
    - (g) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
    - (h) The applicable civil penalty if the person elects to contest the citation.
    - (i) The applicable civil penalty if the person elects not to contest the citation.
    - (j) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the person shall be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
  3. After issuing a citation to an alleged violator, a code inspector shall deposit the original citation (and one copy) with the county court, which shall hear the case.
- b. It shall be unlawful for any person to hinder or prevent the performance of any act or duty authorized or required hereunder. Violation of any provision of this Ordinance is a civil infraction with a maximum fine of \$500. Any person charged who does not wish to contest the citation shall pay, within 20 days of the date of receiving the citation, the sum of \$250.00, either by mail or in person to the Clerk of the County Court. If the person cited follows the above procedure, he or she shall be deemed to have admitted the infraction and to have waived his or her right to a hearing.
  - c. Any person who wishes to contest the citation must, within 30 days of the date of receiving the citation, appear in person at the office of the Clerk of County Court and enter a not guilty plea. A hearing date will be set by the Court and the Clerk shall mail a Notice of Hearing. The County Judge, after the hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has

been proven, the County Judge may impose a fine not to exceed \$500.00 and may assess costs as appropriate.

- d. Failure to pay the fine or to timely contest the citation shall result in an Order to Show Cause being issued by the Court. Said Order to Show Cause shall require the offender to appear before the County judge on a certain date to show cause why he should not be held in contempt of court for failure to respond. The Court may fine the offender up to Five Hundred Dollars (\$500.00) and may assess costs as appropriate.
- e. Any person who willfully refuses to sign and accept a citation issued by a code inspector shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.
- f. The provisions of this section are additional and supplemental means of enforcement. Nothing contained in this section shall prohibit the County from enforcing its codes or ordinances by any other means, including, without limitation, a proceeding under Section 11.06 hereof or a court action.