

ARTICLE 3

SUPPLEMENTAL USE REGULATIONS

TABLE OF CONTENTS

SECTION 3.01	GENERALLY	3-3
3.01.01	Purpose	3-3
3.01.02	Relationship To Other Requirements Of This Code	3-3
SECTION 3.02	SUPPLEMENTAL STANDARDS	3-3
3.02.01	Adult Entertainment -- Sexually Oriented Businesses	3-3
3.02.02	Aircraft Landing Facility, Private	3-3
3.02.03	Alcoholic Beverages – Sale for On-Site and Off-Site Consumption	3-5
3.02.04	Artificial Pond	3-6
3.02.05	Bed and Breakfast	3-7
3.02.06	Reserved	3-8
3.02.07	Reserved	3-8
3.02.08	Boarding House/Tourist Home	3-8
3.02.09	Borrow Areas	3-9
3.02.10	Cemetery	3-14
3.02.11	Communication Towers and Personal Wire Service Facilities	3-14
3.02.12	Convenience Store	3-25
3.02.13	Reserved	3-25
3.02.14	Reserved	3-25
3.02.15	Day Care Center	3-26
3.02.16	Drive-Through Facilities	3-27
3.02.17	Flea Market	3-27
3.02.18	Fly-In Development	3-28
3.02.19	Golf Course	3-29
3.02.20	Reserved	3-31
3.02.21	Reserved	3-31
3.02.22	Heavy Vehicles, Parking and Storage	3-31
3.02.23	Kennel	3-32
3.02.24	Reserved	3-33
3.02.25	Livestock, Residential	3-33
3.02.26	Manufactured Home Parks	3-33
3.02.27	Reserved	3-35
3.02.28	Reserved	3-35
3.02.29	Manufactured Home Sales	3-35
3.02.30	Marina	3-35
3.02.31	Mining	3-36
3.02.32	Mini-Warehouse	3-44
3.02.33	Motor Sports Facility	3-44
3.02.34	Reserved	3-47

3.02.35	Outdoor Storage and Display	3-47
3.02.36	Overnight Recreational Park	3-48
3.02.37	Primitive Campground	3-53
3.02.38	Permanent Sales of Produce	3-53
3.02.39	Religious Facilities	3-54
3.02.40	Salvage Yard	3-55
3.02.41	Solid Waste Facilities	3-55
3.02.42	Vehicular Repair and Vehicular Service	3-57

**ARTICLE 3  
SUPPLEMENTAL USE REGULATIONS**

**SECTION 3.01 GENERALLY**

**3.01.01 Purpose**

The purpose of this Article is to provide definitions of and/or special regulations for certain uses and accessory uses allowed under Article 2.

**3.01.02 Relationship To Other Requirements Of This Code**

These regulations are supplemental to the general regulations applicable to uses and structures in this Code. Where there is conflict or inconsistency, the more stringent requirement shall apply.

**SECTION 3.02 SUPPLEMENTAL STANDARDS**

**3.02.01 Adult Entertainment -- Sexually Oriented Businesses**

- a. Generally. Putnam County's Adult Entertainment Ordinance (Ordinance 2002-30, as amended) provides for the regulation of the adult entertainment, sometimes referred to as sexual oriented businesses. The Adult Entertainment Ordinance provides for intent, definitions, operational requirements, licensing requirements, criminal proceedings etc. This section merely restates the zoning districts where this type of use is allowed, which are as follows: C-3, C-4 and IL zoning districts. An adult entertainment establishment shall not be allowed to open, operate or be enlarged (except when an enlargement may be required by law) anywhere except in a C-3, C-4 or IL zoning district and in compliance with the Adult Entertainment Ordinance.
- b. Nonconforming establishments.

Any adult entertainment establishments existing and operating as of the effective date of the Adult Entertainment Ordinance, which do not conform to the requirements set forth herein, shall be deemed to be nonconforming. If any such nonconforming adult entertainment establishment voluntarily ceases to do business for a period of fifteen (15) consecutive days, then it shall be deemed abandoned and thereafter shall not reopen except in conformance with all requirements of the appropriate codes of Putnam County. Further, no such nonconforming adult entertainment establishment may be extended to occupy any greater area of land or extended to occupy any land outside any buildings on the same parcel.

**3.02.02 Aircraft Landing Facility, Private**

- a. Generally
  - 1. A Private Aircraft Landing Facility is an airport used for the landing of aircraft such as airplanes, seaplanes, ultralights, or helicopters by the owner or occupant of the property that contains the landing facility, but which may be available for use by others upon specific invitation of the licensee. Unless expressly preempted by State or Federal law, the use of the water bodies for

aircraft landing facilities within Putnam County shall be subject to the provisions of this subsection.

2. If the landing facility is to be associated with a residential development, the supplemental standards in this Article for Fly-In Development shall apply.

b. Relationship to Permitting by State and Federal Agencies

A special use permit for a Private Aircraft Landing Facility may be (but is not required to be) granted contingent on the applicant obtaining all necessary state and federal permits for the facility. If, however, such permits are not obtained within one year from the approval of the special use permit, the permit will automatically expire and become null and void.

c. Minimum Standards. The following minimum standards shall be met for any Private Aircraft Landing Facility:

1. Aircraft landing facilities and associated aircraft operations shall meet all relevant federal and state regulations.
2. The area proposed for an aircraft landing facility use must be sufficient and the site otherwise adequate to meet the standards of the Federal Aviation Administration and the Florida Department of Transportation for the class of airport proposed, in accordance with the published rules and regulations of each agency. However, in all cases, the property must be at least 20 acres in size.
3. Primary surface of runway, hangars and repair buildings shall be set back at least 150 feet from property boundaries. All other structures shall be set back at least 50 feet from property boundaries.
4. Any proposed runway or landing strip must be situated so that any structures, power lines, towers, chimneys and natural obstructions within the approach zones will comply with regulations for height restrictions in airport approach zones of the Federal Aviation Administration and the Florida Department of Transportation. The Zoning Board of Adjustment may limit the size and type of runway or landing strip in order to limit the size and type of aircraft that may use the facility.
5. All major repairs of aircraft and machinery must be conducted within a completely enclosed structure.
6. Flight operations shall be restricted to V.F.R. (Visual Flight Rules) weather conditions, unless it is an IFR certified facility.
7. There shall be compliance with the limitations on noise in the Putnam County noise ordinance.
8. The applicant shall provide a spill prevention and containment plan for fuels and lubricants stored on the property.

- d. Factors to be Considered. In considering an application for a special use permit for a Private Aircraft Landing Facility, the reviewing board shall consider the following:
1. The proximity of the airport to tall buildings other navigation hazards and existing uses which would present a public safety hazard in case of an aircraft crash.
  2. The proximity of the airport to residential areas, nursing homes, adult congregate living facilities, schools, and places of public assembly.
  3. The proximity of the airport to other airports and to the flight patterns of aircraft using such airports.
  4. The nuisance effect, if any, of the airport and its associated operations on surrounding uses.
  5. The environmental impact of the airport, if any, including, but not limited to, noise pollution.
  6. The proximity of the airport to storage facilities for combustible or explosive materials or to other hazards.

### **3.02.03 Alcoholic Beverages – Sale for On-Site and Off-Site Consumption**

a. Distance Requirements.

No vendor, establishment or facilities for the sale of any alcoholic beverage for consumption on the premises, nor any vendor, establishment or facilities for the sale of alcoholic beverages containing more than fourteen (14) percent of alcohol by weight for consumption on or off the premises shall be allowed to operate within twenty five hundred (2,500) feet of a preexisting adult entertainment establishment; one thousand three hundred twenty (1,320) feet of a Religious Facility or a use within the Education Use Category; or within five hundred (500) feet of an existing establishment or place of business licensed under Chapter 565, Florida Statutes, as a vendor for the retail sale of alcoholic beverages containing more than fourteen (14) percent of alcohol by weight (for consumption either on or off the premises).

b. Measurement of distance

1. Distance from a Religious Facility shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of the primary place of assembly to the main entrance of such vendor's proposed place of business.
2. Distance from the Education use shall be measured along the shortest route of ordinary pedestrian travel along the public thoroughfare from the nearest point of the school grounds in use as part of the school facilities to the main entrance of such vendor's proposed place of business.
3. Distance from a vendor of alcoholic beverages containing more than fourteen (14) percent of alcohol by weight shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of such vendor to the proposed main entrance of any other such vendor or any vendor of alcoholic beverages not containing more than fourteen (14) percent of alcohol by weight for consumption on the premises.

4. Where an established adult entertainment establishment, Religious Facility or Education land use is located within an incorporated municipality and the proposed location of the vendor is in the County outside the municipality, such vendor may be permitted to operate provided that the proposed location be at least the distance required by the regulations of the incorporated municipality in which it is located. If the municipality does not provide for separation of uses as provided in this section, the distance requirements of paragraph a, above, shall apply.

c. Exceptions, Variances and Reciprocating Distance Requirements

1. The provisions of this section shall not apply to vendors of beverages containing fourteen (14) percent or less alcohol by weight where the beverages are sold for consumption off the premises only; nor shall this section apply to duly incorporated private non-profit social or fraternal clubs or lodges not open to the general public.
2. The provisions in Section 9.03 of this Code relating to nonconforming uses shall apply to existing places of business that do not meet the distance requirements set forth in this Section.
3. Any newly proposed adult entertainment establishment, Religious Facility or Education use shall meet the same distance requirements from any existing and properly licensed vendor of alcoholic beverages greater than 14% alcohol, by weight, for on or off premise consumption.
4. Any proposed variance from the distance requirements of this section may be obtained only by the by Zoning Board of Adjustment and only if the application meets each criteria for a variance under section 9.04 of this Code.

**3.02.04 Artificial Pond**

- a. Definition. “Artificial Pond” means a manmade isolated still body of water. A Borrow Area is not a pond; however a lawfully established and permitted Borrow Area may be converted into a pond as part of an approved reclamation plan, provided it meets all the requirements of this section, section 3.02.08 below, and the use requirements of Article 2 of this Code.
- b. Exemptions.
  1. Ponds established for bona fide agricultural purposes in AG, AE or M zoning districts and which meet the Natural Resource and Conservation Service design standards and approved by the Putnam Soil and Water Conservation District, are exempt from this subsection.
  2. Ponds created to comply with stormwater management requirements shall be subject to the permitting requirements of Article 12 of this Code and design requirements of section 7.08 of this Code, and thus exempt from this subsection.

c. Supplemental Regulations.

1. Property on which an artificial pond is to be dug must have sufficient area to meet all setback and fencing requirements of this section.
2. A development permit must be obtained from the Public Works Director or his designee.
3. The property must be fenced.
4. Setbacks: The pond must be set back a minimum of 25 feet from all property lines. A permit cannot be issued if the pond is over ten (10) feet in depth and within one hundred (100) feet of an adjoining property owner's well, or, if the pond is over twenty-five (25) feet in depth, and within two hundred (200) feet of an existing property owner's well.
5. The slope of the sides: The area beginning at the mean high water line to a point 6 feet below the low water line shall be designed with a slope not to exceed 6 feet horizontal and 1 foot vertical.
6. The pond shall be subject a minimum of one final inspection to insure compliance with the approved design. Construction of the pond must be completed within 180 days of the issuance of the permit; however the applicant may request for a maximum of two 180-day extensions, which may be granted by the Public Works Director if the applicant is showing reasonable diligence in completing the pond.

d. Application. A permit application for an Artificial Pond shall, at a minimum, include the following information:

1. Proof of permit or a letter of no action from the St. Johns River Water Management District and the Florida Department of Environmental Protection.
2. A site plan drawn to scale showing the dimensions of the pond and the setbacks from all property lines and any existing structures on the site.
3. A cross-section of the pond showing depth and slopes of the pond and the depth of the water table.

**3.02.05 Bed and Breakfast**

- a. Definition. Bed and Breakfast means a house, or portion thereof, where no more than five short-term guest lodging rooms are provided, and where the operator of the inn lives on the premises or in adjacent premises.
- b. Supplementary regulations. The following standards shall apply to all bed and breakfast establishments:
  1. Separate toilet and bathing facilities for the exclusive use of guests must be provided.
  2. Rentals shall be on a daily basis. The maximum stay for an individual guest shall be thirty (30) days in a twelve-month period.

3. Cooking facilities shall be approved by the Health Department. Cooking and serving of food and drink shall be for overnight guests and employees or owners of the establishment. No cooking facilities shall be allowed in guest bedrooms.
4. Neither hired receptions nor parties shall be permitted in bed and breakfast establishments located in residential zoning districts.
5. Bed and breakfast establishments must comply with appropriate health permits, building and fire codes, and business licenses, including but not limited to any license from the division of hotels and restaurants applicable to such use.
6. In addition to the parking required for the residence, one (1) parking space shall be provided for each guest room. Parking shall be located along the side or rear yard, behind the primary structure and shall not be required to be paved. The Zoning Board of Adjustment may vary the parking requirement for those properties listed on the local register of historic places based on site constraints, including but not limited to small yards, inadequate space for parking, and the availability of on-street parking.
7. Signage shall be limited to a one ground sign with a maximum sign face area of 8 square feet on each side.

**3.02.06 Reserved**

**3.02.07 Reserved**

**3.02.08 Boarding House/Tourist Home**

a. Definition

A Boarding or Tourist Home means an establishment where lodging is provided for compensation for ten or fewer unrelated persons on a short- or long-term basis.

b. Supplemental Standards

1. Meals may be prepared on a regular basis and served family style without the option of ordering individual portions from a menu.
2. Separate toilet and bathing facilities for the exclusive use of guests must be provided.
3. Cooking facilities shall be approved by the Health Department. Cooking and serving of food and drink shall be for residents only. No cooking facilities shall be allowed in guest bedrooms.
4. Neither hired receptions nor parties shall be permitted in Boarding or Tourist Homes that may be located in residential zoning districts.
5. Boarding and Tourist Homes must comply with appropriate health permits, building and fire codes, and business licenses, including but not limited to a license from the division of hotels and restaurants applicable to such use.

6. In addition to the parking required for the residence, one (1) parking space shall be provided for each guest room. Parking shall be located along the side or rear yard, behind the primary structure and shall not be required to be paved. The Zoning Board of Adjustment may vary the parking requirement for those properties listed on the local register of historic places based on site constraints, including but not limited to small yards, inadequate space for parking, and the availability of on-street parking.
7. Signage shall be limited to one ground sign with a maximum sign face area of 8 square feet.

### **3.02.09 Borrow Areas**

#### **a. Definition**

A borrow area is an excavation operation contained within a parcel(s) of land where the spoils from the excavation are removed and placed on another parcel of land, or are sold. A borrow area shall include the leveling, scraping, or reducing of a hill or rise of land, as well as the digging of a pit, hole, depression or valley. A single borrow area may be located on more than one parcel and may result in more than one area of excavation. It shall not include the spoils from a lawfully permitted swimming pool, pond, or building site.

#### **b. Supplemental Standards**

1. A borrow area shall not be located on a parcel of land that is less than five acres in size.
2. Upon expiration of an existing permit or within eighteen (18) months from the date of adoption of this Article, whichever comes first, all existing, permitted borrow areas shall be required to apply for permits pursuant to this section and shall be subject to the requirements of this section and the applicable zoning district as provided for in Article 2 of this Code. Borrow areas operating unlawfully without a permit shall be required to come into immediate compliance with this section or face appropriate code enforcement action.
3. Borrow areas in excess of 30 acres or borrow areas that operate or are intended to operate for more than 10 years shall be treated as mines under section 3.02.31 of this Article and shall be located only in the Mining future land use category and the Mining zoning district. Adjacent parcels that have unity of ownership or that have borrow areas operated by the same person or entity shall be considered a single parcel for purposes of this section. The total borrow area acreage in each distinct Agriculture Use area shall not exceed 15 percent of total land area without comprehensive plan amendment and rezoning to designate the area Mining.
4. The hours of operation shall be restricted to the hours between 7 a.m. and 6 p.m., Monday through Saturday; except that upon appropriate findings, the Zoning Board of Adjustment may adjust the hours of operation.
5. Borrow areas and related operations are strictly prohibited is in areas identified as Environmentally Sensitive Lands under the Putnam County Comprehensive Plan, and shall otherwise be subject to the environmental protection standards mines outlined in section 3.02.31.c.8 below.

6. No borrow area application will be accepted or approved without a reclamation plan, which shall include a commitment to complete reclamation within 12 months of the expiration of a permit or the closure of the borrow area operations, whichever comes first.
  7. The excavation of the borrow area shall be conducted in phases so as to expose the least amount of land surface practical at any time during the borrow area operations. The amount of acreage to be allotted at each phase shall be decided by the Zoning Board of Adjustment, or if the borrow area is located in a mining zoning district, the Board of County Commissioners. The determination of the amount of acreage for each phase shall be based on a variety of factors, including but not limited to, the type soil being excavated, the location and size of the borrow area, the duration of the operation, the location of length of the deposits being excavated and the susceptibility if the site to erosion and fugitive dust emissions, and the presence or absence of buffers and setbacks that will impact the aesthetics and the environment.
  8. The applicant shall provide assurances in a form approved by the Zoning Board of Adjustment that the applicant will be financially able to complete the approved reclamation plan. Such assurances may be in the form of a performance bond or other surety and such financial guarantees shall be in an amount not less than 100% of the cost of reclamation, as shall be decided by the Zoning Board based on the recommendation of the Director and the advice of the Counsel.
    - (a) The cost estimates for reclamation guarantee will be limited to the active phase of the excavation.
    - (b) Upon formal written request to the permitting agency or board, the applicant may request a reduction in the amount or a complete release of the reclamation surety due to completion of some or all of the required reclamation. The Department must be allowed to enter and inspect the reclamation efforts and make a written recommendation regarding the request prior to a final determination to reduce or release the surety.
    - (c) If the County determines that the previously approved financial assurances do not demonstrate the financial ability to achieve the approved reclamation plan, the Department may, after a duly noticed public hearing, suspend or revoke the borrow area permit until such time as the permit holder provides additional or different surety.
- c. Permits required. A permit is required for a borrow area of any size. Applications for borrow area permits will be submitted and approved through Planning & Development Services, subject to plan review, approval and inspection by the County Engineer or his designee. A borrow area permit is in addition to the Special Use Permit that may be required by a particular zoning district. The applicant shall be entitled to concurrent review and issuance of the borrow area permit and Special Use Permit, if appropriate. In all cases, the borrow area permit shall be subject to the following:
1. For borrow areas 5-acres or less in size, the duration of the permit shall be one (1) year, with the opportunity to renew the permit for additional 1-year periods up to a maximum of 5 years. For Borrow Areas greater than 5 acres up to the maximum of 30 acres, the duration of the permit shall be one (1) year, with the opportunity to renew the permit for additional 1-year periods up to a maximum of 10 years.
  2. Upon renewal, the borrow operation must be inspected for and be brought into compliance with applicable State and local regulations, as well as the conditions of original permit prior to renewing permit, including but not limited to the approved phasing and related reclamation schedule. The fee for a renewal permit shall be the same as for an original permit fee, as

established by resolution of the Board of County Commissioners. Operating a borrow area without a permit or under an expired permit shall be deemed a violation of this Code, subject to enforcement action under Article 12 of this Code and may result in a denial of future permit applications by the same landowner or operator.

3. Failure to renew a permit within 30 days from the date of expiration shall be deemed an abandonment of the borrow area. Renewal of abandoned permits shall require payment of twice the normal permit fee, and the sum total of the prior years of operating the borrow area shall be counted towards the total life of the borrow area operation under paragraph 2 above.
- d. Borrow Area Permit Application Submittal Requirements. Regardless of the size of the proposed borrow area, a permit application shall not be approved without the following information:
1. A Dust Control Plan – To minimize dust, the access road to the borrow area shall be paved or constructed of some other dust free surface, or the applicant may provide some other plan for dust control that must be approved by Public Works and shall continue to clean maintain and, when necessary, improve the access roads to insure that dust from the access road and borrow area does not leave the site.
  2. An Erosion Control Plan. All areas not draining internally to the existing borrow area(s) must remain vegetated or all areas that will not be excavated within a six-month period should be re-vegetated. A silt fence should be installed downstream of all grubbed areas where storm water is directed off-site.
  3. An Excavation/Site Plan – Provide an excavation plan showing the location, size, sequencing, duration and depth of the excavation. As part of the excavation plan on a separate site plan or survey, show the size of the property, location of the excavation, distances from the excavation to all property lines, the location of the required fence, and the location of any wells or sewage treatment systems (i.e. septic systems) within the appropriate set back distances specified in subsection e. below.
  4. Storm Water Retention Plan – Provide a storm water retention plan that indicates areas for retention, the capacity of the retention areas and the infiltration rate of the retention areas. The Public Works Director may require engineering from a Florida licensed engineer, if the applicant's storm water plan does not adequately address retention.
  5. Site Access –The applicant must obtain a driveway permit from the FDOT for State Roads or Public Works for County Roads before permit is effective.
  6. Utility easements – Where a borrow area is in or abutting a utility easement, the applicant must notify the local utility that crosses the property and obtain a letter from them that indicates their approval of the current excavation below their lines. In addition, this letter should state the depth of excavation, setback requirements and access that will require from their lines or poles.
  7. Reclamation Plan – Provide a reclamation plan indicating proposed slopes upon completion of the reclamation and proposed re-vegetation plan.
  8. Groundwater Table Separation – The applicant must submit survey or provide boring information indicating the groundwater table in the borrow area and demonstrate that the proposed depth of the

excavation will not result in a harmful impact to the groundwater and will not penetrate any impervious surface layers.

9. Spill Plan – When there is refueling or maintenance of machinery at the borrow area, the applicant shall provide a spill prevention control and countermeasures plan (SPCC) (i.e. a concrete pad to prevent spills or leaks from entering the excavated areas or the groundwater)
  10. A Copy of Notification to Florida Department of Environmental Protection (DEP) and a statement from the Florida Department of Environmental Protection regarding compliance with the applicable provisions of Chapter 378, Florida Statutes and Chapter 62C, Florida Administrative Code.
  11. Verification from the Planning & Development Services Department that the property is zoned AG or M and the property is a minimum of 5 acres in size.
  12. If de-watering or on site retention of water is required to accomplish the excavation, a statement from the St. Johns River Water Management District regarding compliance with all applicable regulations enforced by the Water Management District or a letter of no action from Water Management District.
  13. A permit fee in amount established by the Board of County Commissioners.
- e. Design Standards:
1. Setbacks:
    - (a) Setbacks for all excavations shall be a minimum of 25 feet from all rights-of-way, shared private assess and property lines abutting property in separate ownership as measured from the edge of the excavation area, and the area within the set back shall be vegetated and shall not be developed or used in any other manner.
    - (b) Any part of an excavation that is more than 10 feet in depth but less than 25 feet in depth shall be a minimum of 100 feet from any potable water well or septic system.
    - (c) Any part of an excavation that is more than 25 feet in depth must be a minimum of 200 feet from any potable water well or septic system.
    - (d) The boundaries of the excavation area shall be a minimum of 100 feet from any residential structure.
  2. All disturbed areas shall be re-vegetated, seeded or sodded.
  3. Impact on roads, drainage and erosion shall be addressed on a case-by-case basis by Public Works in accordance with the minimum requirements of Article 7 with regard to storm water and access management design standards. Public Works shall provide a required design for connecting driveways to minimize road damage caused by heavy trucks and equipment.
  4. A fence shall enclose the excavated area. The fence may be located anywhere within the property boundaries and must be at a minimum 6 feet high. Trespass warning signs of no less

than 1 square feet and no greater than 6 square feet shall be placed every 200 feet along the fence. In the case of very large parcels with the borrow area located far from other properties or public roadways, the County may reduce the number of trespass signs down to 1 sign for every 400 feet..

5. No borrow area shall be located in an Environmentally Sensitive Area and all borrow areas shall meet all applicable resource conservation standards in Article 6 of this Code, including, but not limited to habitat, groundwater recharge, potable well head and wetland protection standards.
6. Reclamation shall re-establish the excavated and disturbed area in a manner that minimizes slopes and that is re-vegetated with native vegetation consistent with original natural state of the excavated area and the surrounding area. Part or all of the excavated area may be reclaimed as a pond, subject to the supplemental regulations for ponds, if the applicant can demonstrate that the pond will not result in discernable drawn down of existing water bodies or potable water wells in the area. Where reclamation includes a pond, the slope of the pond is 6-foot horizontal for every 1-foot vertical down to 6 feet below the low water line , however, the slope of the sides of any other reclamation plan shall not exceed the slopes as described in paragraph (a), below.

(a) "Reclamation" shall mean the reshaping of land disturbed or affected by borrow area operations to an appropriate contour that is as close as is practical to the contours existing prior to the excavating of the land, unless the Reclamation Plan establishes an alternate set of contours that is not contrary to the public interest and leaves the site beneficial for a viable future land use, taking into consideration the type of land use in place prior to the establishment of the mining operations, the viable land uses that might be established after reclamation, and the surrounding topography and land uses. In an effort to enhance stabilization and site aesthetics and maximize the potential for beneficial use of the land, the slopes for areas disturbed outside the excavated area shall be reclaimed to a slope of four (4) feet horizontal to one (1) foot vertical (4:1), where such areas have been disturbed to a degree that created a slope steeper than 4:1; and the reclaimed slopes within the actual excavated area shall not exceed a slope of three (3) feet horizontal and one (1) foot vertical. Reclamation shall include re-vegetation of the lands in a manner consistent with the paragraph (b), below.

(b) "Re-vegetation" shall mean using grasses, shrubs, trees and other vegetation native to the area, or an agriculture or silviculture crop suitable to the surrounding areas, all of which are well adapted to the soil conditions and planted in a manner appropriate to achieve permanent re-vegetation which will minimize soil erosion and surface water runoff, stabilize slopes and conceal the effects of the mining. Quality topsoil that is available on-site shall be stockpiled, segregated and retained on-site for re-vegetation during the reclamation process.

### **3.02.10 Cemetery**

#### a. Definition

Land used or intended to be used for the burial of deceased animals or humans and for the erection of customary markers, monuments, and mausoleums. A cemetery may include structures such as burial vaults and columbarium.

#### b. Standards.

1. The cemetery shall comply with all state statutes and rules relating to cemeteries.
2. There shall be adequate space within the site for the parking and maneuvering of funeral corteges, and guaranteed access to gravesites through easements or other methods.
3. No interment shall take place within 30 feet of any adjoining lot line.
4. All other structures shall be set back a minimum of 25 feet from any boundary line of the cemetery property.
5. All structures over 25 feet in height must be set back from any boundary line of the cemetery a minimum of 25 feet plus two feet for each one foot of height over 25 feet to the maximum height permitted by the zoning district in which it is located.
6. The nature of the land use shall be recorded on all deed and surveys of the property.

### **3.02.11 Communication Towers and Personal Wire Service Facilities**

#### a. Definitions

1. Personal Wire Service Facilities (PWSF). A PWSF is any facility for the transmission and/or reception of personal wireless services, which may consist of an antenna array, cables, and equipment shelter or building.
2. Communication Tower. A structure designed and constructed for the primary purpose of supporting antennas and other PWSF components.

#### b. New and Existing Personal Wire Service Facilities

1. All personal wire service facilities in Putnam County shall be subject to these regulations and all other applicable building and construction codes. In the event of any conflict between the zoning district regulations and the regulations contained in this Section, the provisions of this Section shall override and supersede such other regulations unless otherwise specifically set forth herein.
2. Any person installing a personal wire service facility on existing communication tower or other structure shall be required to apply for a permit from the Building Official, which shall include a site plan. Such permit application shall include, but not be limited to the following:

- (a) The written inventory of existing wireless service facilities within Putnam County that includes the location, owned or operated by the same person or entity that will own or operate the proposed new facility.
  - (b) Wind load data for all attachments.
  - (c) Detailed description of all equipment that will be installed, including a list of any hazardous or potentially hazardous materials (i.e. fuel tanks and batteries).
  - (d) Engineering regarding the load bearing capability and current load of the tower or structure being used to support the personal wire service facility.
  - (e) The number of existing personal wire service facilities on the structure to be used.
3. No special use permit shall be required to locate a personal wire service facility on an existing, approved communication tower or other structure, provided that the personal wire service facility does not extend more than twenty (20) feet above the existing communication tower, or other structure. Such structures may include, but are not limited to, buildings, water towers, existing communication towers, recreational light fixtures and other essential public service structures.

c. Governmental Uses

The setback and yard requirements of this Section do not apply to communication towers and personal wire service facilities located on property owned by any governmental entity and used to provide police and safety services. A governmental entity may allow a private carrier to co-locate on its tower.

d. Existing Communication Towers

- 1. All communication towers existing on the effective date of this Section shall be allowed to continue to be used as they presently exist. New construction, other than routine maintenance, shall comply with the requirements of this Section.
- 2. For purposes of this Section, a communication tower that has received final approval in the form of an exception, special use permit, variance or building permit, but has not yet been constructed, shall be considered an existing tower so long as approval is valid and unexpired.
- 3. Replacement of an existing tower shall not require a special use permit so long as the replacement tower is no taller than the original tower.

e. Co-Location Requirements for Communication Towers

- 1. An application for a special use permit for a communication tower shall not be accepted by the Department, unless at least two personal wire service facilities are to be placed on the tower at the time of construction of the tower. The County Planner may accept one personal wire service facility on a single tower at the time of application, if:
  - (a) The Applicant provides documentation demonstrating that (i) all other service providers in the area have been given reasonable notice of the exact location of the proposed communication

tower and been invited to co-locate thereon, and (ii) either no party desired to co-locate or negotiations regarding such co-location were conducted in good faith but were fruitless; or

- (b) It is found to be necessary to promote the health, safety or general welfare of the general public or lessen the environmental and visual impact of the personal wire service facility or communication tower. This will not alleviate the tower owner or operator from the co-location requirements of this section.
2. The applicant shall include with the application a signed letter of intent from each service provider that it will place a personal wire service facility on the proposed tower at the time that the tower is constructed. The letter will include contact information so the County Staff can verify the intentions of the service provider and obtain needed information. Failure to provide an original letter of intent and accurate contact information will result in a rejection of the application. Failure to have an operational personal wire service facility placed on a new communication tower within 60 days of completion of the tower shall be grounds for revocation of the special use permit and the tower may be subject to removal.
  3. In addition to the information required above, all applicants shall be required to provide all other information and submittals required by this subsection. Information and submittals regarding the personal wire service facilities and service providers shall come directly from the service provider.
  4. No special use permit may be granted for a new communication tower unless the Zoning Board of Adjustment makes an initial finding, based on competent substantial evidence, which may include the engineering report described below, that co-location of the proposed personal wire service facility(s) on an existing tower or other structure is not a viable alternative. This finding shall be based on one or more of the following factors:
    - (a) No existing towers or structures are located within the geographic area that meets the Applicant's engineering requirements and reasonable coverage needs.
    - (b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements and cannot be extended to accommodate the Applicant's reasonable engineering and coverage needs.
    - (c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment, as demonstrated by a licensed structural engineer.
    - (d) The applicant's proposed antenna would cause impermissible electromagnetic interference, as determined by the FCC, with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause impermissible interference, as determined by the FCC, with the applicant's proposed antenna.
    - (e) The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
    - (f) Property owners or owners of existing towers or structures are unwilling to accommodate the applicant's needs.

- (g) The applicant demonstrates to the Zoning Board of Adjustment that there are other limiting factors that render existing towers and structures unsuitable.

## 5. Responsibility of Tower Owners

- (a) If co-location on an existing tower is found to be a viable alternative, the owner of the existing tower shall, upon request of another service provider and for reasonable and agreed upon consideration, permit one or more additional service providers upon the existing tower. Reasonable terms for use of a communication tower that may be imposed by the owner include a requirement for reasonable rent or fees, taking into consideration the capitalized cost of the communication tower and land, the amount of lease payments by the owner, the incremental cost of designing and constructing the tower so as to accommodate additional users, increases in maintenance expenses relating to the tower and a fair return on investment, provided such amount is also consistent with rates paid by other co-locators at comparable tower sites.
- (b) If the owner of an existing tower is unwilling, upon request of a service provider, to allow co-location upon such existing tower, the owner shall provide to the service provider documentation setting forth the basis for refusing to allow co-location. Competition between service providers shall not be considered to be a valid reason for refusing or otherwise obstructing co-location.
- (c) If co-location cannot be agreed upon by the applicant and owner of the existing tower, the Zoning Board of Adjustment shall determine whether either party is being unreasonable or otherwise uncooperative in their respective positions.
- (d) If the Zoning Board of Adjustment determines that the applicant for the new tower is being unreasonable or otherwise uncooperative, the special use permit shall be denied.
- (e) If, after a properly noticed hearing, the Zoning Board of Adjustment determines that the owner of an existing tower is unreasonably refusing to allow co-location on such tower, the matter shall be referred to the Board of County Commissioners. The Board of County Commissioners may, after a *de novo* hearing on the matter, take one or more of the following actions if it finds that the tower owner is unreasonably refusing to allow co-location:
  - (1) Impose on the tower owner a fine not to exceed \$5,000.
  - (2) Revoke the special use permit or other County approval authorizing the tower.
  - (3) Require that the tower be removed.
  - (4) Prohibit the tower owner from applying for or receiving any future special use permit or permits to construct a communication tower or personal wire service facility.

## f. Design Standards

### 1. Generally

The following design standards apply to all proposed new communication towers.

### 2. Location on Tower Site

Each proposed tower shall be located on a designated tower site as defined herein. A tower site may be located on a lot utilized for other principal uses, and may be smaller than the minimum lot size required in the zoning district. The tower site, but not the entire lot, shall be subject to all of the requirements of this Section, except as specifically provided herein.

### 3. Minimum Distance of Communication Towers from Residential Zoning Districts.

- (a) Regardless of the zoning district in which the communication tower is located, any communication tower over 100 feet in height shall be not less than 750 feet from the nearest residential lot line of any Residentially zoned lot, or from any parcel containing an existing residence, except that in the "AG" District, the communication tower may be closer to the boundary of a parcel on which there is a residence provided the tower is a minimum of 750 feet from any residence existing at the time of approval. Communication towers 100 feet in height or under shall be set back at a distance equal to at least two-hundred percent (200%) of the tower height from residentially zoned property or the lot line of any existing residence.
- (b) Communication towers under 100 feet in height that are accessory facilities to radio or television studios shall be set back 100 feet from the nearest residential lot line of any residentially zoned lot or from any parcel containing an existing residence.
- (c) Minimum distances shall be measured from the center of the base of the communication tower to the lot line of the applicable Residential zoning district or parcel, as the case may be.

### 4. Minimum Yard Requirements

Tower setbacks shall be measured from the center of the tower to the Tower Site boundary lines. Subject to paragraph c above, the minimum setback from the base of the tower to the Tower Site boundary line shall be equal to 110 percent of the fall radius or 50 feet, whichever is greater. The fall radius shall be determined, in writing, signed and sealed, by a Licensed Professional Engineer. The tower owner shall provide a lease or deed or recorded fall zone easement covering the required fall radius. Accessory structures must follow the setbacks for the underlying zoning district, with supports being a minimum of 5 feet from the property line.

### 5. Maximum Height

The maximum height of communication towers shall be 350 feet.

### 6. Illumination

Communication towers shall not be artificially lighted except as may be required by the Federal Aviation Administration. If lighting is required, the applicant must present Putnam County with all available lighting alternatives and obtain approval of the County so that the County is assured that the design to be utilized will cause the least disturbance to the surroundings.

## 7. Finished Color

Communication towers not requiring FAA painting/markings shall have either a galvanized finish or painted a dull blue or gray finish.

## 8. Structural Design

- (a) Communication towers shall be designed and constructed to the current edition of the ASCE-7 standards, EIA/TIA 222-F Standards or most current equivalent standards, as published by the Electronic Industries Association, which may be amended from time to time, and all applicable County building codes. All plans for the construction of towers shall be sealed by a Florida registered professional engineer qualified to attest to the strength of construction. Further, any improvements and/or additions (i.e. antenna, satellite dishes, etc.) to existing communication towers shall require submission of site plans sealed and verified by a professional engineer who demonstrates compliance with the most current equivalent standards in effect at the time of said improvement or addition and all applicable County building codes. Said plans, to include computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations, shall be submitted to and reviewed and approved by the Building Department at the time building permits are requested.
- (b) If the tower is proposed to be greater than 100 feet in height, it shall be engineered and constructed to accommodate co-location of at least three separate antennas.

## 9. Advertising

Neither the communication tower nor tower site shall be used for advertising purposes and shall not contain any signs for the purpose of advertising.

## 10. Fencing

A minimum six-foot security fence around all communication towers. Access to the tower shall be through a locked gate.

## 11. Landscaping: The following landscaping and buffering of a communication tower shall be required around the perimeter of the tower and all accessory structures outside the fence:

- (a) A row of shade trees a minimum of six (6) feet tall and a maximum of ten (10) feet apart shall be planted around the perimeter of the fence;
- (b) A continuous hedge at least thirty-six (36) inches high at the time of planting, capable of growing to at least forty-eight (48) inches in height within 18 months, shall be planted in front of the tree line referenced above;
- (c) All required landscaping shall be native species. Said native vegetation must be drought tolerant and/or irrigated and properly maintained to ensure good health and vitality.
- (d) Existing native vegetation shall be preserved to the maximum extent practicable and may be credited as appropriate toward landscaping requirements.

- (e) These standards may be waived by Planning, Zoning and Building Department for those sides of the proposed tower that are located adjacent to undevelopable lands and lands not in public view.

## 12. Compliance with Federal Communication Commission (FCC) NIER Standards

Prior to receiving final inspection, adequate proof shall be submitted to the Building Department documenting that the communication tower complies with all current FCC regulation for non-ionizing electromagnetic radiation (NIER) and that the radio frequency levels meet the American National Standards Institute.

### g. Required Submittals for Special Use Permit Applications

1. Written documentation that clearly explains the need and reasons for the proposed tower. Such documentation may include, but not be limited to, site plans, surveys, maps, technical reports, written narratives propagation maps and a detailed explanation of the network the tower is expected to serve inside the County and immediately outside the County lines. The basis for asserting that co-location is not a viable alternative shall be set forth in detail
2. A scaled site plan clearly indicating the tower site, type and height of the proposed tower, the location of any accessory buildings, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, distances from property lines, elevation of the proposed tower, and any other proposed structures;
3. A current parcel map from the Putnam County Property Appraisers office, showing the location of the proposed tower;
4. A legal description of the parent tract and tower site (if different);
5. If the proposed tower site meets the required minimum distance from residentially-zoned land or other lands which are used residentially, the approximate distance between the proposed tower and the nearest residential dwelling, platted residentially zoned properties, or unplatted residentially zoned properties. If the proposed tower site does not meet the minimum distance requirements, then exact distances, locations and identifications of said properties shall be shown on an updated zoning or tax map.
6. A landscape plan showing specific type (common name, size, number, and genus of landscape materials);
7. The method of fencing, the finished color if applicable, and the method of aesthetic mitigation and illumination.
8. A written inventory of any personal wire service facilities and/or communication towers owned, operated or used by the Applicant inside Putnam County and within one-half mile of the County border outside of Putnam County. Such inventory shall include the specific location and height of the tower or personal wire service facility, and where applicable, the type of tower.

9. A written acknowledgment by the applicant that the special use permit may contain a condition requiring the owner of the tower to allow, under reasonable conditions, the co-location of at least three separate antennas on the tower.
10. Copies of any applicable FCC licenses to locate a communication tower or provide personal wire service within the Putnam County.
11. A description of the load bearing capacity of the structure used to support the personal wire service facility and the anticipated number of service providers on the support structure.

h. Review and Analysis By Telecommunications Engineer

1. Generally

The County Planner or the Zoning Board of Adjustment may require that an application for a new communications tower be reviewed and analyzed by a telecommunications engineer.

2. Engineering Report: The telecommunications engineer shall prepare a written report on the proposed application addressing the following issues:

- (a) Whether there is a legitimate, service-based need for personal wire service facility in the area around the proposed new tower at the proposed time of construction.
- (b) If there is a legitimate need for the personal wire service facility, whether co-location on a neighboring tower or structure would be a viable alternative to the construction of a new tower.
- (c) If there is a legitimate need for the personal wire service facility, and co-location is not a viable alternative to a new tower, whether the tower as proposed meets all other requirements of this Section. The report shall also address issues relating to the proposed height of the tower including, but not limited to:

(1) Whether the height of the personal wire service facility should be greater than that proposed in order to allow for co-location in the future.

(2) Whether the height of the personal wire service facility should be less than that proposed in order to improve compatibility of the tower with surrounding land uses or for other safety and visual impact considerations.

3. Participation at Hearings

The telecommunications engineer shall attend the hearing before the Zoning Board of Adjustment on the application to present the report and be available to answer questions by the members of the Zoning Board of Adjustment and/or the applicant.

4. Costs

All costs of the telecommunications engineer associated with preparing the report and attending the hearing or hearings before the Zoning Board of Adjustment shall be paid for by

the Applicant. Proof of full payment of such costs shall be a pre-condition to issuing a permit of any tower approved pursuant to this process.

## 5. Selection Process

The County will issue Requests for Qualifications in order to develop a list of acceptable engineers from which the reviewing engineer will be selected by the Applicant. Communication with the engineer shall be through County Staff.

- i. Required Findings By ZBOA. In addition to meeting the criteria set forth in Section 12.12 of this Code, no special use permit for a communication tower shall be issued unless the Zoning Board of Adjustment makes the following written findings:
  1. That, pursuant to the standards and requirements in this subsection, co-location on an existing tower or other structure is not a viable alternative.
  2. That the tower will be compatible with the existing contiguous uses and with the general character of the neighborhood or the area by considering the following factors:
    - (a) The design and height of the communication tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
    - (b) The mitigating effect of any existing or proposed landscaping, fencing or other structures in the area.
    - (c) The proximity of the communications tower to existing or proposed buildings or structures.
    - (d) The nature of uses on surrounding properties.
    - (e) The topography and tree cover in the area.
    - (f) Potential adverse impacts of proposed towers located within or adjacent to any property formally designated by the Comprehensive Plan as protected or environmentally sensitive, or judged to possess unique environmental or cultural qualities.
  3. That the tower will not have any significant detrimental impact on adjacent property values.
  4. That the Design Standards in this subsection have all been met.

## j. Variances

### 1. Generally

An Applicant for a special use permit to construct a personal wire service facility or communication tower may request, as part of the application, a variance from the distance requirements set forth in 3.02.11.f.3, above.

### 2. Required Findings

The Zoning Board of Adjustment shall not grant a variance unless it makes the following written findings based on substantial competent evidence:

- (a) There is no danger to the health and safety of the property owners or the general public that may be directly impacted by the proposed variance.
- (b) There is no feasible alternative to the proposal that would allow the distance requirements to be met.
- (c) The variance sought is the minimum necessary to address the need for the variance.
- (d) The location of the proposed communication tower in relation to the existing structures, trees, and other visual buffers minimize, to the greatest extent reasonably practicable under the circumstances, any impacts on affected residentially zoned property.
- (e) The location of the communication tower will not have a significant detrimental impact on adjacent property values and any property formally designated by the Comprehensive Plan as protected or environmentally sensitive, or judged to possess unique environmental or cultural qualities as determined by current permitting regulations of the County.

k. Mandatory Conditions of Approval

1. The Zoning Board of Adjustment shall place the following conditions on each special use permit granted:

- (a) Provision of a surety bond, third party controlled escrow account, insurance policy (which may be a blanket policy) or standby letter of credit, in each case reasonably acceptable to the County Administrator as to form and financial condition of the issuer, securing the obligations of the applicant to dismantle the communication tower as required by Section 3.02.11.1, below. The bond, insurance policy or letter of credit shall be payable to the Board of County Commissioners of Putnam County and shall provide the County funds equal to 150% of the estimated cost of dismantling the communication tower, as evidenced by a certificate of a Florida Licensed Engineer or other evidence reasonably satisfactory to the County Administrator. Each such bond, insurance policy, or letter of credit shall be maintained in force for a minimum of ten (10) years and thereafter for additional five (5) year periods if the communication tower remains in place at the end of the original ten year term. Said financial security shall be automatically renewed each year of the designated period. A re-evaluation of the removal cost shall be provided every two years in the manner stated above to adjust the financial security on file with the County to ensure that it is adequate to cover the cost of dismantling the tower if so needed. Any excess funds not utilized in removing the tower will be refunded to the tower owner.

Such financial security shall be payable to the County, and if the Applicant is in default of its obligation under Section 4-21.9 to dismantle the communication tower, then the proceeds shall be used to pay the cost of such dismantling and removal. The bond amount and time limit may be changed by mutual consent.

- (b) An easement granted by the fee owner of the remaining land underlying the tower, in favor of Putnam County, to access the communication tower site for removal of the subject tower as provided for herein.
  - (c) Written permission from all record owners, beneficial owners and leaseholders of the tower in a form acceptable to the County, for County Staff, agents or contractors to enter upon the subject site and to remove the subject communication tower located there if it is found to be in violation of this section.
  - (d) An annual reporting requirement that mandates the tower owner/operator to provide an updated list of the number of users/tenants of the tower structure. Such list shall include tower owner's name and mailing address, the location of the tower, the tower height and the name and contact information of the users/tenants.
  - (e) Proof of payment of the costs for the telecommunications engineer, where one has been required.
2. The Zoning Board of Adjustment may place other reasonable conditions on special use permit including, but not limited to:
- (a) If the tower is of insufficient height to allow co-location, a requirement that the owner of the tower, under reasonable conditions, expand of tower in the future in order to allow for the co-location of one or more additional antennas on the tower.
  - (b) A requirement that the tower be built at a greater height than proposed in order to allow future co-locations. Such a condition may be based on a recommendation in the report of the telecommunications engineer, if one is required under this section.
  - (c) A requirement that the tower be built at a lesser height than that proposed in order to promote public health and safety or achieve compatibility with surrounding land uses or to minimize the negative visual impact of the tower. Such a condition may be based on a recommendation in the report of the telecommunications engineer, if one is required under this section.
  - (d) A requirement that the communication tower be built using a specific tower type (i.e. mono-pole, guyed-wire or free standing lattice towers) in order to achieve compatibility with surrounding land uses or to minimize the negative visual impact of the tower.
  - (e) A requirement that the personal wire service facility, under reasonable conditions, be built using alternative tower structures in order to achieve compatibility with surrounding land uses or to minimize the negative visual impact of the tower. Alternative tower structures means clock towers, bell towers, church steeples, light poles, utility structures, bridges, grain silos, commercial buildings/structures, billboards, trees and other similar structures as approved by the Zoning Board of Adjustment.

1. Abandoned Towers

- 1. In the event the use of any communication tower has been discontinued for a period of one hundred eighty (180) consecutive days, the tower shall be deemed abandoned. Determination of the abandonment shall be made by the Director, based on documentation, which may include

affidavits from the communication tower owner/operator regarding the issue of tower usage. The Director may consider whether the discontinuance of use was due to factors beyond the control of the operator, such as where the discontinuance was due to an act of god. Upon the Director's determination of such abandonment, the owner/operator shall have an additional one hundred eighty-five (185) days within which:

- (a) Reactivate use of the tower or transfer the tower to another owner/operator who makes actual use of the tower with the 185 days, or
  - (b) Dismantle and remove the tower.
2. At the end of the three hundred and sixty-fifth (365) day from the date of discontinuance, the one hundred eighty-fifth (185) day from abandonment without reactivation or upon completion of the dismantling and removal of the tower, any special use permit or variance approval for the tower shall automatically expire and the tower is to be removed. The County may utilize the bond to pay for the removal of the tower as stated above.

### **3.02.12 Convenience Store**

#### **a. Definition**

Convenience Store means any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same, having a gross floor area of less than 5,000 square feet. Convenience stores may also have delicatessen and bake shops areas within the gross floor area. It does not mean gasoline pumps or fuel dispensing facilities, although gasoline pumps and fuel dispensing facilities may operate in connection with a Convenience Store where expressly allowed within the zoning district.

- b. Where gasoline pumps or any other bulk fuel storage or dispensing device is allowed in connection with a convenience store, it shall be subject to the supplemental regulations for vehicular service establishments in Section 3.02.41.

### **3.02.13 Reserved**

### **3.02.14 Reserved**

### 3.02.15 Day Care Center

- a. Applicability: This subsection shall apply to day care centers, as defined in paragraph b, below.
- b. Definitions
  1. Day Care Home: A Day Care Home shall be as defined in Section 402.302, Florida Statutes, or a day care facility serving 7 or fewer adults.
  2. Day Care Center: A Day Care Center means any child care facility where the number of children cared for on a fee basis exceeds the number allowed in a Family Day Care Home, or a day care facility serving more than 8 adults.
- c. Supplemental Regulations – Day Care Center
  1. Day Care Centers may be allowed as provided in Article 2 of this Code subject to the following conditions:
    - (a) The use has direct access to roadways with a “major collector” or higher roadway functional classification.
    - (b) The use is NOT in a location interior to residential neighborhoods in a manner that will encourage the use of local streets for non-residential traffic.
    - (c) The property where the use is to be located is at least 1-acre in size and has a lot width of at least 100 feet.
    - (d) Where a special use permit is required, the maximum number of children or adults at the facility shall be determined by the reviewing Board under the criteria in section 12.12.03 of the Land Development Code. It shall otherwise be governed by the licensing requirements of the State of Florida.
    - (e) The property at issue shall meet, at a minimum, the setbacks of the applicable zoning district.
    - (f) If located in a residential zoning district, the hours of operation shall be limited to one hour before sunrise to one hour after sunset.
    - (g) Where a special use permit is required, the use shall be limited to a maximum of one on-premise building sign and one on-premise ground sign that shall be no larger than 32 square feet, and the signs shall not be lighted. The use shall otherwise meet the requirements of Article 8 of this Code.
    - (h) The use shall comply with the noise limitations of the applicable zoning district as outlined in the Noise Control Ordinance of Putnam County, Florida.
    - (i) The applicant shall obtain the appropriate County occupational license and State licensing for operation of the use prior to the initiation of the use.

2. Where a special use permit is required, the Zoning Board of Adjustment may establish any other conditions it deems appropriate under section 12.12 of the Land Development Code

### **3.02.16 Drive-Through Facilities**

#### **a. Definition**

A drive –through facility is a feature of a commercial use whereby services or sales are extended mechanically or personally to customers who do not exit their motorized vehicle. Such facilities include banking facilities, restaurants, food sales, dry cleaning, express mail services and other services. Not included in this definition are auto fuel pumps and depositories that involve no immediate exchange or dispersal to the customer, such as mailboxes, library book depositories and recycling facilities.

#### **b. Supplemental Regulations**

1. Drive Through Facilities are prohibited in the C-1 zoning district.
2. Drive Through Facilities shall be to the rear or side of the commercial use with safe ingress and egress connections to adjoining streets.
3. Drive Through Facilities shall be designed to avoid creating undue hazards for pedestrians.
4. Waiting spaces for Drive Through Facilities may be required. The County Engineer will determine the number of spaces based on whether the use served by the drive-through facility will generate a high volume or low volume of vehicle use. The County Engineer shall consider the nature of the use, its intensity, size, other parking facilities provided and other traffic generating characteristics.
5. Access drives for drive-through facilities shall comply with the parking, buffering and landscaping requirements of Article 7 of this Code.

### **3.02.17 Flea Market**

#### **a. Definition**

Flea Market means the use of a designated area of land, structures or buildings for the sale of goods, usually secondhand or cut-rate, by individuals or groups which lease the portion of the building or land from which they sell by the hour, day, week or month.

#### **b. Supplemental Regulations**

1. The outdoor sales of goods shall only be allowed in a lawfully established flea market, with the exception of the following land uses, which by their very nature, require the sales and displays to take place out doors:
  - (a) A lawful temporary use operating under section 2.04 of this Code;

- (b) The sale of new and used vehicles, including watercraft, in a zoning district that allows such sales activity;
  - (c) Equipment or vehicle rental establishments in a zoning district that allows such rental activity;
  - (d) Sale of monuments, tombstones, bird baths, statues and related items in a zoning district that allows such sales activity;
  - (e) Mobile home and portable building sales in zoning districts that allow such sales activity;
  - (f) A plant nursery or produce stand in a zoning district that allows plant nurseries and produce stands; and
2. Any permanent structure used to shelter people or merchandise shall be required to obtain a building permit and shall be constructed in accordance with the Florida Building Code. “Permanent structure” as used herein shall mean a structure of any size used to shelter persons or property that is used during the operating hours of the flea market and kept in place when the flea market is closed. It does not include tarps, tents, canopies or other portable shelters that are dismantled and carried off the property or stored in a permanent shelter at close of each business day.
  3. A flea market shall be required to meet the parking, landscaping and buffering requirements of Article 7.

### **3.02.18 Fly-In Development**

#### **a. Defined**

A fly-in development is a residential development planned and integrated with airport facilities that are directly accessible to recreational flyers.

#### **b. Supplemental Regulations**

1. The air strips associated with a fly-in development shall be limited to personal or recreational flying and shall not to be used for commercial airline traffic or any other commercial purpose.
2. A fly-in development may only be established by a development agreement approved by the Board of County Commissioners pursuant to a PUD zoning approval. Runways may be limited in size in order to insure appropriate limitations on the use of the facility.
3. Typical Accessory Uses or Structures
  - (a) Each lot owner within a fly-in development may be allowed a hangar for storage of aircraft, subject to the dimensional requirements of the zoning district.
  - (b) A clubhouse or staging area for pilots and residents of the development may be allowed provided it is located a sufficient distance from the runway and air space around the runway.

- (c) Visiting aircraft are generally permitted, provided there are sufficient tie-downs or hangar space to insure proper storage of the aircraft in the event of a storm or high winds.

#### 4. Development standards

- (a) A detailed site plan illustrating the location and size of the runway, residential lots adjacent to or within the flight path of the runway, and accessory structures or uses, including aircraft parking areas, shall be provided to the Department prior to acceptance of the application for Special Use Permit. Runways shall be located in a manner that allows for a final approach and initial departure zone that is clear of places of public assembly and residential areas that are not part of the fly-in development.
- (b) The proposed location and dimensions of the runway must be licensed and approved by the FAA and the airstrip shall be operated in conformance with FAA regulations at all times.
- (c) Hangars or any accessory structures that are intended for use as a club house or staging area or a related use for residents and visitors to the air strip shall be required to obtain a commercial building permit and shall be constructed in accordance with the Florida Building Code, including any access and facility requirements of the code.
- (d) Unless otherwise provided in a development agreement approved by the Board of County Commissioners pursuant to a PUD zoning approval, the fly-in development shall be subject to the design and dimensional requirements of the applicable zoning district as provided in Article 7. In no event shall the development exceed the lot coverage and density requirements of the applicable future land use category.
- (e) The fly-in development shall, at the boundaries of the development, be subject to the allowed noise levels established under the Putnam County Noise Ordinance.

### **3.02.19 Golf Course**

#### a. Definition and Purpose

Golf Course means a facility for playing the sport of golf. This does not include miniature golf (a.k.a. putt-putt golf), stand-alone golf driving ranges or lighted golf courses, each of which shall be only be allowed in accord with the Commercial Recreation and Entertainment—Outdoor Use Category. The purpose of this subsection is to permit the development of golf courses in Putnam County while preserving and enhancing the natural environment, water resources, agricultural resources, scenic vistas, neighborhoods, land uses and values. The County may rely on nationally recognized environmental golf course certification programs and the expertise of regulating State agencies when determining compliance with this subsection.

#### b. Supplementary Regulations

1. A golf course may include a driving range and clubhouse as accessory uses so long as they are 150 feet from any adjoining property.

2. A golf course shall be required to make use of reclaimed water or establish water re-use system using on-site surface waters for primary irrigation systems. This requirement may be waived by the Board of County Commissioner upon application by the property owner or developer if he or she can demonstrate an actual hardship or the lack of availability of reclaimed water, subject to the limitations of goals, objectives and policies of the Putnam County Comprehensive Plan and permit approvals from the Water Management District and the Florida Department of Environmental Protection. If at any time the Board determines that reclaimed water has become available for purchase and a conveyance system for such directly served water is within three miles of the golf course boundary, the Board may direct the golf course to convert to such reclaimed water. The Board may set a reasonable time for conversion.
3. Best Management practices as promulgated by FDEP for water bodies shall be utilized in all phases of the golf course development and operation. Golf courses shall be designed, constructed, maintained and operated in conformance with a Management Plan that incorporates the best management practices for the following:
  - Water Quality
  - Water Conservation
  - Integrated Pest Management
  - Waste Management
  - Wildlife Habitat Management

If necessary, the applicant shall pay reasonable cost incurred by the County for reviewing the Management Plan including, without limitation, compensation for environmental or technical consultants retained by the County.

4. Golf Course Development Review and Submittal Requirements. A golf course development will be reviewed as a Class III Development under Article 12 of this Code. In addition to the standard submittal requirements is section 12.05 of this Code, the following submittals and design standards shall also be provided:
  - (a) A map series that illustrates the property, the project boundary, parcel lines, USGS topographic data for the property, a conceptual site plan showing the size and location of proposed course, water features, all accessory structures and improvements as well as all required setbacks, and the location for parking, ingress and egress and anticipated traffic routing, all over-layed on the most recent aerial photograph of the property in question.
  - (b) An environmental assessment prepared by a qualified environmental professional, which identifies existing natural communities present on the subject property, including but not limited to jurisdictional wetlands, streambeds, areas of special flood hazard, endangered and threaten species habitat, areas of high groundwater recharge and any other environmentally sensitive lands within the subject property; along with a narrative regarding how these communities will be protected or mitigated.
    - (1) The golf course design shall minimize stream and wetland crossings. Stream and wetland crossings shall be designed in such a way as to minimize erosion and harmful effects to riparian and wetland habitats and recognized corridors.

- (2) Boardwalks and bridges should be used to minimize alteration of the wetland environment.
  - (3) The course design shall employ vegetated buffer strips to mitigate impacts to waterbodies and other critical habitat which may result from surface drainage of the golf course, cart paths, and other developed areas.
  - (4) Cart paths shall be graded and swales located such that runoff from them does not flow directly into any natural water body.
  - (5) Habitat for wildlife species (e.g., bats, bluebirds, purple martins, etc.) that help control pests shall be protected. Additional habitat for these beneficial species should be created whenever feasible and environmentally desirable.
  - (6) Natural habitat shall be managed to maintain healthy populations of wildlife and aquatic species.
- (c) An irrigation plan. If the applicant intends to rely on groundwater irrigation from a private well, the applicant shall provide a groundwater study completed by a qualified engineer establishing the level of the groundwater table on the subject property, the effect of the proposed activity on the groundwater and surface water resources and land uses within one mile of the site.
  - (d) A grading and drainage plan prepared by a qualified civil engineer.
  - (e) An archeological and historical assessment of the property by a qualified professional to determine what historically significant resources may be located on the golf course site.
  - (f) A traffic impact and concurrency study, including anticipated traffic routing.

### **3.02.20 Reserved**

### **3.02.21 Reserved**

### **3.02.22 Heavy Vehicles, Parking and Storage**

#### **a. Definition**

Heavy vehicles are vehicles that have a commercial rated capacity for hauling equipment, materials, goods and people, except school buses, that are licensed to move over the public roadways and typically used for commercial purposes; for example, semi-trucks, panel trucks, dump trucks or tour buses. It does not include pick-up trucks, vans and other personal vehicles used for personal transportation purposes. Additionally, use of the term “heavy vehicles” should not be read to include heavy equipment such as backhoes, bulldozers, cranes and related heavy equipment, which are typically not tagged and licensed for moving over the public roadways, which is accounted for separately under this Code.

b. Zoning Requirements

Parking and storage of heavy vehicles is otherwise regulated by the list of permitted uses and structures in Section 2.02 of this Code. Land used for the parking or storage of heavy vehicles shall also be required to meet the landscaping and design standards for off-street parking and loading as provided in Article 7 of this Code.

1. Heavy vehicles shall not be parked or stored in RE, R-1, R-1A, R-1HA, R-2, R-2HA, R-3, R-4, RMH, CPO, and C-1, except as allowed in the circumstances listed in items 2 and 3 below.
2. Heavy vehicles may be temporarily parked in the zoning districts listed in paragraph 1, above, for normal and required loading or unloading of such vehicles, or while providing a normal and required service to the uses and structures in the zoning district. For example, moving or delivery trucks are permitted for purposes of loading and unloading items to be moved to or from a residential use district.
3. Parking and storage of heavy vehicles may be allowed in the C-1 zoning district, if approved by a special use permit under Article 12 of this Code and the use is limited to heavy vehicles supporting an otherwise allowable use under the C-1 district.
4. A single, heavy vehicle may be parked on a residential lot or parcel in the AG or AE zoning districts, if the lot or parcel is at least 1 acre in size; the heavy vehicle is used as transportation by the owner or occupant of a residence on the lot or parcel; the vehicle is operable and has a current license and tag; and the vehicle is not parked on established rights-of-way, including but not limited to public and private access and utility easements. Only the vehicle and the single trailer associated with the vehicle is allowed in the zoning district, and no additional heavy vehicles shall be allowed, unless they are parked and used for a bona fide farming operation on the parcel or lot on which the trailer is parked.
5. This subsection addresses the parking and storage of actively used heavy vehicles and trailers and should not be read to allow for the long-term storage of inoperable heavy vehicles or trailers in any of the above-referenced zoning districts.

**3.02.23 Kennel**

a. Definition

“Kennel” means any commercial place of business where three (3) or more domesticated animals, over six (6) months of age are kept for sale, grooming, breeding or overnight boarding. "Kennel" may include a veterinary facility if such use includes facilities that meet this definition of “kennel”

b. Supplemental Regulations

Any structures used for the housing of animals must be set back a minimum of 100 feet from any existing residence or residential lot of different ownership, and in all cases the structures shall be sound proofed. Whether established by right or by special use permit, the kennel operator shall, at a minimum, dispose of animal waste in a manner approved by the Health Department. Such waste disposal shall occur on a daily basis to prevent the accumulation of filth and to prevent odors and pests from carrying on to neighboring properties.

### **3.02.24 [Reserved]**

### **3.02.25 Livestock, Residential**

#### **a. Definition**

Livestock, Residential shall mean the keeping of equines, cattle, swine, fowl, and/or goats on a residential lot that is five acres or less in size and located in an agricultural zoning district (AG or AE).

#### **b. Supplemental Regulations**

1. The residential livestock shall be kept in a fenced enclosure maintained to restrict the animals from being closer than 10 feet to a property line.
2. If a place of shelter is provided it must be 100 feet or more from a residence of different ownership.
3. The following minimum area requirements shall be maintained:
  - (a) One (1) horse or other equine per acre.
  - (b) One (1) cow or other cattle per acre.
  - (c) Six (6) goats or sheep per acre.
  - (d) Forty (40) chickens or other poultry per acre, but only 1 rooster.
4. As used herein, an “acre” means one acre of undeveloped, useable land area; and does not include the area serving the primary residential structure. The area requirements are per animal, i.e., a single acre may not support both a horse and a cow, but only one horse or one cow.

### **3.02.26 Manufactured Home Parks**

#### **a. Definition**

Manufactured Home Park is a parcel of land set aside and rented by any person for the parking and accommodation of mobile homes and/or modular homes which are to be occupied for sleeping or eating in exchange for consideration or benefit to the owner of the mobile home park, and includes all land, buildings, structures or facilities used by occupants of homes on such premises.

#### **b. Supplementary Regulations**

1. Manufactured home parks are permitted in RMH zoning only and are allowed to contain accessory and support facilities customarily incidental to the operation of the manufactured home park as approved on the site plan. Such facilities shall include recreational, maintenance and laundry facilities for use by park residents.

2. Minimum site requirements for a manufactured home park.
  - (a) 150 feet wide at ingress and egress points.
  - (b) 200 feet wide at the portion of the site used for mobile home lots.
  - (c) 5 acre minimum total site area.
  - (d) Minimum width of a home space is 50 feet.
  - (e) Minimum size of a home space is 5,000 square feet.
  - (f) Minimum set back for home spaces are as follows:
    - (1) 25 feet from any external street right-of-way and 15 feet from internal streets.
    - (2) 10 feet from the side of home site.
    - (3) 10 feet from the rear of the home site.
3. Each home space in a manufactured home park in the RMH district shall be provided with a paved patio with a minimum of 120 square feet.
4. Each manufactured home park must have a park and recreational area having a minimum area of 200 square feet per home space. Any such area must contain a minimum of 500 square feet.
5. Internal streets must be a minimum of 20 feet wide and meet the standards for construction and drainage in Article 7 of this Code.
6. Each home space shall be clearly defined by means of concrete, steel or iron pipe markers placed at all corners.
7. Each manufactured home park shall be provided with a management office and such service buildings as are necessary to provide facilities for mail distribution, and storage space for supplies and maintenance materials.
8. A landscaped buffer at least 5 feet wide with an opaque screen at least 6 feet high, shall be maintained along the perimeter of each manufactured home park. Standards for buffer and screening are provided in Article 7 of this Code.
9. A drainage plan for the manufactured home park which meets the requirements of Article 7 of this Code must be submitted to the Public Works Department. Approval of the design and implementation of the plan must be obtained from Public Works.
10. Emergency storm shelters shall be provided as required by Article 10 of this Code.
11. All homes shall be set back at least fifteen feet from the boundaries of the park. Accessory structures need not meet this setback requirement.

12. Central water and sewer systems shall be provided for parks with home spaces that are less than 1 acre in size.
13. Existing manufactured home parks shall comply with the requirements at Section 9.03.03 of this Code.
14. Manufactured Home Parks are only allowed in RMH zoning.
15. Up to four Recreational Vehicle (RV) sites may be allowed in a Manufactured Home Park without need of a Special Use Permit. Whether allowed by right or by Special Use Permit, each RV site in a Manufactured Home Park shall comply with the dimensional requirements for a standard home space and the RV itself shall be licensed and operable to travel over the public roadways. Carports, screen rooms, storage sheds or other permanent structures may be located on the RV site as provided herein, however, such structure shall not be attached or affixed in any fashion to the RV itself. The use of the RV shall be subject to the temporary occupancy requirements established for Overnight Recreational Parks in section 3.02.36 of this Article.

**3.02.27 Reserved**

**3.02.28 Reserved**

**3.02.29 Manufactured Home Sales**

a. Definition

Manufactured Home Sales means the sale of new and/or used manufactured homes on an open lot.

b. Supplemental Regulations

Subject to the requirements of the Florida Building Code, a manufactured home may be used as a sales office on a manufactured home sales lot in any zoning district permitting the sale of manufactured homes.

**3.02.30 Marina**

a. Definition

Marina means a waterfront establishment for the purpose of storing watercraft and pleasure boats on land, in buildings, in slips, attached to moorings, or on boatlifts. "Marina" includes accessory facilities for purposes including, but not limited to, refueling watercraft, selling of bait and tackle, conducting repairs to watercraft, launching watercraft, restaurants, and snack bars, but does not provide lodging other than allowing for boat owners to live in their watercraft.

b. Supplemental Regulations

1. Refer to Section 6.03, Waterfront Development.
2. Dry storage of watercraft is permitted in a marina.
3. Temporary and Permanent live-aboard slips or moorings for watercraft are allowed in a marina.
  - (a) Temporary over-night stays aboard watercraft may be allowed for a maximum of 72 hours in a defined mooring field, provided there is a sewage pump station in the marina for use by the over-night watercraft that has been permitted by Florida Department of Environmental Protection.
  - (b) Permanent live-aboard slips may be allowed if there is a permanent parking area that provides the equivalent of two parking spaces for each permanent live-aboard boat slip, in addition to any other parking required to support additional facilities at the marina.
4. There shall be properly located and constructed sewage pump-out facilities in accordance with Florida's Clean Marina Program with connections at each slip used for permanent live-aboard vessels.
5. Shower, toilet and lavatory facilities shall be provided based on the number of slips used for live-aboard vessels in accord with Department of Health and/or Department of Environmental Protection facility requirements.
6. There shall be adequate parking provided for automobiles and trailers at all boat launch facilities.
7. If RVs or any other camping facilities are included as part of the marina the use shall be governed by the supplemental regulations applicable to Overnight Recreational Parks in section 3.02.36 below and Department of Health facility requirements.

**3.02.31 Mining**

a. Purpose and Intent.

The purpose and intent of this section is to ensure that the development of mineral resources, as well as other naturally occurring extractable natural resources materials shall be compatible with the overall economic objectives of Putnam County; to protect and conserve natural resources and the environment for present and future generations; to minimize the potential for adverse impacts associated with mining; to maximize the positive benefits of mining; to ensure that mining will not preclude future uses of mined-out lands and to ensure that reclamation is conducted in a manner consistent with current and future land uses in Putnam County; and to implement the Putnam County Comprehensive Plan.

b. Definitions

1. "Mine" shall mean an area of land on which operations for the excavation extractable natural resources consisting of pits, shafts, levels, tunnels, etc., to include open cuts and quarries, by which substances such as clay, sand, limestone, peat, kaolin, etc., are extracted, or are planned to

be extracted, from the earth. For purposes of this Code, a "borrow area" that is greater than 30 acres in size or opened for more than 10 years shall be considered a "mine".

2. "Mining operation" shall mean all functions, work, facilities, and activities in connection with the development, extraction - whether primary or secondary - or processing of extractable natural resources, and all uses reasonably incidental thereto, such as the construction of roads or other means of access, pipelines, waste disposal and storage, and re-circulating water systems.
3. "Reclamation" shall mean the reshaping of land disturbed or affected by mining operations to an appropriate contour that is as close as is practical to the contours existing prior to the mining of the land, unless the Reclamation Plan establishes an alternate set of contours that is not contrary to the public interest and leaves the site beneficial for a viable future land use, taking into consideration the type of land use in place prior to the establishment of the mining operations, the viable land uses that might be established after reclamation, and the surrounding topography and land uses. In an effort to enhance stabilization and site aesthetics and maximize the potential for beneficial use of the land, the slopes for areas disturbed outside the excavated area shall be reclaimed to a slope of four (4) feet horizontal to one (1) foot vertical (4:1), where such areas have been disturbed to a degree that created a slope steeper than 4:1; and the reclaimed slopes within the actual excavated area shall not exceed a slope of three (3) feet horizontal and one (1) foot vertical. Where the reclamation results in the creation of a waterbody, the area beginning at the mean high water line to a point 6 feet below the low water line shall be reclaimed to a slope not to exceed of 6 feet horizontal to 1 foot vertical. Reclamation shall include re-vegetation of the lands in a manner consistent with the paragraph 3, below. The preparation and implementation of reclamation plans shall, at a minimum, be consistent with State law for the type of resource extracted; and in the case of a conflict between the State and local laws, the more stringent standard shall apply.
4. "Re-vegetation" shall mean using grasses, shrubs, trees and other vegetation native to the area, or an agriculture or silviculture crop suitable to the surrounding areas, all of which are well adapted to the soil conditions and planted in a manner appropriate to achieve permanent re-vegetation which will minimize soil erosion and surface water runoff, stabilize slopes and conceal the effects of the mining. Quality topsoil that is available on-site shall be stockpiled, segregated and retained on-site for re-vegetation during the reclamation process.
5. "Excavation" shall mean the digging, stripping, or removal by any process of natural materials or deposits from their natural State and location, said materials and deposits to include oil, gas, rock, stone, minerals, shell, sand, marl, peat and soil, but not including sod. Excavation shall not include the creation of water bodies undertaken as a part of a planned unit development or other subdivision nor shall it include activities associated with the construction of storm water management facilities.

c. Supplemental Regulations

1. Mining operations shall only be allowed on property where both the Mining Future Land Use and Mining Zoning District are in place.
2. **Mining Master Plan Permit Required.** A mining operation must obtain Final Development Order from the County prior to the commencement of the mining activity, hereinafter referred to as a Mining Master Plan Permit. The application for a Mining Master Plan Permit shall, to the

extent possible, be reviewed concurrently with a related application for a Comprehensive Plan amendment and/or rezoning.

3. **Phasing Required.** The excavation of the mine shall be conducted in phases, as set forth in the Mining Master Plan, so as to expose the least amount of land surface practical at any time during the mining operations. The activity to be conducted during each phase shall be described in the Mining Master Plan and shall be based on a variety of factors, including but not limited to, the type soil being excavated, the location and size of the mine, the duration of the operation, the location of length of the deposits being excavated and the susceptibility if the site to erosion and fugitive dust emissions, and the presence or absence of buffers and setbacks that will impact the aesthetics and the environment.
4. The Mining Master Plan Permit application and review process:
  - (a) Applicant shall submit a Mining Master Plan application with the required submittals to the Department and the Department shall conduct a sufficiency review within twenty (20) business days. If the Department determines that the information is substantially incomplete, it shall inform the applicant in writing of the deficiencies. The developer may submit an amended plan within sixty (60) business days without payment of an additional fee, but, if more than 60 days have elapsed, the applicant must thereafter initiate a new application and pay a new fee.
  - (b) The Department shall send a copy of the Proposed Mining Master Plan to each member of the Development Review Committee (DRC) and shall place the plan on the agenda of the next Committee meeting that allows the DRC at least twenty (20) business days to review the plan.
  - (c) Each DRC member shall present comments as to the proposed development's probable effect on the public facilities and services that the member represents and any other comments regarding whether the proposal is in compliance with the requirements of this Code. Additional preliminary review meetings can be scheduled as deemed necessary by the applicant or the Committee.
  - (d) Within twenty (20) business days after the Committee meets for the last time to consider the plan and comments, the Department shall issue a written report setting forth findings and conclusions supporting such findings, and shall forward the matter to the Board of County Commissioners with written findings and a recommendation of either approval, approval with conditions or denial.
  - (e) The Board of County Commissioners shall, after a properly noticed public hearing, either issue a Preliminary Development Order granting the Mining Master Plan Permit, stating any conditions of approval, or deny the application, stating the basis for the denial. In addition to any other additional conditions that may be included in the Preliminary Development Order, the Order shall include the following conditions precedent to issuance of a Final Development Order:
    - (i) Applicant shall obtain appropriate permits and approvals from the FDEP, FDOT and any other appropriate State or Federal regulatory agencies, including but not limited to

approval of a reclamation plan consistent with the conceptual plan approved as part of the Preliminary Development Order.

- (ii) Applicant shall provide the appropriate financial assurances, in a form approved by the Board, that insure completion of the approved reclamation plan.
  - (iii) A specific, reasonable time frame for completing the conditions precedent to a Final Development Order.
  - (f) The developer shall submit a Final Development Plan to the Director or his designee for review and approval within the time period in which the Preliminary Development Order is valid.
  - (g) Within twenty (20) business days the Department shall determine whether the Mining Master Plan Permit should be approved or denied based on whether the plan conforms to the Preliminary Development Order; and shall either issue a Final Development Order complying with Subsection 12.04.08 of this Code, or refuse to issue a Final Development Order based on the failure of the Development to comply with the conditions imposed by the Preliminary Development Order. If the Final Development Order is denied, the applicant may request a hearing before the Board of County Commissioners to determine whether the Final Development Order should be issued.
5. The Mining Master Plan Permit Submittal Requirements. Submittal requirements for the Mining Master Plan Permit review process shall generally follow section 12.05 of this Code, including but not limited to subsection 12.05.05, which requires a master plan if the mining activity is going to occur in phases. In addition to the submittal requirements of Section 12.05, the following submittals shall also be provided:
- (a) A map series that illustrates the property, the project boundary, parcel lines, USGS topographic data for the property, a conceptual site plan showing the size and location of proposed accessory structures and improvements as well as all required setbacks, location for ingress and egress and anticipated traffic routing, and location of the area to be mined, all over-layed on the most recent aerial photograph of the property in question. The map series must also show the surrounding property at least 1,500 feet of the property boundary with parcel lines and topographic information.
  - (b) A location map showing the parcel under review for the Permit in relation to the surrounding parcels and roadways within a two-mile radius of the proposed mine.
  - (c) An environmental assessment prepared by a qualified environmental professional, who identifies existing natural communities present on the subject property, including but not limited to jurisdictional wetlands, endangered and threaten species habitat, areas of high groundwater recharge and any other environmentally sensitive lands within the subject property; along with a narrative regarding how these communities will be protected or mitigated.
  - (d) A geotechnical report and groundwater study completed by an engineer or geologist that is qualified in the area of hydrogeology showing the location and types of soils, the level of the groundwater table on the subject property, the effect of the proposed activity on the

groundwater and surface water resources, including wetlands, and land uses within one mile of the site, as well as a conceptual ground and surface water monitoring plan. Ground and surface water levels must be established and monitored for one full year prior to commencement of mining operations, and shall continue to be monitored for the duration of the mining operation.

- (e) An archeological and historical assessment of the property by a qualified professional to determine what historically significant resources may be located on a mining site.
- (f) A traffic impact and concurrency study, including anticipated traffic routing.
- (g) A conceptual reclamation plan that is, at a minimum, consistent with the State's reclamation requirements, which shall include the estimated cost of reclamation; except that the County may require additional reclamation actions not required by State's minimum standards, if it determines such actions are necessary and reasonable given the nature of the mining operation and the area to be disturbed. Additionally, all reclamation plans shall include a plan for re-vegetation as that term is defined in paragraph 3.02.31.b.4 above.
- (h) Assurances in a form approved by the Board of County Commissioners that the applicant will be financially able to complete the approved reclamation plan. Such assurances may be in the form of a performance bond or other surety, or by the annual filing of a certified financial statement demonstrating the financial ability to achieve the approved reclamation plan, as determined by the Board. Such financial guarantees shall be in an amount not less than 100% of the cost of reclamation, as shall be decided by the Board based on the recommendation of the County Administrator and the advice of the County Attorney.
- (i) The cost estimates for reclamation will be limited to the active phase of the excavation.
- (ii) Upon formal written request to the permitting agency or board, the permit holder may request a reduction in the amount or a complete release of the reclamation surety due to completion of some or all of the required reclamation. The Department must be allowed to enter and inspect the reclamation efforts and make a written recommendation regarding the request prior to a final determination to reduce or release the surety.
- (iii) If the County determines that the previously approved financial assurances do not demonstrate the financial ability to achieve the approved reclamation plan, the County may, after a duly noticed public hearing, suspend or revoke the Mining Master Plan Permit until such time as the permit holder provides additional or different surety.
- (j) A list of all required State and federal permits that must be obtained for the mining operation.

6. The site for a mine shall:

- (a) Have a minimum land area of five acres.
- (b) Have legal access to a public right-of-way that will insure the ingress and egress for the mining operation does not take place on a Local Road in an established neighborhood.

7. The actual excavation area shall be subject to the following minimum setbacks:

- (a) 100 feet of any public roadway;
  - (b) 500 feet of a natural waterbody; except that when the waterbody has not been meandered by the State and it is located entirely within the property boundaries of the mining operation, the setback may be reduced to 50 feet.
  - (c) 25 feet from a delineated wetland; except that encroachment into a wetland system may be allowed if it is determined to be an integral part of the mining activity or the Board determines the encroachment is necessary for the reasonable operation of the mine and the impact to the wetland system is negligible or sufficiently mitigated. The encroachment must be permitted by the Department of Environmental Protection, and the owner or operator of the mine must mitigate any net loss to the wetland system.
  - (d) Nothing herein shall prevent the Board from requiring greater setbacks, where the minimum setbacks are found to be insufficient to protect the roadway, waterbody, wetland or other adjacent land uses from suffering adverse impacts from the excavation activity.
8. A Pond Permit is not required for an artificial lake that is a part of an approved reclamation plan.
9. Copies of any permits or reports required by the Florida Department of Environmental Protection and those that may be required by other State agencies in relation to the mine and the mining operation shall be submitted concurrently to the Director of Planning & Development Services and the Director of Public Works for Putnam County.
10. Environmental Protection Standards.
- (a) Water quality and quantity.
    - (1) Point-source Discharges. Point-source Discharges of water or liquid waste into water bodies are prohibited; except that point source discharge may be allowed if permitted by the Florida Department of Environmental Protection and/or the Water Management District and the waterbody has not been meandered by the State and it is located entirely within the property boundaries of the mining operation. This shall not prevent approved discharges into re-circulating plant water systems, retention ponds and surface water storage ponds which are self-contained on the Mine property or the undertaking of Aquifer Recharge programs, or discharges of storm water runoff from reclaimed Lands; nor shall it prevent existing mining operations with valid state permits from discharging in accordance with those permits; provided, however, that in no event may any discharges of water or liquid waste have an adverse effect on water quality, riverine, terrestrial or aquatic biota or preexisting lawful uses of water bodies.
    - (2) Non-point source Discharges. Non-point source Discharges of water or liquid waste into waters of the County or State shall not have an adverse effect on water quality, riverine, terrestrial or aquatic biota or preexisting lawful uses of water bodies. All surface drainage from site runoff shall be directed away from sinkholes or open excavations unless such excavations are part of the approved storm water management system.

- (3) Ground and surface water withdrawals shall not adversely impact, due to lowering of potentiometric levels, the Floridan Aquifer beyond the boundaries of the Mine. Nor shall Mining activities adversely impact the level of the surficial aquifer beyond the boundaries of the Mine. Ground and surface water levels shall continue to be monitored for the duration of the mining operation. Wells established for a potable water supply or as part of the mining operation shall be constructed to enable sampling of the aquifer from which the water is drawn. The frequency and form of reporting of monitoring results shall be decided on a case-by-case basis and outlined in the Mining Master Plan Permit.
  - (4) Where feasible, a horizontal impervious layer (possibly including a portion of the extracted resource) to be left undisturbed and unpenetrated beneath all excavated areas in order to retard the movement of water from excavated areas to the Groundwater. The thickness and horizontal extent of confining units, if any, shall be determined using soil borings taken prior to excavation.
  - (5) Surface Water Withdrawals. Water shall not be drawn from surface water bodies not totally within the property unless specifically approved as part of the Mining Master Plan Permit, and by the State through an Environmental Resource and/or a Consumptive Use Permit. Such use shall only be permitted after a thorough analysis of stream flow and surface water conditions and shall be limited to quantities not detrimental to downstream property owners or the environment.
- (b) Wetlands. Wetlands shall not be altered or disturbed by mining operations except in accordance with the applicable provisions of Section 6.02 of the Putnam County Land Development Code and any other applicable State and federal rules, regulations and ordinances. Appropriate methods of restoring or reclaiming the functions and values of mined areas with special regard to vegetative restoration to ensure that viable wetlands are established free of exotic and noxious plant species shall be taken. The restoration and reclamation methods shall be outlined in the approved reclamation plan.
  - (c) Archaeological and historical resources. Archaeological and historical Sites, cemeteries and burial grounds shall be preserved in accordance with applicable federal, state, regional and local laws, ordinances, rules and regulations. The state division of archives, history and records management shall be consulted to determine what resources may be located on a mining site.
  - (d) Wildlife resources. Maximum practicable efforts shall be made to protect habitats of endangered or threatened species of wildlife and vegetation, and where feasible, incorporate the establishment of habitat for native wildlife species as part of the reclamation plan.
  - (e) Floodplain. No mining activity, with the exception of approved peat and muck mining, shall be conducted within the 100-year Floodplain of a waterway, lake or stream if such mining activity would have an adverse affect on the 100-year Floodplain. Floodplain elevations shall be determined as provided in Section 6.05 of this Code.
  - (f) Solid Waste. No Operator shall dump, pile or permit the dumping, piling or otherwise placing of any earth, overburden rocks, ore, debris or other solid waste upon or into any

Public Roadways or other public property or water bodies or upon any adjacent property except as specifically approved in the operating permit. No Operator shall place such materials in such a way that normal erosion or slides brought about by natural physical causes will permit such materials to go upon or into Public Roadways or other public property or water bodies or upon any adjacent property except as specifically approved in the operating permit.

- (g) Hazardous Waste. All Hazardous Materials intended to be stored or used on-site, including petroleum-based products, shall be reported to the Fire Marshall and the Director of Emergency Management Services for Putnam County. All Hazardous Wastes generated by activities at the Site be disposed of in accordance with local, regional, state and federal laws, ordinances, rules and regulations.
  - (h) Blasting and vibrations. No blasting or other use of explosives shall be conducted without proper permits from the governmental entities with jurisdiction, including the state fire marshal. Blasting shall be conducted only from Monday through Saturday and during daylight hours. All Mining Activities shall be performed in a manner that shall prevent vibrations of the soil from reaching a magnitude sufficient to cause damage to Persons or property outside the operator's property.
  - (i) Air quality. The mining activity shall be conducted so as to prevent the generation and off-site migration of fugitive dusts and particles. All areas in which such dusts or particles may be generated shall be kept wet or controlled in another manner to reduce the potential for their off-site migration. Atmospheric discharges from processing and drying equipment shall comply with all applicable state, federal, regional and local laws, ordinances, rules and regulations.
  - (j) Erosion and Sedimentation. Soils exposed during site alteration shall be stabilized and runoff and siltation directed to areas approved in the Mining Master Plan Permit in such a manner as to prevent off-site impacts.
  - (k) Dewatering. Dewatering operations shall be planned and controlled so as to provide minimum draw down of the Groundwater table outside the actual mining Site. When it receives credible complaints that the mining operation has resulted in detrimental off-site impacts, the County will coordinate an investigation with the State and federal regulating agencies and may require the operator to demonstrate that such impacts have not occurred as a result of the dewatering operation. Any dewatering operation which results in detrimental fluctuations of water levels in adjacent water bodies, wetland areas or water supply wells shall be terminated until such time as a satisfactory plan is developed and implemented to maintain water levels in such areas.
11. Existing mines that pre-date the effective date of this section shall be subject to the requirements of Section 9.03.03 g of this Code.
12. Changes in ownership or operation of an approved mine existing before or after the adoption of this Section shall be reported the Board in writing within 60 days of the change operation and shall include the name, address and telephone number of the new owner or operator.

13. In determining compliance with this subsection the County may rely on the expertise of the State and Federal permitting agencies.

### **3.02.32 Mini-Warehouse**

#### **a. Definition**

Mini-Warehouse means a personal storage building that is subdivided by permanent partitions into spaces not more than three hundred (300) square feet of floor space; and in which each space has an exterior independent entrance under the exclusive control of the tenant.

#### **b. Supplemental Regulations:**

1. When allowed in a C-2 district by special use permit, the maximum total area under roof shall not exceed 7,500 square feet and the outside storage shall not exceed 2,500 square feet. Contiguous parcels that have unity of ownership or that min-warehouses operated by the same person or entity shall be considered a single parcel for purposes of this paragraph. "Contiguous" means adjacent parcels as well as parcels within 500 feet of each other as measured by the closest property lines.
2. Outside storage is allowed only if screened from view from all adjacent properties in accord with the screening and buffering standards of Article 7.
3. Mini-warehouse shall be prohibited at entry roads to existing subdivisions or residential neighborhoods, regardless of zoning.

### **3.02.33 Motor Sports Facility**

#### **a. Uses Defined.**

1. A Motor Sports Facility is a road racing track or circuit and related facilities designed to provide the opportunity for one or more of the following:
  - (a) To race for auto clubs and amateur drivers.
  - (b) To test land based motor vehicles.
  - (c) To hold driving schools.
  - (d) To race competitively.
  - (e) It may include road racing, dirt track circuits, competitive go-kart racing circuits, monster truck rallies, mud bogging, motor cross or drag racing events.
2. Motor vehicles as used herein means any form of land based vehicle, including but not limited to automobiles, trucks, four-wheel drive vehicles and motorcycles

#### **b. The following are typical uses and structures that may be associated with a racetrack facility:**

- (a) A road racing track, course, circuit or strip, with related pit lanes, entry and exit roads.
  - (b) Concession stands for food, beverages and motor sport related merchandise.
  - (c) Fuel and fluids sales area including pumps to service track users.
  - (d) Offices, meeting rooms, vehicle garages, maintenance workshop, equipment and inventory storage and restrooms.
  - (e) Garages for short-term rental.
  - (f) Vehicle concourse and displays.
  - (g) Campground areas for short term rental to competitors and associated crews.
  - (h) Residence for property manager and/or security, maintenance and management staff.
  - (i) Motor vehicle shows.
- c. Standards and Conditions for Approval. A Motor Sports Facility may only be established by a PUD zoning district, which shall, at minimum, address the following:
1. The design of the road racing surface including, if applicable, pit lanes with entry and exit roads onto the main track. The road racing surface shall be a minimum of 500 feet from the nearest property line of any property on which there is a residential use or structure.
  2. The provision of grassed run-off areas, concrete barrier walls, sand traps, marshal posts and drainage culverts as required by sanctioning bodies and/or insurance companies.
  3. The provision of sufficient parking and drainage.
  4. Fire and Emergency Services such that all race events involving more than five vehicles are on the road surface simultaneously shall have in attendance at least one fire prevention equipped truck and ambulance with a trained crew. All corner worker stations along the track shall be equipped with fire extinguishers. No race event shall occur unless there are proper fire and emergency service vehicles on site. If emergency medical service is not on site, all racing events shall cease until it returns to the site.
  5. Verification of Department of Environmental Protection and Water Management District permits or letter of no regulatory action required for the storage, dispensing and handling of water, petroleum products and hazardous materials.
  6. Solid and liquid waste collection stations, including specialized areas for handling for hazardous materials and petroleum-based waste.
  7. Sound levels. In addressing sound levels, the County shall consider the following standards:

- (a) No individual, primarily, land operated vehicle will be allowed to operate at more than 115 decibels at a fifty foot drive by.
  - (b) The noise level requirements under the Noise Control Ordinance of Putnam County for AG zoning shall be met.
  - (c) Additional sound dampening design requirements may be required under the PUD Development Agreement.
8. Maximum height of buildings.
9. Maximum building and impervious coverage.
10. Minimum parcel area and setback for buildings and other facilities.
11. Minimum frontage on a paved county or state road with sufficient level of service and roadway capacity to support the use.
12. Landscaping and buffering. At a minimum, the following standards shall be met:
- (a) In addition to any landscaping screening or buffering standards that may be required by Article 7, no area of the site is to be visible from a public right of way prior to initiation of the use except where public rights of way abut the site.
  - (b) The property shall be bordered along its property line or boundary with a minimum four-foot high agricultural fence or in the alternative a vegetative barrier designed to be at least dense enough to significantly impeded access to the property.
  - (c) Existing native vegetation is to be retained and maintained where it does do not constitute a danger to track users or interfere with overall use of the property as a Motor Sports Facility.
13. Sewage disposal and potable water supply.
14. Signage. At a minimum, the following standards shall be met:
- (a) Signs shall be subject to the requirements of Article 8 of this Code.
  - (b) Additional advertising signs may be allowed inside the Motor Sports Facility boundaries along the track or circuit and may serve a dual purpose as a sound barrier, provided that they are no higher than twelve feet in height and are not visible outside the Park.
15. Lighting. At a minimum a plan shall be provided that includes expert analysis showing that the lighting will not have an unreasonable negative impact on any surrounding property.
16. Hours of operation for regular use and special events.
17. Protection of Environmentally Sensitive Lands and compliance with resource protection standards of Article 6 of this Code.

18. Traffic study, which shall include a level of service and roadway safety impacts from the proposed motor sports facility.
19. Nothing herein shall be read to limit the Board of County Commissioner's authority to impose additional or more stringent conditions on the approved motor sports facility.

### **3.02.34 Reserved**

### **3.02.35 Outdoor Storage and Display**

- a. Defined. The applicable zoning district for outdoor storage and display uses will be defined by type of use, and is generally limited to recreational vehicles, boats, automobiles, trucks, heavy equipment, mobile homes, portable storage buildings, plant nurseries, flea markets and bulk storage of construction materials.
- b. Standards.
  1. Prior to establishing a use that includes outdoor storage or display, the use shall be reviewed by the Development Review Committee (DRC) as a Type II use to insure compliance with setbacks, site improvement, buffering and drainage requirements. Formal review by the DRC may be waived by the Director, if the Director is satisfied that the requirements of this subsection have been met and the applicant is not seeking any waivers or variances from this subsection.
  2. Outdoor storage and display shall occur in a defined area identified on a site plan approved by the Department. Storage or display shall be prohibited inside established rights-of-way or required buffer areas.
  3. Outdoor storage and display areas shall be subject to the landscaping and buffering requirements of section 7.03 of this Code, and treated as a Group 5 use under Tables 7.03A and 7.03B of this Code.
  4. Access drives, customer parking and display areas shall be paved; except that the DRC may wave the paving requirement for the parking and display areas, provided that the access drives and driveway aprons that open onto public roadways are paved and the parking and display areas are comprised of a stabilized pervious surface such as grass, shell or brick pavers.

### **3.02.36 Overnight Recreational Park**

- a. Definitions
  1. Accessory Uses or Structures: Designed, intended, and used to serve only overnight guests of the park.
  2. Cabin: A structure, the use of which may be for permanent housing, that is permanently affixed to the ground and shall comply with the building code and regulations as adopted by the board of county commissioners and the statutes and regulations of the state concerning buildings, electrical installations, plumbing and sanitation systems.

3. Campsite: A generic term encompassing any site to be used for an RV, tent, cabin, or park trailer.
4. Overnight Recreational Park: Any facility where guests are invited for overnight stays for short-term recreational purposes, and which includes overnight facilities other than a primitive campground. The use may be in the form of an RV Park, Fish Camp, Hunting Camp, Religious Retreat, Eco-Tourism Lodge, Dude Ranch, or other such use. Where a use meets the definition of both “religious facility” and “overnight recreational park,” it shall be treated as an “overnight recreational park.”
5. Park trailer: A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and which does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to U.S. Department of Housing and Urban Development standards.
6. Recreational Vehicle (RV): A vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation or vacation uses, permanently identified as a recreational vehicle by the manufacturer of the vehicle, having a width not exceeding 14 feet, and an overall dimension not exceeding 500 square feet, when constructed to the U.S. Department of Housing and Urban Development standards and shall include the following:

*Camping trailer* (includes the terms pop-up or pop-out trailer) means a canvas folding structure, mounted on wheels and designed for travel, recreation or vacation use.

*Motor home* means a portable, temporary dwelling to be used for travel, recreation or vacation uses, and constructed as an integral part of a self-propelled vehicle.

*Travel trailer*, (includes the term fifth-wheel trailer) means primarily designed and constructed to be drawn by another vehicle.

*Truck camper* (includes the terms pick-up coach, topper or slide out camper) means a structure designed to be mounted on the bed or chassis of a truck.

7. RV Site: Any site to be used for RV, cabin, or park trailer.

8. Unit: Each of the following shall be counted as 1 Unit for purposes of determining density:

- 1 Caretaker House; or
- 1 RV Site; or
- 1 park trailer; or
- 6 beds in a cabin, lodge, etc.; or
- 2 primitive campsites.

b. Standards. The following standards apply to all new Overnight Recreational Parks:

1. Maximum Density. Density is the number of Units (as defined in this subsection) allowed per acre and shall be determined based on the applicable Future Land Use Category and point score methodology used to establish residential densities under Policy A.1.9.4 of the Putnam County Comprehensive Plan. Higher densities may be allowed under the Commercial future land use category, subject to a maximum density that shall not exceed 12 Units per acre. Higher densities may also be allowed by a PUD zoning district in the Rural Residential (RR), Agriculture I (AGI) and Agriculture II (AGII) future land use categories up to a maximum density of one Unit per acre. Clustering of Units onsite shall be allowed so long as overall density does not exceed the maximum.
2. Minimum Parcel Size and Maximum Impervious Surface. The minimum size shall be 20 acres, unless located in a commercial zoning district, in which case the minimum size shall be 5 acres; and the use shall not exceed the maximum impervious surface allowed for residential uses under the applicable Comprehensive Plan future land use category, except that Parks located in a Commercial future land use category shall be subject to the impervious surface limitation of 85%, as set forth in the Comprehensive Plan.
3. Uses Allowed. The following uses may be allowed:
  - RV
  - Cabins
  - Lodge
  - Meeting facilities
  - Primitive Camping
  - Caretaker residence
  - Accessory recreational facilities, e.g., golf course, tennis courts, pool, marina, docks
  - Accessory retail, e.g., camp store, dive shop
  - Accessory administrative and other service facilities
  - Accessory rentals, e.g., boat, canoe, bicycle
4. Maximum Stay. The maximum length of stay shall be 90 consecutive days or 120 nonconsecutive days within a 12 month period, with a minimum break of two weeks between stays at the same Park. The owner of the Park shall maintain accurate rental and occupancy records indicating when customers check-in and when they check-out of the Park, which shall be made available for inspection during regular business hours upon request from the Director or his designee. With the exception of a Caretaker residence(s) lawfully constructed in accordance with the applicable Florida Building Code, Park facilities shall not be used as a permanent housing option. The length of stay may be extended up to 180 consecutive days pursuant to a temporary use permit if the person(s) requesting the extension is staying as a

result of a demonstrated extreme hardship situation such as a medical emergency, the destruction of a principle home by fire, flood, or other calamity, subject to the following:

- (a) The permit shall have a maximum duration of six months.
  - (b) The person(s) requesting the additional time shall have access to lawfully permitted electrical power, potable water, and bathroom facilities. If the person(s) requesting additional time will be making use of an RV site, the RV site must have a potable water hook up and a lawfully permitted sewer hookup at the RV site or usable dump station on premises.
5. Minimum setbacks. A minimum distance of ten feet will be maintained between all RVs, tents, or other overnight units.
6. Buffers. An Overnight Recreational Park shall be treated as a Group 3 use and subject to the buffering and screening requirements under section 7.03.03 of this Code as a Group 3 use.
7. Sanitation.
- (a) An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings, camp sites within the park to meet the requirements of the park. Each camp site shall be provided with a cold water tap. An adequate supply of hot water shall be provided at all times for all bathing, washing, cleaning, and laundry facilities.
  - (b) Restroom and shower facilities shall be provided in accordance with requirements of the state department of health and rehabilitative services, division of health. Such facilities shall be so located as to be reasonably available to all travel trailer spaces and campsites. Sewage effluent may only be disposed of in approved sanitary stations as herein provided.
  - (c) A central sanitary sewer system shall be provided with connectors to each RV site. Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks, and laundries in service and other buildings within the park shall be discharged into a public sewer system. Upon demonstration that alternative systems of wastewater disposal are not feasible and that there will be no adverse impacts on groundwater, a package treatment plant meeting the requirements of the county health department and the state department of health and rehabilitative services, division of health, may be allowed.
  - (d) Approved garbage cans with tight fitting covers shall be provided in quantities adequate to permit disposal no farther than 300 feet from any camp site. The cans shall be kept in good repair at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to ensure that the garbage cans shall not overflow. The use of a central garbage collection system shall be permitted as an alternative.

8. Campsites

- (a) Each campsite shall be clearly defined on the ground and shall abut on a street or on a driveway with unobstructed access to a street, and each camp site shall contain no more than one RV, cabin, park trailer, or tent, and accessory structures.
- (b) Each campsite shall contain a minimum of 1,500 square feet and shall have a minimum width of 30 feet.
- (c) The requirements for paving, street lighting, electrical outlets and water taps may be waived in whole or in part where the approved site plan provides for a density in all or any portion of the campground of four spaces or less per gross acre, and where such spaces are designed and intended to afford the users thereof an opportunity to camp in a quiet, uncongested and natural setting.
- (d) For RV Campsites: each RV site shall have an electrical outlet with adequate amperage available to provide the needs of each RV. All such outlets shall be weatherproof. Permanent carports and accessory enclosures may be included in each RV Campsite, provided that such enclosures are not attached in any fashion to the RVs.

9. Park Trailers and Cabins. Park Trailers and Cabins shall be limited in size to 500 square feet.

10. Street and driveway improvements.

- (a) All streets and driveways shall be paved in accordance with the specifications as set forth in Article 7 of this Code.
- (b) All two-way streets and driveways shall have a minimum width of 20 feet. All one-way streets and driveways shall have a minimum width of ten feet.
- (c) Street lighting. All streets and driveways within the campground shall be lighted at night with electric lights providing a minimum average illumination of 0.2 foot-candle.

11. Fires.

- (a) Fires shall be permitted only in stoves, fireplaces, and other equipment intended for such purposes.
- (b) Firefighting and protection equipment shall be provided at appropriate locations within the park. All equipment shall be maintained in good operating condition and its location shall be adequately marked. Inspection, maintenance, and marking of firefighting equipment shall be in accordance with those standards established by the national fire codes (National Fire Protection Association International) and the rules and regulations of the State of Florida Fire Marshal.

13. Service stores. A service store, if provided, shall be internally located within the park and shall not be provided separate driveway access or signage along an exterior road.

14. Site Plan. The Special Use Permit application shall contain a complete site plan at a scale of not less than 50 feet to the inch and showing:

- (a) The area and dimensions of the proposed overnight recreational park.
- (b) The street and lot layout.
- (c) The location of water lines, sanitary sewer lines, natural gas lines, manholes, fire hydrants, and street lights.
- (d) A preliminary drainage plan prepared by a registered engineer.
- (e) Location and dimensions of all cabins, lodges, sanitation facilities, recreational facilities, buffers, office structures, utility buildings, service stores and impervious surfaces.
- (f) Density calculations as per paragraph b.1 above.

c. Vesting of Established Overnight Recreational Parks.

- 1. Definition of Established Overnight Recreational Park – An established Overnight Recreational Park is an existing campground, fish camp, dude ranch, RV Park and other overnight recreational facility that was lawfully established in Putnam County prior to the effective date of this Article and has remained in continuous operation without interruption, vacancy or abandonment of normal operations for more than two hundred forty (240) consecutive days, but which may not conform to all of the standards required under this subsection.
- 2. Expansion. The expansion of these established facilities, and the structures or improvements that support them, shall generally be subject to the nonconforming use and/or structure standards under Section 9.03 of this Code. Expansion that includes additional Units, as defined herein, must comply with the density requirements of this subsection and existing facilities will be counted in determining the over-all density of the Park.
- 3. Vesting an Established Overnight Recreational Facility. An established overnight recreational facility that does not meet the minimum standards of this subsection may be administratively vested in order to maintain and repair the use as established, if there is competent substantial evidence that the following criteria have been met:
  - (a) The use and the structures and improvements supporting the use were lawfully established at least ninety (90) days prior to the effective date of this Article.
  - (b) The use and the structures and improvements supporting the use have continued without interruption, vacancy or abandonment of normal operations for more two hundred forty (240) consecutive days.
  - (c) The structures and improvements supporting the use are in a safe and operable working condition and comply with applicable building code and Health Department regulations.
  - (d) The maximum length of stay for an established Overnight Recreational Park shall not exceed one hundred eighty (180) consecutive or nonconsecutive days in a 12 month period.

4. Effect. The owner of an overnight recreational facility that is vested pursuant to paragraph 3 above will be permitted to repair significant damage or deterioration of those existing structures or improvements, or even replace existing structures or improvements with structures or improvements of the same size used for the same purpose without need of a Special Use Permit or a nonconforming use determination and without concern that he or she will be required to cease operations. A vesting determination under this subsection does NOT:
  - (a) Preclude or preempt the County Building Official, the Fire Marshall, the Health Department or any other State or Federal regulatory agency from requiring such uses to come into compliance with the codes or regulations as may be enforced by those offices.
  - (b) Preclude the Department from enforcing minimum property maintenance and life/safety standards.
  - (c) Preclude the Department from requiring compliance with the County's Flood Hazard Area Protection requirements as provided for in section 6.05 of this Code.

### **3.02.37 Primitive Campground**

#### **a. Defined**

A recreational facility or park designed, intended and used for transient overnight stays in tents or pop-up campers and passive accessory uses only. They shall not exceed the lowest density of applicable future land use under the methodology established under 3.02.36.b.1.

#### **b. Standards**

1. A potable water tap shall be provided to each campsite, when required by the Department of Health.
2. Joint bathroom facilities shall be provided within 300 feet of each campsite, when required by the Department of Health.

### **3.02.38 Permanent Sales of Produce**

Farmers who grow produce on property in Putnam County have the right to sell said produce from property they own, or have a lease or rental agreement pursuant to a written agreement in Putnam County subject to the following conditions:

- 1) The sale of said produce will not be undertaken within the public right-of-way, or block a private easement.
- 2) Any structures used in the sale must meet the requirements of the Florida Building Code, or have an approved farm exemption from the Building Official.
- 3) Sanitation requirements must meet the requirements of the Florida Building Code and the Health Department.
- 4) The property must be zoned A, C-1, C-2, C-3, C-4, or IL
- 5) Adequate off street parking and an approved access must be present.

- 6) A substantial portion of the produce sold at the site must be grown on property in Putnam County that is owned, leased or rented by the vendor.

### 3.02.39 Religious Facilities

#### a. Definitions

1. *Religious Facility* is any use, structure, or group of uses and structures where the primary activity or impetus for the facility is the gathering of people for religious worship, instruction, and associated activities and typically includes, but is not necessarily limited to:
  - (a) A structure in which assembly for religious purposes takes place
  - (b) Classrooms for religious instruction
  - (c) Dining hall/Social Hall
  - (d) Playground
  - (e) Limited RV sites for traveling pastors or other special guests of the church as provided under section 2.05.11 of this Code.
  - (f) A single residence for a church leader or caretaker.
2. Uses that may be owned and operated by a religious organization, but which meet the definition of a typical secular land use, shall be subject to the same standards as the secular land use. Such uses include but are not necessarily limited to:
  - (a) Overnight Recreational Parks
  - (b) Educational
  - (c) Theme parks
  - (d) Art Galleries
  - (e) Book Stores
  - (f) Day Care
  - (g) Gift Shops

#### b. Supplemental Standards. In addition to standard dimensional and design requirements of Article 7 of this Code, Religious Facilities that are allowed without need of a Special Use Permit shall be subject to the following supplemental standards:

1. The use shall have direct access to paved, public roadways with a “minor collector” or higher roadway functional classification and a sufficient level of service and functional capacity to support the use.
2. The use is not in a location interior to residential neighborhoods in a manner that will encourage the use of local streets for non-residential traffic.
3. The property where the use is to be located is at least 1-acre in size and has a lot width of at least 100 feet.
4. The dimensional (i.e. setbacks and lot width) requirements of the zoning district where the facility is located shall be met.

### **3.02.40 Salvage Yard**

#### **a. Definition**

Salvage Yard means any open area where inoperative, dilapidated, abandoned or wrecked materials are bought, sold, exchanged, stored, processed or handled as a principle or accessory use. This term shall include operations primarily engaged in the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, and operations engaged in the collection, sorting and shipping of materials for purposes of recycling or reuse. Typical materials found in a salvage yard include inoperable automobiles, trucks, tractors, wagons, boats or other kinds of vehicles and parts thereof, as well as scrap materials, scrap building materials, scrap contractors' equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, appliances, furniture and the like.

#### **b. Supplementary Regulations**

1. The setback from any property line which is in a residential district or which is shown for residential use on the future land use map shall be 300 feet.
2. The entire area occupied by a salvage yard shall be surrounded by a continuous solid masonry wall or opaque fence eight feet in height without openings, except for entrances and exits, which shall be equipped with solid gates. Materials stored in the salvage yard shall not be visible above the wall or fence, and shall not be placed in any required setback area. Fabric or plastic sheets or nets shall not be used as part of the fence or attached to a fence for the purpose of affecting the required opacity.
3. Salvage yards shall be limited to the IH zoning district; except that recycling operation conducted in connection with a solid waste facility may be located in the zoning district where such solid waste facility are allowed, subject to any conditions or requirements related to the solid waste facility.

### **3.02.41 Solid Waste Facilities**

#### **a. Definition**

Solid Waste Facility means a land site used primarily for the disposal or transfer by transporting, dumping, burying, burning, or other means and for whatever purposes, of garbage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, and other waste, scrap, debris or discarded material of any kind, including but not limited to Class I, II and III Landfills, construction demolition debris landfills, solid waste transfer facilities, hazardous waste transfer facilities, recycling centers, composting and other yard waste facilities, and other substantially similar facilities and uses.

#### **b. Location -- Generally**

Location of Solid Waste Facilities, regardless of type, shall be limited to the Land Use Category(s) in the Future Land Use Element of the Putnam County Comprehensive Plan that expressly allows for such facilities. The location of Solid Waste Facilities shall be further limited, based the type of solid waste activity, to the following zoning districts:

1. Class III Landfills, construction debris landfills, compost and yard trash facilities (as defined by Florida Statutes and Florida Administrative Code) may be allowed in the ~~AG~~, P-1 or P-2 zoning district by special use permit.
2. Class I, Class II Landfills (as defined by Florida Statutes and Florida Administrative Code) and any other Solid Waste Facility not specifically listed under paragraph 1, above, shall only be allowed in the P-2 or IH zoning district by special use permit.

c. Standards

1. In no case shall any Solid Waste Facility be allowed to operate without the appropriate State licensing, registrations or approvals as required by State law. The absence of a State permit requirement shall not exempt a Solid Waste Facility from the requirements of this Code, unless expressly preempted by State law.
2. The minimum lot size for Class III Landfills, construction and debris landfills, and yard trash facilities is 30 acres. The minimum lot size for Class I, Class II Landfills is 100 acres.
3. Solid Waste Facilities and associated uses or structures shall be subject to the following setbacks:
  - (a) Front, Rear, and Side Yards shall be a minimum of 300 feet.
  - (b) When adjacent to a property with a residential Dwelling Unit, there shall be no disposal of wastes within 1,000 feet of the closest portion of the Dwelling Unit or private potable water well, whichever provides the greater setback distance.
  - (c) The use shall not be within 1,000 feet of a school, house of worship, or hospital, measured on a straight line along the shortest distance between the perimeter of the Solid Waste Facility and the boundary of the property upon which the school, house of worship, or hospital is located.
  - (d) Class I and II landfills only shall be located at least 10,000 feet from any licensed and operating Airport runway used by turbine powered aircraft, and 5,000 feet from any licensed and operating Airport runway used only by piston engine aircraft, unless the Applicant demonstrates that the facility is designed and will be operated so that it does not pose a bird hazard to aircraft.
4. The use shall comply, at a minimum, with the buffering and screening standards of Table 7.03A and Table 7.03B of the Land Development Code as a Group 6 land use.
5. The use shall obtain all required Department of Environmental Protection or Department of Health approvals prior to taking any action to develop the property for the use.
6. Except as provided in paragraph 12, below, the maximum height shall be 30 feet above the natural grade of the land at the location of the proposed Solid Waste Facility; except that the closure height may extend up to 70 feet above natural grade if approved by Special Use Permit and if the Solid Waste Facility operation provides an additional 50 feet of setback from the property line for every additional 1-foot in height over 30 feet.

7. The hours of operation of any Solid Waste Facility shall be set as a permit condition by the Zoning Board of Adjustment, but in all cases, shall not extend beyond sundown or commence prior to sunrise.
8. The use of the property as a Solid Waste Facility shall be recorded on deeds and surveys of the property; including deeds and surveys of the property related further subdivisions of the property.
9. The entire Solid Waste Facility shall be fenced to prohibit vehicle and foot access, with the exception of the entrance and exit, neither of which shall be greater than 45 feet in width. The entrance and exits must be blocked off and locked when the Solid Waste Facility is not in operation. Ingress and egress to the Solid Waste Facility shall not take place on a Local Road if the Local Road passes through established residential neighborhoods.
10. The operator on duty must be properly certified in identifying and handling hazardous wastes.
11. Airborne particles must be contained on site by spray irrigation or any other environmentally sound dust control method.
12. The closure elevation of a construction demolition debris landfill or yard trash landfill operated as part of a reclamation plan for a borrow area shall have no vertical rise above natural grade or the elevation indicated by the appropriate U.S.G.S. quad map.
13. Any setback requirements shall be respected with regard to the entire operation, including accessory uses or structures. Setbacks areas shall not ~~shall~~ be filled with or used for storage of debris or waste of any kind for any period of time.

### **3.02.42 Vehicular Repair, and Vehicular Service**

#### **a. Definitions.**

1. Vehicular Repair means any building, structure, or land used for major vehicular repair such as body work, frame repair, interior repair, major mechanical repair, painting, welding or tire recapping.
2. Vehicular Service means any building, structure or land used for dispensing, sale or offering for sale at retail of any fuel, oils, accessories and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning are conducted. Service stations shall not include premises where heavy vehicular maintenance activities, such as engine overhauls, painting, and body fender work are conducted.
3. Vehicle or Vehicular shall include cars, trucks, motorcycles, and marine craft including boats and personal watercraft. This shall not include "heavy vehicles or equipment."

#### **b. Supplementary Regulations. The following provisions shall apply to the location, design, construction and operation of commercial vehicular service and repair uses, provided, however, that more restrictive requirements in Article 7 shall take precedence:**

1. Street frontage:

- (a) On a corner lot each street frontage must be at least 100 feet.
  - (b) On an interior lot the street frontage must be at least 100 feet.
2. No driveway or curb cut for a driveway should be located within 10 feet of an adjoining property line, as extended to the curve or pavement, or within 20 feet of any exterior (corner) lot line or street intersection. The number of curb breaks or driveways giving access to a single street shall not exceed 2 for each 100 feet of street frontage, each having a width of not more than 40 feet or less than 25 feet. Any 2 driveways giving access to a single street shall be separated by an island with a minimum dimension of 20 feet at both the right-of-way line and the curb or edge of the pavement.
  3. All lights and lighting shall be so designed and arranged so that no source of light shall be uncomfortably harsh or glaring to any residential district; this provision shall not be construed to prohibit interior-lighted signs.
  4. No main or accessory building, no gasoline pump or canopy and no storage tank shall be located within twenty-five (25) feet of any property that is residentially zoned. No gasoline pump shall be located within twenty (20) feet of any street right-of-way. Canopy roofs, but not support structures, may extend into setback areas to adequately cover fueling facilities.