SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: **Ordinance to Amend Sections 13-41, 13-103, Section 103-104, Table 13-104A, Section 13-142, and Section 13-171 of the Sumter County Land Development Code (Staff recommends approval).**

REQUESTED ACTION: Adopt proposed ordinance.

☐ Work Session (Report Only) **DATE OF MEETING:** **5/22/12**
☒ Regular Meeting ☐ Special Meeting

CONTRACT: ☒ N/A Vendor/Entity:
Effective Date: Termination Date:
Managing Division / Dept: Planning

BUDGET IMPACT:
☐ Annual **FUNDING SOURCE:**
☐ Capital **EXPENDITURE ACCOUNT:** N/A
☒ N/A

HISTORY/FACTS/ISSUES:

The purpose of the proposed ordinance is to combine the medium and major site development classifications for site development. Currently, a medium development is classified as any development of impervious activity over 1,000 square feet and up to 20,000 square feet; whereas, a major development is any development of impervious area exceeding 20,000 square feet.

In addition, it eliminates the need for the BOCC's approval for development site plans (permitted uses only). The removal of the Board's approval will also expedite the development approval process by a minimum of one week. It does not eliminate the Board's approval of final plats.

The final document and draft document are attached for your review.

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF SUMTER COUNTY, FLORIDA, AMENDING CHAPTER 13 OF THE SUMTER COUNTY CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT CODE", SPECIFICALLY AMENDING ARTICLE I, DIVISION 5 "DEFINITIONS AND INTERPRETATIONS", BY AMENDING SECTION 13-41; ARTICLE II, DIVISION 1, "GENERALLY" BY AMENDING SECTION 13-103, 13-104 AND TABLE 13-104A; ARTICLE II, DIVISION 3 "USE PERMITS" BY AMENDING SECTION 13-142; ARTICLE II, DIVISION 4, "DEVELOPMENT PERMITS" BY AMENDING SECTION 13-171; COMBINING MEDIUM AND MAJOR DEVELOPMENT CRITERIA; REMOVING THE REQUIREMENT OF BOARD OF COUNTY COMMISSIONERS APPROVAL FOR PRELIMINARY PLANS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Sumter County ("Board") has adopted the Sumter County Code of Ordinances, which serve as the laws and regulations of Sumter County; and,

WHEREAS, the Sumter County Code of Ordinances has been amended from time to time, as necessary, to serve the needs of the citizens of Sumter County, Florida; and,

WHEREAS, Sumter County's Land Development Code is included within the Sumter County Code of Ordinances; and,

WHEREAS, the Board has determined that combining the Medium and Major development criteria contained within the Land Development Code will promote the consistent application of development regulations, and will promote efficiency in the development review process; and,

WHEREAS, the Board has determined that removing the requirement of Board approval for preliminary plans will expedite the development review process, eliminate duplication of services and reduce the time frame required for the review of development plans; and,

WHEREAS, the Board has determined, for the reasons stated herein, that amending the current Code of Ordinances to modify Sumter County's Land Development Code is appropriate; and,

WHEREAS, the Board, after the appropriate publication of notice of its intention to consider this Ordinance, has determined that in consideration of the health, safety and welfare of its citizens, it is in the best interests of Sumter County, Florida to approve this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Sumter County, Florida as follows:

SECTION 1. PURPOSE.

The purpose of this Ordinance is to Amend the Sumter County Code of Ordinances: Chapter 13 – *Land Development Code*, specifically Amending specific sections contained in Articles I and II, for the reasons set forth in the above Whereas clauses, which are incorporated herein, *in haec verba*.

SECTION 2. AUTHORITY.

Pursuant to Article VIII, Section I of the Florida Constitution and Sections 125.01 and 125.66 of the Florida Statutes, the Sumter County Board of County Commissioners has all powers of local self-government to perform county functions and render county services and facilities except when prohibited by law, including the authority to amend its Code of Ordinances.

SECTION 3. AMENDMENT TO CHAPTER 13 OF THE SUMTER COUNTY CODE OF ORDINAINCES, ENTITLED "LAND DEVELOPMENT CODE".

The Sumter County Board of County Commissioners hereby amends Chapter 13 of the Sumter County Code of Ordinances, *Land Development Code,* specifically amending Article I, Division 5, entitled: "Definitions And Interpretations", through the amendment of Section 13-41; specifically amending Article II, Division 1, entitled: "Generally", through the amendment of Section 13-103, 13-104 And Table 13-104A; by specifically amending Article II, Division 3, entitled: "Use Permits", through the amendment of Section 13-142; and by specifically amending Article II, Division 4, entitled: "Development Permits", through the amendment of Section 13-171, as follows:

A. The amendments to the Sumter County Code of Ordinances, Chapter 13, Land Development Code, Article I, Division 5, entitled: "Definitions And Interpretations", through the amendment of Section 13-41 is attached hereto as Exhibit "A", and incorporated herein, *in haec verba*.

B. The amendments to the Sumter County Code of Ordinances, Chapter 13, Land Development Code, Article II, Division 1, entitled: "Generally", through the amendment of Section 13-103, are attached hereto as Exhibit "B", and incorporated herein, *in haec verba*.

C. The amendments to the Sumter County Code of Ordinances, Chapter 13, Land Development Code, Article II, Division 1, entitled: "Generally", through the amendment of Section 13-104, are attached hereto as Exhibit "C", and incorporated herein, *in haec verba*.

D. The amendments to the Sumter County Code of Ordinances, Chapter 13, Land Development Code, Article II, Division 1, entitled: "Generally", through the amendment of Table 13-104A, are attached hereto as Exhibit "D", and incorporated herein, *in haec verba*.

E. The amendments to the Sumter County Code of Ordinances, Chapter 13, Land Development Code, Article II, Division 3, entitled: "Use Permits" through the

amendment of Section 13-142, are attached hereto as Exhibit "E", and incorporated herein, *in haec verba*.

F. The amendments to the Sumter County Code of Ordinances, Chapter 13, Land Development Code, Article II, Division 4, entitled: "Development Permits" through the amendment of Section 13-171, are attached hereto as Exhibit "F", and incorporated herein, *in haec verba*

SECTION 4. CODIFICATION.

It is the intention of the Sumter County Board of County Commissioners, and it is hereby ordained that the provisions of this Ordinance shall be reflected and made a part of the Code of Ordinances of Sumter County, Florida, with the exception of Sections 2, 4, 5 and 6. The word "Ordinance," or similar words may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to rescind those sections of the Code declared null and void as set forth herein.

SECTION 5. CONFLICTS AND REPEALER.

This Ordinance shall be cumulative of all provisions of the Ordinances of Sumter County Florida, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event all Ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. EFFECTIVE DATE.

Once adopted by the Sumter County Board of County Commissioners, this Ordinance shall become effective immediately.

PASSED AND ADOPTED at a duly called session of the Sumter County Board of County Commissioners, this_____ day of _____, 2012.

SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS,
SUMTER COUNTY, FLORIDA

GLORIA HAYWARD
SUMTER COUNTY CLERK

BY:_____
Garry Breeden, Chairman

ATTEST:

_____
DEPUTY CLERK

APPROVED AS TO FORM FOR THE RELIANCE OF SUMTER COUNTY ONLY:

_____

COUNTY ATTORNEY

Sec. 13-103. - Development classifications.

To provide an appropriate level of review and approval, all proposed development shall be classified by the director as either exempt, minor or major development according to the criteria below. An application for a development permit for all non-exempt development shall include sufficient information to allow the director to determine the appropriate classification. This classification shall then determine which permitting procedure presented in section 13-172 shall be required. Exempt development shall not require any review or permitting under this chapter. Classifications are defined as follows:

(a) *Exempt development.* A development activity shall be designated as exempt from the review and permitting requirements of this chapter if it meets any of the criteria contained herein, provided such exemptions are not aggregated to circumvent the purpose and intent of this chapter. Development activity exempt from permitting shall comply with the applicable land use and development standards requirements of this chapter.

(1) *Subdivision of land.* The following methods of subdividing land are exempt, however, no parcel created under any of the exemptions in this subsection shall be eligible for development permits unless and until that parcel is assigned the proper zoning classification for the intended use. Subdivision of property, by any means, contrary to the intent and terms of these exemptions and this chapter, is prohibited.

a. Creation of individual parcels of land by sale or gift out of a lawful parcel of record, between or among the owner and his/her lineal descendent(s) or ascendant(s) for residential purposes, as specified in subsection 13-308(a)(1).

b. Transfer of property, acquired or contracted for prior to February 3, 1992, between tenants in common or joint tenants for the purpose of dissolving the tenancy in common or joint tenancy among those tenants, as specified in subsection 13-308(a)(2).

c. Sale or exchange of parcels of land between owners of adjoining properties provided that no additional lots are thereby created and that the parcels remaining are not reduced below the minimum sizes required by the comprehensive plan and this chapter.

d. Subdivision of property for purposes of financing provided there is no intent to sell or develop more than one (1) of the parcels created.

e. Subdivision of property for the purpose of transfer to a body having the power of eminent domain.

f. Subdivision of land into any number of parcels ten (10) acres or larger, provided, however, a division of a parcel into tracts of ten (10) acres or larger shall require a private easement of at least sixty (60) feet in width. The easement shall have a stabilized surface as provided in appendix E. Easements in exempt subdivisions shall not be eligible for inclusion in the county road system.

g. Subdivision of a lawful parcel into not more than two (2) parcels provided all parcels meet the size and other requirements of the comprehensive plan and this

chapter.

(2) *Site development/activity.*

a. Where proposed improvements are completely interior to an existing structure and no change of occupancy occurs.

b. Mechanized land clearing and/or creation of impervious surfaces exempt from surface water management permitting by the SWMD.

c. Excavation of material meeting the following criteria:

1. Excavation does not violate any local, state or federal wetland regulations, and

2. Excavation does not create any run-off or drainage onto property owned by others, and

3. Not more than two thousand (2,000) cu. yds. (i.e. 75″×75″×10″) per parcel is excavated.

d. Streets, roads, easements and related construction by or for government entities, when not part of development otherwise regulated by this chapter.

e. Above or below ground electric power, telephone, telegraph, TV cable, gas, water, and sewer lines, wires or pipes (together with supporting poles, and related structures not more than one hundred (100) sq. ft. in area and ten (10) feet high) installed by or for governmental bodies and public or private utilities, and located within a public road right-of-way for which permission for such installation has been obtained, when not part of development otherwise regulated by this chapter.

f. Repaving a lawfully existing impervious surface.

g. Reserved.

h. Site development activity by or for the commission and other entities having the power of eminent domain.

i. Activities filling or recontouring land that do not require a surface water management permit from the Southwest Florida Water Management District.

(3) *Building construction.*

a. Construction of buildings to be used for farming purposes on agricultural parcels, provided there is no electrical, plumbing or mechanical installation.

b. Additions to residential units, and residential accessory buildings:

1. In land use zones R2M, R2C, R4M, R4C, R6M and R6C when the addition or accessory building:

a Does not provide enclosed living area, and

b Does not contain electrical, plumbing or HVAC fixtures, and

c) Is not larger than one hundred (100) sq. ft. under roof.

2. In land use zones A10, A10C, RR5, RR5C, RR2.5, RR2.5C, RR1 and RR1C when the addition or accessory building:

a) Does not provide enclosed living area, and

b) Does not contain electrical, plumbing or HVAC fixtures, and

c) Is not larger than two hundred (200) sq. ft. under roof

c. Additions to principal buildings, and accessory structures in land use zones CN, CL, CH, CR, ID, REC, PIE and PUD when the addition or accessory building:

a) Does not provide enclosed occupancy space; and

b) Does not contain electrical, plumbing or HVAC fixtures; and

c) Is not larger than fifty (50) sq. ft. in area.

d. Minor structural repair or replacement work exempted from contractor licensing by section 6-18 of the Sumter County Code which does not exceed one thousand dollars ($1,000.00) in value (materials and labor) in a calendar year and preserves egress requirements; and superficial or cosmetic construction which does not involve the integrity of the structure (bearing walls, etc.).

e. Minor electrical, plumbing or HVAC repair/maintenance work which does not add to or increase the system size or scope. Each type of work (except replacement of motors and air conditioning compressors/evaporators) shall not exceed five hundred dollars ($500.00) in value (materials and labor) in a calendar year.

f. Temporary construction offices and storage units on property for which a development permit for a principal structure has been issued and is currently in effect.

g. Signs:

1. Temporary signs. All temporary signs are exempt from permitting.

2. Permanent signs. Erection of ground signs of not more than fifteen (15) sq. ft. of face area provided such sign is not greater than ten (10) feet in height and does not utilize electrical devices.

h. Building construction by or for the school board and other entities exempt from local development approval.

i. Communication towers of not more than seventy-five (75) feet in height, and ham radio mast/antenna.

j. LP gas tank change-overs where both old and new tanks are owned by the same entity and tank capacity is not increased.

k. Installation, replacement or relocation of communication antennas, including but not limited to, microwave dishes, collinear antenna, omni-directional antennae and directional panels, on a principal structure including, but not limited to, communication towers, commercial/industrial/multi-family buildings, water towers and power line poles/towers, provided such antenna does not exceed the height of the structure by more than twenty-five (25) feet, complies with all applicable FCC/FAA regulations and applicable building codes and the structure is designed and constructed to accommodate said antenna.

(b) *Minor development.* Unless exempted in subsection (a), a development activity shall be designated a minor development if it does not exceed any of the following criteria:

(1) *Subdivision of land.* The subdivision of a parcel of land into not more than five (5) lots provided each lot created has the required frontage on a county or state maintained road, and the minimum area and dimensions required for its land use zone.

(2) *Site development/activity.*

a. Construction of new impervious surface, not exempt from SWFWMD surface water management permitting, of not more than ten (10) percent of a development tract or ten thousand (10,000) sq. ft., whichever is less.

b. Excavation of more than two thousand (2,000) cu. yd. but not more than ten thousand (10,000) cu. yd. (i.e. 150″×150″×12″) per parcel.

c. Community water supply system wellfields, and accessory facilities, of not more than two hundred fifty thousand (250,000) gallons per day capacity.

d. Wastewater treatment facilities of not more than two hundred fifty thousand (250,000) gallons per day capacity and/or effluent disposal facilities of not more than five hundred thousand (500,000) gallons per day capacity.

e. Reserved.

f. Activities filling or recontouring land that require a surface water management permit from the Southwest Florida Water Management District.

g. Land application of septage or sludge.

(3) *Building construction.*

a. Construction of non-residential farm buildings that contain electrical, plumbing or HVAC fixtures.

b. One (1) or two (2) single-family dwelling units, or one two-family dwelling unit on a single parcel.

c. Non-exempt additions to residential units and non-exempt residential accessory buildings.

d. Structure repair or replacement work not exempted from contractor licensing by section 6-18 of this Code.

e. Electrical, plumbing or HVAC repair/maintenance work which increases the system size or scope or exceeds five hundred dollars ($500.00) in value (materials and labor) in a calendar year.

f. Non residential construction of not more than one thousand (1,000) sq. ft. of enclosed space and two thousand (2,000) sq. ft. of open space.

g. Erection of non-exempt sign(s).

h. Non-exempt communication towers that do not exceed two hundred (200) feet in height.

i. Non-exempt installation, replacement or relocation of communication antennas, including but not limited to, microwave dishes, collinear antenna, omni-directional antennae and directional panels, on a principal structure including, but not limited to, communication towers, commercial/industrial/multi-family buildings, water towers and power line poles/towers, or when such antenna exceeds the height of the structure by more than twenty-five (25) feet.

(4) *Change of occupancy.* Any minor development which changes to an occupancy identified in subsection 13-171(b)(5).

(c) *Major development.* Unless exempted in subsection (a) or designated a minor development by subsection (b) respectively, a development activity shall be designated a major development if it satisfies one or more of the following criteria:

(1) *Subdivision of land*

a. The subdivision of a parcel(s) into more than five (5) lots, where such lots have the required frontage on a county or state maintained road.

b. Except as provided for in subsection (a)(1), the subdivision of a parcel into more than two (2) lots, where such lots have the required frontage on a privately maintained road.

c. Any replat of property.

(2) *Site development/activity.*

a. Construction of new impervious surface area greater one thousand (1,000) sq. ft. of a development tract.

b. Excavation of at least ten thousand (10,000) cu. yd., but not more than one hundred thousand (50,000) cu. yd. per parcel.

c. Mining as defined in Section 13-41 of the Land Development Code.

d. Community water supply system wellfields, and accessory facilities, of more than two hundred fifty thousand (250,000) gallons per day capacity.

e. Wastewater treatment facilities of more than two hundred fifty thousand (250,000) gallons per day capacity and/or effluent disposal facilities of more than five hundred

thousand (,500,000) gallons per day capacity.

f. Reserved.

(3) *Building construction.*

a. More than three (3) dwelling units.

b. Nonresidential construction of more than one thousand (1,000) sq. ft of enclosed space or more than two thousand (2,000) sq. ft. of open space.

c. Communication towers greater than 200 ft.

(4) Change of occupancy. Any major development which changes to an occupancy identified in subsection 13-171(b)(5).

(5) Other. Notwithstanding the other provisions of subsections (a) or (b) or this subsection, the following development shall be classified as major:

a. Any development activity requiring a conditional use approval.

b. Any planned unit development land use.

c. Any construction and demolition debris landfill.

d. Any development designated as a major development by the director, unless specified otherwise by the commission, because:

1. It is part of a larger development that does not qualify as a minor .

2. It should have major development review due to its complexity, location or potential for adverse impact to the community.

3. Reserved.

(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 2003-14, § 1, 8-12-03; Ord. No. 2004-31, § 1, 9-28-04; Ord. No. 2006-25, § 2, 8-15-06; Ord. No. 2010-04, § II, 3-23-10)

Sec. 13-104. - General administration of amendment and permit applications.

Applications for amendments and permits have the following general administration requirements.

(a) *Pre-application consultation.*

(1) *County staff.* Prior to filing for any amendment or permit, an applicant is strongly encouraged to contact the department for a consultation with the appropriate county development staff. The purpose of this preapplication consultation is for informal discussion of the requirements of the comprehensive plan and this chapter applicable to the proposed development. To minimize development planning costs, avoid misunderstanding or misinterpretation, and assist in compliance with applicable requirements, this meeting should be held in the early conceptual stage of the project. For the purpose of this cursory review, the applicant is encouraged to provide, when appropriate, a sketch plan indicating the proposed project area, its relationship to the surrounding area and the projects general development scheme. During the preapplication consultation, county development staff shall provide the applicant with the best information their knowledge and belief allows. However, final amendment approval lies with the commission and final permit approval may lie with an authority other than the department. Therefore, no applicant may wholly rely upon any comment concerning a proposed amendment or permit made by any participant at any preapplication consultation, as a representation or implication that such proposed amendment or permit will be approved or rejected.

(2) *Regulatory agencies and utilities.* It shall be the responsibility of the applicant to contact all regulatory agencies having jurisdiction, and utility companies having existing or future facilities at the proposed development site. He shall present to them, at an early stage in the development process, the proposed development so that coordination and cooperation may be obtained for the design and permitting process, thus avoiding incompatible and unacceptable design features.

(b) *Application submission.*

(1) *Filing.* A request for an amendment or permit is initiated with the submission of an application by authorized applicants to the director for presentation to the authority.

(2) *Authorized applicants.*

a. Chapter 13 amendments.

1. Zoning map amendments. Applications may only be submitted by an owner of record of subject property, or persons who have contracted to purchase or lease the property contingent upon their ability to acquire the necessary amendment, or the authorized agents of such persons (who shall make application in the name of such owner, lessee, or contract vendor). The director may require an applicant to submit evidence of his/her authority to submit an application. If property is jointly owned, the director may require that all owners initiate the request. In addition, the commission is authorized to initiate a zoning map amendment on any parcel of land in the unincorporated area of the county.

2. Text amendments. Applications may be submitted by any private or public person or entity, or their representative.

b. Land use and development permits (except building permits). Applications may only be submitted by an owner or lessee of record of subject property, or persons who have contracted to purchase or lease the property contingent upon their ability to acquire the necessary permit, or the authorized agents of such persons (who shall make application in the name of such owner, lessee, or contract vendor). The director may require an applicant to submit evidence of his/her authority to submit an application. If property is jointly owned, the director may require that all owners initiate the request.

c. Building permits. Applications may only be submitted by those persons or entities eligible to perform the work under F.S. ch. 489, part I, or Chapter 6, Article II of this Code, or their authorized agent (who shall make application in the name of such eligible person). The director may require an applicant to submit evidence of his/her authority to submit an application. If property is jointly owned, the director may require that all owners initiate the application.

1. Applicants seeking to qualify as owner-occupier under the above laws may be required to furnish the names of all contractors to be used prior to issuance of the permit, or prior to a Certificate of Occupancy being issued.

2. Agents for licensed contractors shall only be accepted after presentation of a notarized affidavit by said contractor.

3. The Building Official shall not accept any application from any person who does not have the proper credentials.

(3) Application fees shall be set by the board of county commissioners via resolution at its sole and absolute discretion.

(4) Application materials. An application form, in a format provided by the director, and other materials, as specified in Appendix A, are required for each amendment or permit application. The position taken by the commission is that all of the information specified in the application form and Appendix A, as required for each amendment or permit, is necessary to satisfy the requirements of completeness, and the burden of presenting a complete application shall be upon the applicant. An application is presumed complete when it contains all of the information required by Appendix A of this chapter. Notwithstanding the above, it is recognized that each development is unique, and therefore the authority may allow less information or require more information to be submitted according to the needs of the particular application. For applications to be approved by the commission, ZAB and DRB, the applicant may rely in the first instance on the recommendations of the director as to whether more or less information than that set forth in this chapter should be submitted.

(c) *Application processing.*

(1) *Application identification.* Upon filing, an application shall be assigned a unique identification number reflecting the nature of the requested action, and if applicable, the year and month assigned for public hearing and the order of receipt.

(2) *Expeditious processing.* Department and all authorities shall make every reasonable effort to process all applications as expeditiously as possible, consistent with any public notice requirements of Division 7 and schedule of public hearings established by the commission, and with the need to ensure that all approvals conform to the requirements of the comprehensive plan and this chapter and are in the best interests of the citizens of Sumter County.

(3) *Application completeness review.*

a. Time limits. Upon receipt of an application, the director shall review it for completeness within the following time limits, unless specified otherwise in this chapter.

1. Amendments (see Division 2)—Seven (7) days.

2. Use permits (see Division 3).

a)

Permitted use—Three (3) days.

b)

Special use—Ten (10) days.

c)

Conditional use—Twenty (20) days.

d)

Temporary use—Seven (7) days.

3. Development permits (see Division 4).

a)

Minor development—Five (5) days.

b)

Major development—Thirty (30) days.

b. Request for additional information.

1. The director shall notify the applicant of any apparent errors or omissions and request any additional information the director is permitted by law to require. The time specified for completeness review shall be tolled until receipt of additional information or notice by applicant that no additional information is forthcoming.

2. The failure to correct an error or omission or to supply additional information shall not be grounds for dismissal of an application, provided the information required for public notice is supplied, except that this paragraph does not prevent the authority from denying an application if it does not possess sufficient

information to ensure that the requested action is in compliance with applicable statutes and ordinances.

(4) *Review set.*

a. Review set. Upon determination of completeness, or notification that no additional information is forthcoming, the director shall set the application for formal review and action by the authority as presented in Table 13-104A, and in Divisions 2, 3 and 4.

b. Application amendments. An application may be amended after it has been noticed for public hearing, however, such amendment may result in a delay or cancellation of the application's scheduled hearing.

c. Application withdrawal. Applications may be withdrawn by the applicant at any time, however, amendment and use permit applications which require public hearings, that are withdrawn after public notice has been given that the application will be reviewed at a public hearing, are subject to the following:

1. The application cannot be refiled for a period of three (3) months from the date of scheduled public hearing.

2. If the application is withdrawn a second time after public notice, it cannot be refiled for a period of one (1) year from the date of the second scheduled public hearing.

(d) *Review and approval procedure.* Review and approval procedures are established in Divisions 2, 3 and 4, and are charted for information purposes in Table 13-104A.

(e) *Application review criteria and action.*

(1) *Review criteria.*

TABLE 13-104A DEVELOPMENT REVIEWS AND APPROVALS

CHAPTER 13 AMENDMENTS		USE AND DEVELOPMENT PERMITS							
			USE PERMIT*	DEVELOPMENT PERMITS					
				Site Permit		Record Plat**	Building Permit	Operating Permit	Change Of Occupancy
Type of Amendment		Type of Land Use Approval	Conceptual Plan	Preliminary Plan	Engineering Plan				Permit
		MINOR DEVELOPMENT							
Zoning Map Amendment To Non-PUD	R-zab A-bcc	Permitted	A-dir				A-bo		A-bo
Zoning Map Amendment To-PUD	R-drc R-zab A-bcc	Special	R-dir A-zab				A-bo		
Text Amendment	R-drc R-zab A-bcc	Temporary (short)	A-dir				A-bo		
		Temporary (long)	R-dir A-zab				A-bo		

		MAJOR DEVELOPMENT							
		Permitted	A-drc	A-drc	R-drc A-eng	R-drc A-bcc	A-bo		A-dir A-bo
		Special	R-drc R-zab A-bcc	A-drc	R-drc A-engr		A-bo		
		Conditional	R-drc R-zab A-bcc		R-drc A-engr		A-bo	R-drc A-bcc	
		Temporary (short)	R-dir A-drc		A-engr		A-bo		
		Temporary (long)	R-drc R-zab A-bcc		R-drc A-engr		A-bo		
Legend									
R = Recommending Authority			zab = Zoning and Adjustment Board				engr = County Engineer		
A = Approving Authority			drc = Development Review Committee				dir = Director of Public Services		
bcc = Board of County Commissioners							bo = Building Official		
* Not required for Planned Unit Development				** Required for major subdivisions					

a. Sufficiency. The burden of presenting a sufficient application to the authority shall be upon the applicant. An application is sufficient when it contains all of the information necessary for the authority to decide, at that level of review, whether the development, if completed as proposed, will comply with all of the requirements of this chapter. The authority shall determine if the application is sufficient, however, unless the authority informs the applicant in what way the application is insufficient and offers the applicant an opportunity to complete the application, the application shall be presumed to be sufficient. If the authority concludes that the application is insufficient and the applicant refuses to provide the necessary information, the application may be denied. A motion or action to this effect shall specify either the particular type of information lacking or the particular requirement with respect to which the application is insufficient.

b. Consistency.

1. In deciding whether to approve an application, the central issue before the authority is whether the proposed change is consistent with the Goals, Objectives and Policies of the Sumter County Comprehensive Plan, requirements of this chapter, other applicable laws, previously approved plans and permits, and advances the public health, safety or welfare.

c. Other criteria.

1. For Chapter 13 amendments, considerations shall include, but are not necessarily limited to:

a) Change of conditions, or absence of changed conditions, that may support or not support the amendment.

b) Community need, or lack of community need, for the proposed land use zone or text change.

c) Benefits to the community by the amendment.

d) The rights of private property owners to utilize their property in a free society.

2. For special, conditional and temporary land use permits, considerations shall include, but are not necessarily limited to:

a) Community need, or lack of community need, for the specified use.

b) Adverse impacts on the community by the specified use.

c) Benefits to the community from the specified use.

d) The rights of private property owners to utilize their property in a free society.

d. Secondary issues. Most other issues are secondary, and all information related to other issues at any public hearing should be regarded as such by the authority. In particular:

1. When considering Chapter 13 amendments:

a) The authority should not consider any representation made by the petitioner that if a change is granted the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the authority should consider whether the entire range of permitted uses in the requested zone is more appropriate than the range of permitted uses in the existing zone.

b) The authority should not regard as controlling any advantages or disadvantages to the individual requesting the change, but should balance the rights of that individual with the impact of the proposed changes on the public at large.

2. When considering land use permits the authority should not regard as controlling any advantages or disadvantages to the individual requesting the change, but should consider the impact of the proposed change on the public at large.

(2) *Action on application.* Recommending and approving authorities shall take action on applications as follows:

a. Approve as presented. A motion or action to approve the application as presented shall specify the specific goals, objectives or policies in the comprehensive plan, sections of this chapter or other applicable laws with respect to which the application complies.

b. Approve with conditions. Where authorized in this chapter, the application may be approved subject to conditions. If approved subject to such conditions, the nature of the required conditions shall be indicated in writing on the records of the authority and furnished to the applicant. Acceptance by the applicant of the required changes shall be presumed unless the applicant notifies the director to the contrary, in writing, within thirty (30) days of receipt of the action. Such notification by the applicant, refusing acceptance of one or more of the required conditions shall be considered a rejection of the application approval and such approval shall expire. A new application for the same amendment or permit may not be resubmitted for three (3) months.

c. Disapproval.

1. A motion to approve that fails to obtain an affirmative vote shall be considered an action for disapproval. Subsequent to the vote, the authority shall specify the items of non-compliance.

2. A motion or action for disapproval shall specify the specific goals, objectives or policies in the comprehensive plan, sections of this chapter or other applicable laws with respect to which the application does not comply (a separate vote may be taken with respect to each law not met by the application). If such a motion, or motions, fail, it shall be conclusively presumed that the application complies with all laws. If the authority concludes that the application fails to meet one or more of the goals, objectives or policies in the comprehensive plan, it shall be denied. If the authority concludes that the application fails to meet one or more requirements of this chapter or other applicable law, it shall be denied unless a variance is granted. If the application is disapproved, the authority shall express its disapproval and the reasons therefor in writing on its records and a statement in writing of such grounds of disapproval shall be furnished to the applicant. Denied applications shall be with or without prejudice. If an application is denied, it shall be presumed to have been done without prejudice, unless specified otherwise in the denial, and may be resubmitted as provided for herein.

3. While adherence to the requirements of the comprehensive plan, this chapter and other laws is mandatory, all recommending and approving authorities shall make reasonable attempts to facilitate a resolution of the non-compliance issues upon which a disapproval is proposed or given, when alternative methods of compliance are apparent.

Nothing herein shall prevent an applicant who has received approval with or without conditions from applying for an amendment to any action by Sumter County, its staff or reviewing boards for an amendment to such approval.

d. Table (continue) the application. If the authority determines that information, evidence or testimony necessary for the proper evaluation of the application is not presented or available at the time of review, it may postpone its decision or action until a future date to provide the opportunity for such to be furnished. The required information, evidence or testimony shall be specified in the motion to table.

e. Return application. At the discretion of the approving authority, the application may be returned to the recommending authority for further consideration where additional material information, which was not reasonably available at time of recommendation hearing, has become known.

(3) Actions of the authority shall recorded and included in the written minutes of the public hearing or meeting at which the action was considered and all such actions shall be deemed final for purposes of appeal on the date the action is taken.

a. For all amendments and special, conditional and long temporary use permit applications requiring public hearings.

1. Actions of the authority shall be placed in the written minutes of the public

hearing, along with the reason(s) for the action, and reported to the applicant and any subsequent recommending or approving authority, in writing, by the director, within five (5) days of such action.

2. A final order shall be issued by the approving authority for all applications. In addition to language specifying the action taken, this order shall contain findings of fact and conclusions of law.

b. For short temporary use and development permits.

1. Actions of the authority shall be placed in the written minutes of the public hearing, along with the reason(s) for the action, and reported to the applicant and any subsequent recommending or approving authority, in writing, by the director, within five (5) days of such action. When an approved plan, plat or permit deviates from the preceding approvals of that development activity, such deviations and the reasons therefore shall be included in the written decision.

(f) *Reapplication.*

(1) *Amendments and use permits.* Whenever the authority disapproves an application for an amendment or use permit, a reapplication for the same amendment or use permit may not be submitted except in conformance with the following:

a. Disapproval without prejudice. Unless specified otherwise in the disapproval, denied applications shall be without prejudice and the same application may be resubmitted to the director any time after a period of ninety (90) days from date of denial has expired.

b. Disapproval with prejudice. When denial with prejudice is specified in the action of the authority, the same application may not be resubmitted to the director for a period of one (1) year from date of denial.

c. Waiver of time. Notwithstanding subsections a. and b., whenever an application is denied on a basis other than the failure of the applicant to submit a complete application, a reapplication may be allowed by the director at any time as follows:

1. Where the applicant clearly demonstrates that circumstances affecting the property that is the subject of the application have substantially changed since the denial; or

2. Where new, material information is available that could not with reasonable diligence have been presented at a previous hearing.

3. A request to be heard on the basis of subsection 1. or 2. may be filed with the director at any time. However, such filing does not extend the time period within which an appeal must be taken. Although an application may be accepted by the director, the final determination for meeting the conditions of subsection 1. or 2. rests solely with the authority.

d. New application. Notwithstanding subsections a., b. and c., new applications affecting the same property previously denied may be submitted. A new application is one that differs in some substantial way from one previously considered. Although an

application may be accepted by the director, the final determination for meeting the conditions of a new application rests solely with the authority.

(2) *Development permits.* Disapproved applications for development permits may be resubmitted at any time.

(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 2000-12, §§ 6—9, 4-25-00; Ord. No. 2000-16, § 2, 6-13-00; Ord. No. 2006-25, § 3, 8-15-06; Ord. No. 2010-13, § 19, 8-24-10)

Sec. 13-142. - Application review and approval procedure.

(a) *Public notice and hearing requirements observed.* All applications for use permits shall be classified as minor, medium or major development (see section 13-103) and, except when acted upon by the director, shall be reviewed and acted upon by the authority in a public hearing which has been noticed and is conducted as specified in Division 7.

(b) *Minor development.* Upon completeness of the application, the following shall occur:

(1) *Permitted use.* The application shall be reviewed and acted upon by the director within five (5) days.

(2) *Special use.*

a. Director. The application shall be reviewed by the director who shall forward a recommendation to the zoning and adjustment board (herein referred to as ZAB) a minimum of five (5) days prior to its hearing.

b. ZAB. The application shall be set for a public hearing before the ZAB at its next scheduled meeting consistent with public notice requirements.

(3) *Temporary use.*

a. Short. The application shall be reviewed and acted upon by the director within five (5) days of completeness. An application not approved by the director shall be processed pursuant to subsection b.

b. Long.

1. The application shall be reviewed by the director who shall forward a recommendation to the ZAB a minimum of five (5) days prior to its hearing.

2. The application shall be set for a public hearing before the ZAB at its next scheduled meeting consistent with public notice requirements.

(d) *Major development.* Upon completeness of the application, the following shall occur:

(1) *Permitted use.*

DRC. The application shall be placed on the agenda of the DRC at a duly scheduled and noticed meeting.

(2) *Special, conditional and temporary use.*

a. DRC. The application shall be placed on the agenda of the DRC at a duly scheduled and noticed meeting for consideration and recommendation to the ZAB.

b. ZAB. The application shall be set for public hearing before the ZAB at a meeting consistent with public notice requirements and the time required for prior DRC consideration and recommendation. The ZAB shall consider the application and make a recommendation

to the BOCC.

c. Commission. The application shall be set for public hearing before the commission for their consideration at a meeting consistent with public notice requirements and the time required for prior review and recommendation.

(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 2000-16, §§ 5—8, 6-13-00)

Sec. 13-171. - General.

(a) *Purpose and intent.* Upon the effective date of this chapter, all new development of land shall comply with Articles IV (General Development Standards) and V (Specific Use Standards) of this chapter, except where provided for in Article VI (Non-Conforming Situations), and elsewhere herein. To insure compliance of all new development with these standards, it is the purpose and intent of this Division to establish permits and permit procedures for authorizing non-exempt development activities.

(b) *Development permits established and required.* The following permits are hereby established and required as specified. No non-exempt subdivision of land or substantial grading, excavation, paving, utility installation or other site work, or construction, erection, movement, improvement, alteration or demolition of any building or other structure, or operation of a conditional use, or change of occupancy shall occur after the effective date of this chapter without a development permit issued pursuant to this Division.

(1) *Site permit.*

a. Established. There is hereby established a site permit which allows the applicant to perform substantial grading, paving and excavation and to construct drainage, utilities and other site work in compliance with approved plans.

b. Permit required. No work as described herein shall be performed on any major development prior to obtaining a site permit. No other development permit shall be issued for any portion of a proposed development, nor shall any public or private facility or improvement be constructed therein until a site permit has been issued, except the approving authority may permit limited construction of improvements before site permit issuance, provided that the principal benefit of such construction is not to establish an irrevocable vested interest in the permit, but rather to benefit the timely construction of public facilities not totally oriented to the proposed development.

c. Site permit plans. Except as provided in Article VI (Non-conforming Situations), all proposed development of land must comply with Article IV. (General Development Standards) and Article V. (Specific Use Standards) of this chapter. Therefore, as an integral part of the permitting process, all proposed site improvements for major development must be approved for compliance with these standards through reviews of one (1) or two (2) development plans, namely preliminary plan and engineering plan, as described below and required herein.

1. Preliminary plan. This plan shows an extensive amount of information concerning the property and the development proposed thereon. See Appendix A for specific requirements for preliminary plans.

2. Engineering plan. This plan includes the detailed engineering information necessary for the construction of all required physical improvements designed to serve the development. See Appendix A for specific requirements for engineering plans.

(2) *Record plat.*

a. Established. There is hereby established a record plat which allows the applicant to sell or otherwise convey real property created by major subdivisions. No transfer of subdivided property shall occur except in conformance with this chapter.

b. Record plat. All subdivision of residential property for major development or recreational vehicle park subdivisions shall be required to prepare, and file with the county clerk, a record plat of the development in accordance with F.S. ch. 177. See F.S. ch. 177 and Appendix A for specific requirements for record plats.

(3) *Building permit.*

a. Established. There is hereby established a building permit which allows the applicant to construct, erect, move, improve or substantially alter buildings or other structures in compliance with approved plans. Building, electrical, plumbing, mechanical, gas and all other permits required by the building codes specified in Appendix 13E. are included in this type. This permit grants no authority to violate, cancel, alter, or set aside any applicable code, regulation, requirement, ordinance or law, regardless of what may be shown or omitted on the permit documents, except where such is specifically given by the approving authority.

b. Permit required. All non-exempt on-site construction, erection, addition to, alteration, repair and demolition of buildings and other structures, and the installation of manufactured buildings and mobile homes for minor, medium and major development shall require a written building permit.

c. Building permit plans. This plan is drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and shall show in detail that it will conform to the provisions of all applicable codes. See Appendix A. for specific requirements.

(4) *Operating permit.*

a. Established. There is hereby established an operating permit for land uses approved as conditional uses under this Code, which, because of their increased potential for adverse effects on public health, safety, welfare and the environment warrant a degree of permitting, monitoring and other controls not necessary for permitted, special or temporary uses. An operating permit is not a permit of right and shall allow operation of the usage only so long as it is conducted in compliance with all local, state and federal laws and permit conditions and only so long as the operation does not create a danger to the public health, safety and welfare. There is no presumption that an operating permit will be issued or renewed.

b. Permit required. No conditional use, as specified in this chapter, shall be operated prior to obtaining an operating permit

c. Permit authority. An operating permit shall allow the applicant to operate a conditional use in compliance with approved plans and conditions. It shall set forth in writing all general and specific conditions, safeguards and stipulations upon which the conditional use development and operation approval is granted. An operating permit constitutes authorization to commence specified activities and utilize the site or location of said use in the manner specified in the conditions, safeguards, stipulations and authorization of said permit, for a specified period of time.

(5) *Change of occupancy permit.*

a. Classification of occupancies. Principal uses of land and structures, except agriculture, shall be classified according to one of the following occupancies.

1. Assembly.

2. Business.

3. Educational.

4. Hazardous.

5. Factory industrial.

6. Institutional.

7. Mercantile.

8. Residential.

9. Storage.

b. Established. There is hereby established a change of occupancy permit which allows the applicant to use a structure for an occupancy permissible in this chapter but for which the structure is not presently approved.

c. Permit required. No change of occupancy from one classification to another, as described herein, shall be made in any minor, medium or major development prior to obtaining a change of occupancy permit.

(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 2003-1, 1-14-03; Ord. No. 2009-27, § II, 12-29-09)

Sec. 13-41. - Definitions.

(a) *General.* Unless otherwise specifically provided herein, or unless clearly required by the context, the words, terms and phrases used in this chapter shall have the meaning as indicated in this section or elsewhere in this chapter or as found in other chapters of this Code. Words, terms, and phrases not defined in this section or elsewhere in this chapter or Code shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application, subject to the rules of interpretation of section 13-42. Definitions and meanings of words ascribed thereto by other departments or agencies of county government shall not override the definitions and meanings set forth herein and the definitions set forth in this section and the interpretation rules contained in this chapter shall control over any contravening definition or interpretation found in other chapters of this Code or other ordinances, policies, applications, licenses or documents utilized by any other agency, department or constitutional office of the county.

(b) *Specific.*

~~*Medium development*—See section 13-171.~~

Sec. 13-103. - Development classifications.

To provide an appropriate level of review and approval, all proposed development shall be classified by the director as either exempt, minor~~, medium~~ or major development according to the criteria below. An application for a development permit for all non-exempt development shall include sufficient information to allow the director to determine the appropriate classification. This classification shall then determine which permitting procedure presented in section 13-172 shall be required. Exempt development shall not require any review or permitting under this chapter. Classifications are defined as follows:

(a) *Exempt development.* A development activity shall be designated as exempt from the review and permitting requirements of this chapter if it meets any of the criteria contained herein, provided such exemptions are not aggregated to circumvent the purpose and intent of this chapter. Development activity exempt from permitting shall comply with the applicable land use and development standards requirements of this chapter.

(1) *Subdivision of land.* The following methods of subdividing land are exempt, however, no parcel created under any of the exemptions in this subsection shall be eligible for development permits unless and until that parcel is assigned the proper zoning classification for the intended use. Subdivision of property, by any means, contrary to the intent and terms of these exemptions and this chapter, is prohibited.

a. Creation of individual parcels of land by sale or gift out of a lawful parcel of record, between or among the owner and his/her lineal descendent(s) or ascendant(s) for residential purposes, as specified in subsection 13-308(a)(1).

b. Transfer of property, acquired or contracted for prior to February 3, 1992, between tenants in common or joint tenants for the purpose of dissolving the tenancy in common or joint tenancy among those tenants, as specified in subsection 13-308(a)(2).

c. Sale or exchange of parcels of land between owners of adjoining properties provided that no additional lots are thereby created and that the parcels remaining are not reduced below the minimum sizes required by the comprehensive plan and this chapter.

d. Subdivision of property for purposes of financing provided there is no intent to sell or develop more than one (1) of the parcels created.

e. Subdivision of property for the purpose of transfer to a body having the power of eminent domain.

f. Subdivision of land into any number of parcels ten (10) acres or larger, provided, however, a division of a parcel into tracts of ten (10) acres or larger shall require a private easement of at least sixty (60) feet in width. The easement shall have a stabilized surface as provided in appendix E. Easements in exempt subdivisions shall not be eligible for inclusion in the county road system.

g. Subdivision of a lawful parcel into not more than two (2) parcels provided all parcels meet the size and other requirements of the comprehensive plan and this

chapter.

(2) *Site development/activity.*

a. Where proposed improvements are completely interior to an existing structure and no change of occupancy occurs.

b. Mechanized land clearing and/or creation of impervious surfaces exempt from surface water management permitting by the SWMD.

c. Excavation of material meeting the following criteria:

1. Excavation does not violate any local, state or federal wetland regulations, and

2. Excavation does not create any run-off or drainage onto property owned by others, and

3. Not more than two thousand (2,000) cu. yds. (i.e. 75″×75″×10″) per parcel is excavated.

d. Streets, roads, easements and related construction by or for government entities, when not part of development otherwise regulated by this chapter.

e. Above or below ground electric power, telephone, telegraph, TV cable, gas, water, and sewer lines, wires or pipes (together with supporting poles, and related structures not more than one hundred (100) sq. ft. in area and ten (10) feet high) installed by or for governmental bodies and public or private utilities, and located within a public road right-of-way for which permission for such installation has been obtained, when not part of development otherwise regulated by this chapter.

f. Repaving a lawfully existing impervious surface.

g. Reserved.

h. Site development activity by or for the commission and other entities having the power of eminent domain.

i. Activities filling or recontouring land that do not require a surface water management permit from the Southwest Florida Water Management District.

(3) *Building construction.*

a. Construction of buildings to be used for farming purposes on agricultural parcels, provided there is no electrical, plumbing or mechanical installation.

b. Additions to residential units, and residential accessory buildings:

1. In land use zones R2M, R2C, R4M, R4C, R6M and R6C when the addition or accessory building:

a Does not provide enclosed living area, and

b Does not contain electrical, plumbing or HVAC fixtures, and

c) Is not larger than one hundred (100) sq. ft. under roof.

2. In land use zones A10, A10C, RR5, RR5C, RR2.5, RR2.5C, RR1 and RR1C when the addition or accessory building:

a) Does not provide enclosed living area, and

b) Does not contain electrical, plumbing or HVAC fixtures, and

c) Is not larger than two hundred (200) sq. ft. under roof

c. Additions to principal buildings, and accessory structures in land use zones CN, CL, CH, CR, ID, REC, PIE and PUD when the addition or accessory building:

a) Does not provide enclosed occupancy space; and

b) Does not contain electrical, plumbing or HVAC fixtures; and

c) Is not larger than fifty (50) sq. ft. in area.

d. Minor structural repair or replacement work exempted from contractor licensing by section 6-18 of the Sumter County Code which does not exceed one thousand dollars ($1,000.00) in value (materials and labor) in a calendar year and preserves egress requirements; and superficial or cosmetic construction which does not involve the integrity of the structure (bearing walls, etc.).

e. Minor electrical, plumbing or HVAC repair/maintenance work which does not add to or increase the system size or scope. Each type of work (except replacement of motors and air conditioning compressors/evaporators) shall not exceed five hundred dollars ($500.00) in value (materials and labor) in a calendar year.

f. Temporary construction offices and storage units on property for which a development permit for a principal structure has been issued and is currently in effect.

g. Signs:

1. Temporary signs. All temporary signs are exempt from permitting.

2. Permanent signs. Erection of ground signs of not more than fifteen (15) sq. ft. of face area provided such sign is not greater than ten (10) feet in height and does not utilize electrical devices.

h. Building construction by or for the school board and other entities exempt from local development approval.

i. Communication towers of not more than seventy-five (75) feet in height, and ham radio mast/antenna.

j. LP gas tank change-overs where both old and new tanks are owned by the same entity and tank capacity is not increased.

k. Installation, replacement or relocation of communication antennas, including but not limited to, microwave dishes, collinear antenna, omni-directional antennae and directional panels, on a principal structure including, but not limited to, communication towers, commercial/industrial/multi-family buildings, water towers and power line poles/towers, provided such antenna does not exceed the height of the structure by more than twenty-five (25) feet, complies with all applicable FCC/FAA regulations and applicable building codes and the structure is designed and constructed to accommodate said antenna.

(b) *Minor development.* Unless exempted in subsection (a), a development activity shall be designated a minor development if it does not exceed any of the following criteria:

(1) *Subdivision of land.* The subdivision of a parcel of land into not more than five (5) lots provided each lot created has the required frontage on a county or state maintained road, and the minimum area and dimensions required for its land use zone.

(2) *Site development/activity.*

a. Construction of new impervious surface, not exempt from SWFWMD surface water management permitting, of not more than ten (10) percent of a development tract or ten thousand (10,000) sq. ft., whichever is less.

b. Excavation of more than two thousand (2,000) cu. yd. but not more than ten thousand (10,000) cu. yd. (i.e. 150″×150″×12″) per parcel.

c. Community water supply system wellfields, and accessory facilities, of not more than two hundred fifty thousand (250,000) gallons per day capacity.

d. Wastewater treatment facilities of not more than two hundred fifty thousand (250,000) gallons per day capacity and/or effluent disposal facilities of not more than five hundred thousand (500,000) gallons per day capacity.

e. Reserved.

f. Activities filling or recontouring land that require a surface water management permit from the Southwest Florida Water Management District.

g. Land application of septage or sludge.

(3) *Building construction.*

a. Construction of non-residential farm buildings that contain electrical, plumbing or HVAC fixtures.

b. One (1) or two (2) single-family dwelling units, or one two-family dwelling unit on a single parcel.

c. Non-exempt additions to residential units and non-exempt residential accessory buildings.

d. Structure repair or replacement work not exempted from contractor licensing by section 6-18 of this Code.

e. Electrical, plumbing or HVAC repair/maintenance work which increases the system size or scope or exceeds five hundred dollars ($500.00) in value (materials and labor) in a calendar year.

f. Non residential construction of not more than one thousand (1,000) sq. ft. of enclosed space and two thousand (2,000) sq. ft. of open space.

g. Erection of non-exempt sign(s).

h. Non-exempt communication towers that do not exceed two hundred (200) feet in height.

i. Non-exempt installation, replacement or relocation of communication antennas, including but not limited to, microwave dishes, collinear antenna, omni-directional antennae and directional panels, on a principal structure including, but not limited to, communication towers, commercial/industrial/multi-family buildings, water towers and power line poles/towers, or when such antenna exceeds the height of the structure by more than twenty-five (25) feet.

(4) *Change of occupancy.* Any minor development which changes to an occupancy identified in subsection 13-171(b)(5).

~~(c) *Medium development.* Unless exempted in subsection a. or designated a minor development in subsection b, a development activity shall be designated a medium development if it satisfies one (1) or more of the following criteria:~~

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~~(1) *Subdivision of land*~~

~~a. The subdivision of a parcel into more than five (5) but not more than twenty (20) parcels, where such lots have the required frontage on a county or state maintained road.~~

~~b. Except as provided for in subsection (a)(1), the subdivision of a parcel into more than two (2) but not more than twenty (20) lots, where such lots have the required frontage on a privately maintained road.~~

~~c. A replat resulting in not more than twenty (20) lots.~~

~~(2) *Site development/activity.*~~

~~a. Construction of new impervious surface, not exempt from SWFWMD surface water management permitting, of not more than twenty (20) percent of a development tract or twenty thousand (20,000) sq. ft., whichever is less.~~

~~b. Excavation of at least 10,000 cu. yd., but not more than 50,000 cu. yd. (i.e. 250″×250″×22″) per parcel.~~

~~c. Community water supply system wellfields, and accessory facilities, of not more than 500,000 gallons per day capacity.~~

~~d. Wastewater treatment facilities of not more than 500,000 gallons per day capacity and/or effluent disposal facilities of not more than one million (1,000,000) gallons per day capacity.~~

~~e. Reserved.~~

~~(3) *Building construction.*~~

~~a. At least three (3) but not more than twenty (20) dwelling units.~~

~~b. Nonresidential construction of more than one thousand (1,000) sq. ft., but less than fifteen hundred (15,000) sq. ft of enclosed space, or more than two thousand (2,000) sq. ft. but not more than thirty thousand (30,000) sq. ft. of open space.~~

~~c. Communication towers exceeding two hundred (200) feet in height.~~

~~(4) *Change of occupancy.* Any medium development which changes to an occupancy identified in subsection 13-171(b)(5).~~

(c~~d~~) *Major development.* Unless exempted in subsection (a) or designated a minor development ~~or medium development~~ ~~in~~ by subsection~~s~~ (b) ~~or (c)~~ respectively, a development activity shall be designated a major development if it satisfies one or more of the following criteria:

(1) *Subdivision of land*

a. The subdivision of a parcel(s) into more than ~~twenty (20)~~five (5) lots, where such lots have the required frontage on a county or state maintained road. ~~.~~

b. Except as provided for in subsection (a)(1), the subdivision of a parcel into more than two (2) lots, where such lots have the required frontage on a privately maintained road.

~~b~~c. Any replat of property~~resulting in more than twenty (20) lots~~.

(2) *Site development/activity.*

a. Construction of new impervious surface area~~, not exempt from SWFWMD surface water management permitting, of more~~ greater ~~than twenty (20) percent of a development tract or~~ one~~twenty~~ thousand (~~20~~1,000) sq. ft. of a development tract~~, whichever is less~~.

b. Excavation of at least ~~fifty~~ten thousand (1~~5~~0,000) cu. yd., but not more than one hundred thousand (~~100~~50,000) cu. yd. ~~(i.e. 300″×300″×30″)~~ per parcel.

c. Mining as defined in Section 13-41 of the Land Development Code.

d. Community water supply system wellfields, and accessory facilities, of more than two hundred fifty~~five hundred~~ thousand (25~~50~~0,000) gallons per day capacity.

e. Wastewater treatment facilities of more than ~~five hundred~~two hundred fifty thousand (25~~50~~0,000) gallons per day capacity and/or effluent disposal facilities of more than ~~one million~~five hundred thousand (~~1~~,~~0~~500,000) gallons per day capacity.

f. Reserved.

(3) *Building construction.*

a. More than ~~twenty~~three (~~20~~3) dwelling units.

b. Nonresidential construction of more than ~~fifteen~~one thousand (1~~5~~,000) sq. ft of enclosed space or more than ~~thirty~~two thousand (~~30~~2,000) sq. ft. of open space.

c. Communication towers greater than 200 ft.

(4) Change of occupancy. Any major development which changes to an occupancy identified in subsection 13-171(b)(5).

(5) Other. Notwithstanding the other provisions of subsections (a)~~,~~ or (b)~~, (c)~~ or this subsection, the following development shall be classified as major:

a. Any development activity requiring a conditional use approval.

b. Any planned unit development land use.

c. Any construction and demolition debris landfill.

d. Any development designated as a major development by the director, unless specified otherwise by the commission, because:

1. It is part of a larger development that does not qualify as a minor ~~or medium development~~.

2. It should have major development review due to its complexity, location or potential for adverse impact to the community.

3. Reserved.

(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 2003-14, § 1, 8-12-03; Ord. No. 2004-31, § 1, 9-28-04; Ord. No. 2006-25, § 2, 8-15-06; Ord. No. 2010-04, § II, 3-23-10)

Sec. 13-104. - General administration of amendment and permit applications.

Applications for amendments and permits have the following general administration requirements.

(a) *Pre-application consultation.*

(1) *County staff.* Prior to filing for any amendment or permit, an applicant is strongly encouraged to contact the department for a consultation with the appropriate county development staff. The purpose of this preapplication consultation is for informal discussion of the requirements of the comprehensive plan and this chapter applicable to the proposed development. To minimize development planning costs, avoid misunderstanding or misinterpretation, and assist in compliance with applicable requirements, this meeting should be held in the early conceptual stage of the project. For the purpose of this cursory review, the applicant is encouraged to provide, when appropriate, a sketch plan indicating the proposed project area, its relationship to the surrounding area and the projects general development scheme. During the preapplication consultation, county development staff shall provide the applicant with the best information their knowledge and belief allows. However, final amendment approval lies with the commission and final permit approval may lie with an authority other than the department. Therefore, no applicant may wholly rely upon any comment concerning a proposed amendment or permit made by any participant at any preapplication consultation, as a representation or implication that such proposed amendment or permit will be approved or rejected.

(2) *Regulatory agencies and utilities.* It shall be the responsibility of the applicant to contact all regulatory agencies having jurisdiction, and utility companies having existing or future facilities at the proposed development site. He shall present to them, at an early stage in the development process, the proposed development so that coordination and cooperation may be obtained for the design and permitting process, thus avoiding incompatible and unacceptable design features.

(b) *Application submission.*

(1) *Filing.* A request for an amendment or permit is initiated with the submission of an application by authorized applicants to the director for presentation to the authority.

(2) *Authorized applicants.*

a. Chapter 13 amendments.

1. Zoning map amendments. Applications may only be submitted by an owner of record of subject property, or persons who have contracted to purchase or lease the property contingent upon their ability to acquire the necessary amendment, or the authorized agents of such persons (who shall make application in the name of such owner, lessee, or contract vendor). The director may require an applicant to submit evidence of his/her authority to submit an application. If property is jointly owned, the director may require that all owners initiate the request. In addition, the commission is authorized to initiate a zoning map amendment on any parcel of land in the unincorporated area of the county.

2. Text amendments. Applications may be submitted by any private or public person or entity, or their representative.

b. Land use and development permits (except building permits). Applications may only be submitted by an owner or lessee of record of subject property, or persons who have contracted to purchase or lease the property contingent upon their ability to acquire the necessary permit, or the authorized agents of such persons (who shall make application in the name of such owner, lessee, or contract vendor). The director may require an applicant to submit evidence of his/her authority to submit an application. If property is jointly owned, the director may require that all owners initiate the request.

c. Building permits. Applications may only be submitted by those persons or entities eligible to perform the work under F.S. ch. 489, part I, or Chapter 6, Article II of this Code, or their authorized agent (who shall make application in the name of such eligible person). The director may require an applicant to submit evidence of his/her authority to submit an application. If property is jointly owned, the director may require that all owners initiate the application.

1. Applicants seeking to qualify as owner-occupier under the above laws may be required to furnish the names of all contractors to be used prior to issuance of the permit, or prior to a Certificate of Occupancy being issued.

2. Agents for licensed contractors shall only be accepted after presentation of a notarized affidavit by said contractor.

3. The Building Official shall not accept any application from any person who does not have the proper credentials.

(3) Application fees shall be set by the board of county commissioners via resolution at its sole and absolute discretion.

(4) Application materials. An application form, in a format provided by the director, and other materials, as specified in Appendix A, are required for each amendment or permit application. The position taken by the commission is that all of the information specified in the application form and Appendix A, as required for each amendment or permit, is necessary to satisfy the requirements of completeness, and the burden of presenting a complete application shall be upon the applicant. An application is presumed complete when it contains all of the information required by Appendix A of this chapter. Notwithstanding the above, it is recognized that each development is unique, and therefore the authority may allow less information or require more information to be submitted according to the needs of the particular application. For applications to be approved by the commission, ZAB and DRB, the applicant may rely in the first instance on the recommendations of the director as to whether more or less information than that set forth in this chapter should be submitted.

(c) *Application processing.*

(1) *Application identification.* Upon filing, an application shall be assigned a unique identification number reflecting the nature of the requested action, and if applicable, the year and month assigned for public hearing and the order of receipt.

(2) *Expeditious processing.* Department and all authorities shall make every reasonable effort to process all applications as expeditiously as possible, consistent with any public notice requirements of Division 7 and schedule of public hearings established by the commission, and with the need to ensure that all approvals conform to the requirements of the comprehensive plan and this chapter and are in the best interests of the citizens of Sumter County.

(3) *Application completeness review.*

a. Time limits. Upon receipt of an application, the director shall review it for completeness within the following time limits, unless specified otherwise in this chapter.

1. Amendments (see Division 2)—Seven (7) days.

2. Use permits (see Division 3).

a)

Permitted use—Three (3) days.

b)

Special use—Ten (10) days.

c)

Conditional use—Twenty (20) days.

d)

Temporary use—Seven (7) days.

3. Development permits (see Division 4).

a)

Minor development—Five (5) days.

~~b)~~

~~Medium development—Fifteen (15) days.~~

~~c~~b)

Major development—Thirty (30) days.

b. Request for additional information.

1. The director shall notify the applicant of any apparent errors or omissions and request any additional information the director is permitted by law to require. The time specified for completeness review shall be tolled until receipt of additional information or notice by applicant that no additional information is forthcoming.

2. The failure to correct an error or omission or to supply additional information

shall not be grounds for dismissal of an application, provided the information required for public notice is supplied, except that this paragraph does not prevent the authority from denying an application if it does not possess sufficient information to ensure that the requested action is in compliance with applicable statutes and ordinances.

(4) *Review set.*

a. Review set. Upon determination of completeness, or notification that no additional information is forthcoming, the director shall set the application for formal review and action by the authority as presented in Table 13-104A, and in Divisions 2, 3 and 4.

b. Application amendments. An application may be amended after it has been noticed for public hearing, however, such amendment may result in a delay or cancellation of the application's scheduled hearing.

c. Application withdrawal. Applications may be withdrawn by the applicant at any time, however, amendment and use permit applications which require public hearings, that are withdrawn after public notice has been given that the application will be reviewed at a public hearing, are subject to the following:

1. The application cannot be refiled for a period of three (3) months from the date of scheduled public hearing.

2. If the application is withdrawn a second time after public notice, it cannot be refiled for a period of one (1) year from the date of the second scheduled public hearing.

(d) *Review and approval procedure.* Review and approval procedures are established in Divisions 2, 3 and 4, and are charted for information purposes in Table 13-104A.

(e) *Application review criteria and action.*

(1) *Review criteria.* <?xpp rotatepg?>

TABLE 13-104A DEVELOPMENT REVIEWS AND APPROVALS

CHAPTER 13 AMENDMENTS	USE AND DEVELOPMENT PERMITS

USE PERMIT*

DEVELOPMENT PERMITS

				Site Permit

Record

P
l
a

t
*
*

Building

Permit

Operating

Permit

Change Of

Occupancy

Type of Amendment	

Type of Land Use

Approval

Conceptual

Plan

Preliminary

Plan

Engineering

Plan				Permit

M I N O R D E V E L O P M E N T

Zoning Map Amendment

To Non-PUD

R-zab

A-bcc	Permitted	A-dir				A-bo		A-bo

Zoning Map Amendment

To-PUD

R-drc

R-zab

A-bcc	Special

R-dir

A-zab				A-bo		

Text Amendment

R-drc

R-zab

A-bcc	Temporary	A-dir				A-bo		

	(short)							
		Temporary (long)						

R-dir

A-zab				A-bo		

M E D I U M D E V E L O P M E N T

		Permitted				

R-dir

A-drc		A-engr

R-drc

A-bcc	A-bo	

A-dir

A-bo

		Special

R-drc

A-zab		A-engr		A-bo		
		Temporary (short)				

R-dir

A-drc		A-engr		A-bo		
		Temporary (long)				

R-drc

A-zab		A-engr		A-bo		

M A J O R D E V E L O P M E N T

		Permitted				

R-drc

A-bcc

R-drc

A-bcc

R-engr

A-drc

R-drc

A-bcc	A-bo	

A-dir

A-bo

		Special

R-drc

R-zab

A-bcc

R-drc

A-bcc

R-engr

A-drc		A-bo		
		Conditional		

R-drc

R-zab

A-bcc	

R-engr

A-drc		A-bo

R-drc

A-bcc		
		Temporary

R-drc

R-zab

A-bcc	

R-engr

A-drc		A-bo		

Legend

R = Recommending Authority

zab = Zoning and Adjustment Board

engr = County Engineer

A = Approving Authority

drc = Development Review Committee

dir = Director of Public Services

bcc = Board of County Commissioners

bo = Building Official

*Not required for Planned Unit Development

	**Required for ~~medium and~~ major subdivisions

<?xpp restore?>

a. Sufficiency. The burden of presenting a sufficient application to the authority shall

be upon the applicant. An application is sufficient when it contains all of the information necessary for the authority to decide, at that level of review, whether the development, if completed as proposed, will comply with all of the requirements of this chapter. The authority shall determine if the application is sufficient, however, unless the authority informs the applicant in what way the application is insufficient and offers the applicant an opportunity to complete the application, the application shall be presumed to be sufficient. If the authority concludes that the application is insufficient and the applicant refuses to provide the necessary information, the application may be denied. A motion or action to this effect shall specify either the particular type of information lacking or the particular requirement with respect to which the application is insufficient.

b. Consistency.

1. In deciding whether to approve an application, the central issue before the authority is whether the proposed change is consistent with the Goals, Objectives and Policies of the Sumter County Comprehensive Plan, requirements of this chapter, other applicable laws, previously approved plans and permits, and advances the public health, safety or welfare.

c. Other criteria.

1. For Chapter 13 amendments, considerations shall include, but are not necessarily limited to:

a) Change of conditions, or absence of changed conditions, that may support or not support the amendment.

b) Community need, or lack of community need, for the proposed land use zone or text change.

c) Benefits to the community by the amendment.

d) The rights of private property owners to utilize their property in a free society.

2. For special, conditional and temporary land use permits, considerations shall include, but are not necessarily limited to:

a) Community need, or lack of community need, for the specified use.

b) Adverse impacts on the community by the specified use.

c) Benefits to the community from the specified use.

d) The rights of private property owners to utilize their property in a free society.

d. Secondary issues. Most other issues are secondary, and all information related to other issues at any public hearing should be regarded as such by the authority. In particular:

1. When considering Chapter 13 amendments:

a) The authority should not consider any representation made by the petitioner that if a change is granted the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the authority should consider whether the entire range of permitted uses in the requested zone is more appropriate than the range of permitted uses in the existing zone.

b) The authority should not regard as controlling any advantages or disadvantages to the individual requesting the change, but should balance the rights of that individual with the impact of the proposed changes on the public at large.

2. When considering land use permits the authority should not regard as controlling any advantages or disadvantages to the individual requesting the change, but should consider the impact of the proposed change on the public at large.

(2) *Action on application.* Recommending and approving authorities shall take action on applications as follows:

a. Approve as presented. A motion or action to approve the application as presented shall specify the specific goals, objectives or policies in the comprehensive plan, sections of this chapter or other applicable laws with respect to which the application complies.

b. Approve with conditions. Where authorized in this chapter, the application may be approved subject to conditions. If approved subject to such conditions, the nature of the required conditions shall be indicated in writing on the records of the authority and furnished to the applicant. Acceptance by the applicant of the required changes shall be presumed unless the applicant notifies the director to the contrary, in writing, within thirty (30) days of receipt of the action. Such notification by the applicant, refusing acceptance of one or more of the required conditions shall be considered a rejection of the application approval and such approval shall expire. A new application for the same amendment or permit may not be resubmitted for three (3) months.

c. Disapproval.

1. A motion to approve that fails to obtain an affirmative vote shall be considered an action for disapproval. Subsequent to the vote, the authority shall specify the items of non-compliance.

2. A motion or action for disapproval shall specify the specific goals, objectives or policies in the comprehensive plan, sections of this chapter or other applicable laws with respect to which the application does not comply (a separate vote may be taken with respect to each law not met by the application). If such a motion, or motions, fail, it shall be conclusively presumed that the application complies with all laws. If the authority concludes that the application fails to meet one or more of the goals, objectives or policies in the comprehensive plan, it shall be denied. If the authority concludes that the application fails to meet one or more requirements of this chapter or other applicable law, it shall be denied unless a variance is granted. If the application is disapproved, the authority shall express its disapproval and the

reasons therefor in writing on its records and a statement in writing of such grounds of disapproval shall be furnished to the applicant. Denied applications shall be with or without prejudice. If an application is denied, it shall be presumed to have been done without prejudice, unless specified otherwise in the denial, and may be resubmitted as provided for herein.

3. While adherence to the requirements of the comprehensive plan, this chapter and other laws is mandatory, all recommending and approving authorities shall make reasonable attempts to facilitate a resolution of the non-compliance issues upon which a disapproval is proposed or given, when alternative methods of compliance are apparent.

Nothing herein shall prevent an applicant who has received approval with or without conditions from applying for an amendment to any action by Sumter County, its staff or reviewing boards for an amendment to such approval.

d. Table (continue) the application. If the authority determines that information, evidence or testimony necessary for the proper evaluation of the application is not presented or available at the time of review, it may postpone its decision or action until a future date to provide the opportunity for such to be furnished. The required information, evidence or testimony shall be specified in the motion to table.

e. Return application. At the discretion of the approving authority, the application may be returned to the recommending authority for further consideration where additional material information, which was not reasonably available at time of recommendation hearing, has become known.

(3) Actions of the authority shall recorded and included in the written minutes of the public hearing or meeting at which the action was considered and all such actions shall be deemed final for purposes of appeal on the date the action is taken.

a. For all amendments and special, conditional and long temporary use permit applications requiring public hearings.

1. Actions of the authority shall be placed in the written minutes of the public hearing, along with the reason(s) for the action, and reported to the applicant and any subsequent recommending or approving authority, in writing, by the director, within five (5) days of such action.

2. A final order shall be issued by the approving authority for all applications. In addition to language specifying the action taken, this order shall contain findings of fact and conclusions of law.

b. For short temporary use and development permits.

1. Actions of the authority shall be placed in the written minutes of the public hearing, along with the reason(s) for the action, and reported to the applicant and any subsequent recommending or approving authority, in writing, by the director, within five (5) days of such action. When an approved plan, plat or permit deviates from the preceding approvals of that development activity, such deviations and the reasons therefore shall be included in the written decision.

(f) *Reapplication.*

(1) *Amendments and use permits.* Whenever the authority disapproves an application for an amendment or use permit, a reapplication for the same amendment or use permit may not be submitted except in conformance with the following:

a. Disapproval without prejudice. Unless specified otherwise in the disapproval, denied applications shall be without prejudice and the same application may be resubmitted to the director any time after a period of ninety (90) days from date of denial has expired.

b. Disapproval with prejudice. When denial with prejudice is specified in the action of the authority, the same application may not be resubmitted to the director for a period of one (1) year from date of denial.

c. Waiver of time. Notwithstanding subsections a. and b., whenever an application is denied on a basis other than the failure of the applicant to submit a complete application, a reapplication may be allowed by the director at any time as follows:

1. Where the applicant clearly demonstrates that circumstances affecting the property that is the subject of the application have substantially changed since the denial; or

2. Where new, material information is available that could not with reasonable diligence have been presented at a previous hearing.

3. A request to be heard on the basis of subsection 1. or 2. may be filed with the director at any time. However, such filing does not extend the time period within which an appeal must be taken. Although an application may be accepted by the director, the final determination for meeting the conditions of subsection 1. or 2. rests solely with the authority.

d. New application. Notwithstanding subsections a., b. and c., new applications affecting the same property previously denied may be submitted. A new application is one that differs in some substantial way from one previously considered. Although an application may be accepted by the director, the final determination for meeting the conditions of a new application rests solely with the authority.

(2) *Development permits.* Disapproved applications for development permits may be resubmitted at any time.

(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 2000-12, §§ 6—9, 4-25-00; Ord. No. 2000-16, § 2, 6-13-00; Ord. No. 2006-25, § 3, 8-15-06; Ord. No. 2010-13, § 19, 8-24-10)

Sec. 13-142. - Application review and approval procedure.

(a) *Public notice and hearing requirements observed.* All applications for use permits shall be classified as minor, medium or major development (see section 13-103) and, except when acted upon by the director, shall be reviewed and acted upon by the authority in a public hearing which has been noticed and is conducted as specified in Division 7.

(b) *Minor development.* Upon completeness of the application, the following shall occur:

(1) *Permitted use.* The application shall be reviewed and acted upon by the director within five (5) days.

(2) *Special use.*

a. Director. The application shall be reviewed by the director who shall forward a recommendation to the zoning and adjustment board (herein referred to as ZAB) a minimum of five (5) days prior to its hearing.

b. ZAB. The application shall be set for a public hearing before the ZAB at its next scheduled meeting consistent with public notice requirements.

(3) *Temporary use.*

a. Short. The application shall be reviewed and acted upon by the director within five (5) days of completeness. An application not approved by the director shall be processed pursuant to subsection b.

b. Long.

1. The application shall be reviewed by the director who shall forward a recommendation to the ZAB a minimum of five (5) days prior to its hearing.

2. The application shall be set for a public hearing before the ZAB at its next scheduled meeting consistent with public notice requirements.

~~(c) *Medium development.* Upon completeness of the application, the following shall occur:~~

~~(1) *Permitted use.*~~

~~a. Director. The application shall be reviewed by the director who shall forward a recommendation to the DRC five (5) days prior to its meeting, if possible.~~

~~b. DRC. The application shall be placed on the agenda of the DRC at a duly scheduled and noticed meeting.~~

~~(2) *Special use.*~~

~~a. DRC. The application shall be placed on the agenda of the DRC at a duly scheduled and noticed meeting.~~

~~b. The application shall be set for public hearing before the ZAB at a meeting consistent with public notice requirements and the time required for DRC consideration and recommendation.~~

~~(3) *Temporary use.*~~

~~a. Short.~~

~~1. The application shall be reviewed by the director who shall forward a recommendation to the DRC five (5) days prior to its meeting, if possible.~~

~~2. The application shall be placed on the agenda of the DRC at a duly scheduled and noticed meeting.~~

~~b. Long.~~

~~1. The application shall be placed on the agenda of the DRC at a duly scheduled and noticed meeting. The DRC shall forward a recommendation to the ZAB five (5) days prior to the ZAB hearing if possible.~~

~~2. The application shall be set for public hearing before the ZAB at a meeting consistent with public notice requirements and the time required for DRC consideration and recommendation.~~

(d) *Major development.* Upon completeness of the application, the following shall occur:

(1) *Permitted use.*

~~a. Director. The application shall be reviewed by the director who shall forward a recommendation to the DRC five (5) days prior to its meeting, if possible.~~

~~b.~~ DRC. The application shall be placed on the agenda of the DRC at a duly scheduled and noticed meeting.

~~c. Commission. The application shall be set for public hearing before the commission at a meeting consistent with public notice requirements and the time required for DRC consideration and recommendation.~~

(2) *Special, conditional and temporary use.*

a. DRC. The application shall be placed on the agenda of the DRC at a duly scheduled and noticed meeting for consideration and recommendation to the ZAB.

b. ZAB. The application shall be set for public hearing before the ZAB at a meeting consistent with public notice requirements and the time required for prior DRC consideration and recommendation. The ZAB shall consider the application and make a recommendation to the BOCC.

c. Commission. The application shall be set for public hearing before the commission for their consideration at a meeting consistent with public notice requirements and the time required for prior review and recommendation.

(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 2000-16, §§ 5—8, 6-13-00)

Sec. 13-171. - General.

(a) *Purpose and intent.* Upon the effective date of this chapter, all new development of land shall comply with Articles IV (General Development Standards) and V (Specific Use Standards) of this chapter, except where provided for in Article VI (Non-Conforming Situations), and elsewhere herein. To insure compliance of all new development with these standards, it is the purpose and intent of this Division to establish permits and permit procedures for authorizing non-exempt development activities.

(b) *Development permits established and required.* The following permits are hereby established and required as specified. No non-exempt subdivision of land or substantial grading, excavation, paving, utility installation or other site work, or construction, erection, movement, improvement, alteration or demolition of any building or other structure, or operation of a conditional use, or change of occupancy shall occur after the effective date of this chapter without a development permit issued pursuant to this Division.

(1) *Site permit.*

a. Established. There is hereby established a site permit which allows the applicant to perform substantial grading, paving and excavation and to construct drainage, utilities and other site work in compliance with approved plans.

b. Permit required. No work as described herein shall be performed on any ~~medium or~~ major development prior to obtaining a site permit. No other development permit shall be issued for any portion of a proposed development, nor shall any public or private facility or improvement be constructed therein until a site permit has been issued, except the approving authority may permit limited construction of improvements before site permit issuance, provided that the principal benefit of such construction is not to establish an irrevocable vested interest in the permit, but rather to benefit the timely construction of public facilities not totally oriented to the proposed development.

c. Site permit plans. Except as provided in Article VI (Non-conforming Situations), all proposed development of land must comply with Article IV. (General Development Standards) and Article V. (Specific Use Standards) of this chapter. Therefore, as an integral part of the permitting process, all proposed site improvements for ~~medium and~~ major development must be approved for compliance with these standards through reviews of one (1) or two (2) development plans, namely preliminary plan and engineering plan, as described below and required herein.

1. Preliminary plan. This plan shows an extensive amount of information concerning the property and the development proposed thereon. See Appendix A for specific requirements for preliminary plans.

2. Engineering plan. This plan includes the detailed engineering information necessary for the construction of all required physical improvements designed to serve the development. See Appendix A for specific requirements for engineering plans.

(2) *Record plat.*

a. Established. There is hereby established a record plat which allows the applicant to sell or otherwise convey real property created by ~~medium and~~ major subdivisions. No transfer of subdivided property shall occur except in conformance with this chapter.

b. Record plat. All subdivision of residential property for ~~medium or~~ major development or recreational vehicle park subdivisions shall be required to prepare, and file with the county clerk, a record plat of the development in accordance with F.S. ch. 177. See F.S. ch. 177 and Appendix A for specific requirements for record plats.

(3) *Building permit.*

a. Established. There is hereby established a building permit which allows the applicant to construct, erect, move, improve or substantially alter buildings or other structures in compliance with approved plans. Building, electrical, plumbing, mechanical, gas and all other permits required by the building codes specified in Appendix 13E. are included in this type. This permit grants no authority to violate, cancel, alter, or set aside any applicable code, regulation, requirement, ordinance or law, regardless of what may be shown or omitted on the permit documents, except where such is specifically given by the approving authority.

b. Permit required. All non-exempt on-site construction, erection, addition to, alteration, repair and demolition of buildings and other structures, and the installation of manufactured buildings and mobile homes for minor, medium and major development shall require a written building permit.

c. Building permit plans. This plan is drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and shall show in detail that it will conform to the provisions of all applicable codes. See Appendix A. for specific requirements.

(4) *Operating permit.*

a. Established. There is hereby established an operating permit for land uses approved as conditional uses under this Code, which, because of their increased potential for adverse effects on public health, safety, welfare and the environment warrant a degree of permitting, monitoring and other controls not necessary for permitted, special or temporary uses. An operating permit is not a permit of right and shall allow operation of the usage only so long as it is conducted in compliance with all local, state and federal laws and permit conditions and only so long as the operation does not create a danger to the public health, safety and welfare. There is no presumption that an operating permit will be issued or renewed.

b. Permit required. No conditional use, as specified in this chapter, shall be operated prior to obtaining an operating permit

c. Permit authority. An operating permit shall allow the applicant to operate a conditional use in compliance with approved plans and conditions. It shall set forth in writing all general and specific conditions, safeguards and stipulations upon which the conditional use development and operation approval is granted. An operating permit constitutes authorization to commence specified activities and utilize the site or location of said use in the manner specified in the conditions, safeguards, stipulations and authorization of said permit, for a specified period of time.

(5) *Change of occupancy permit.*

a. Classification of occupancies. Principal uses of land and structures, except agriculture, shall be classified according to one of the following occupancies.

1. Assembly.

2. Business.

3. Educational.

4. Hazardous.

5. Factory industrial.

6. Institutional.

7. Mercantile.

8. Residential.

9. Storage.

b. Established. There is hereby established a change of occupancy permit which allows the applicant to use a structure for an occupancy permissible in this chapter but for which the structure is not presently approved.

c. Permit required. No change of occupancy from one classification to another, as described herein, shall be made in any minor, medium or major development prior to obtaining a change of occupancy permit.

(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 2003-1, 1-14-03; Ord. No. 2009-27, § II, 12-29-09)