Proposed Amendment (deletions are shown in blue ~~strike through~~; additions are shown in blue underline).

Chapter 114 DEVELOPMENT STANDARDS

ARTICLE I. IN GENERAL

Sec. 114-1. Standards.

No structure or land shall be developed, used or occupied except in accordance with the standards of this chapter and other applicable standards of this Land Development Code and the Florida Building Code, nor shall any building permit be issued unless the proposed use is or will be served by adequate public or private facilities.

Sec. 114-2. Adequate Facilities and Review Procedures.

(a) *Level of Service Standards (LOS).* All development shall be served by adequate public facilities in accordance with the following standards:

(1) *Transportation/Roadways.*

a. U.S. 1 shall have sufficient available capacity to operate at LOS C for the overall arterial length and the 24 roadway segments of U.S.1, as measured by the U.S. 1 Level of Service Task Force Methodology, at all intersections and roadway segments. In addition, all segments of U.S. 1, as identified in the U.S. 1 Level of Service Task Force Methodology, which would be impacted by a proposed development's access to U.S. 1, shall have sufficient available capacity to operate at LOS C.

b. Development may be approved, provided that the development in combination with all other permitted development will not decrease travel speed by more than five percent (5%) below LOS C, as measured by the U.S. 1 Level of Service Task Force Methodology. While development may be approved within 5% of LOS C, the proposed development shall be considered to have an impact that needs mitigation. Development mitigation may be in the form of specific improvements or proportioned shared contribution towards improvements and strategies identified by the County, and/or FDOT to address any level of service degradation beyond LOS C and/or deficiencies.

c. All paved County roads shall have sufficient available capacity to operate at or within 5% of a LOS D as measured by the methodology identified in the most recent edition of the Highway Capacity Manual. While development may be approved within 5% of LOS D, the development shall be considered to have an impact that needs mitigation. Development mitigation may be in the form of specific improvements or proportioned shared contribution towards improvements and strategies identified by the County, and/or FDOT to address any level of service degradation beyond LOS D and/or deficiencies.

d. The development of one single family residence on a single parcel shall be considered de minimis and shall not be considered to impact road capacity established in this subsection.

e. The County shall post on the Monroe County website informing the public of the available transportation capacity for each road segment of U.S. 1 as described in the county's biennial public facilities capacity report. The available capacity shall be expressed in terms of number of trips remaining until the adequate transportation facilities standard is exceeded.

f. The County, in coordination with the FDOT, shall continue the systematic traffic monitoring program to monitor peak season traffic volumes at permanent count stations and travel speeds on the overall length of U.S.1 and on each of the 24 study segments of U.S.1, and to determine the cumulative impact of development and through traffic. The County shall coordinate with municipalities in the review of the systematic traffic monitoring program to monitor traffic volumes and travel speeds of U.S.1 as well as on each of the 24 study segments on U.S.1. The County and municipalities shall coordinate with FDOT to evaluate segments with deficiencies of LOS to determine necessary improvements and strategies to address any degradation and/or deficiencies.

(2) *Solid waste*.

Sufficient capacity shall be available at a solid waste disposal site at a level of service of 11.41 pounds per capita per day. The county solid waste and resource recovery authority may enter into agreements, including agreements under F.S. Section 163.01, to dispose of solid waste outside of the county.

(3) *Potable water*.

The County will coordinate with FKAA in its efforts to assure sufficient potable water from an approved and permitted source shall be available to satisfy the projected water needs of the proposed development at the levels of service listed below. Approved and permitted sources shall include cisterns, wells, FKAA distribution systems, individual water condensation systems, and any other system that complies with state standards for potable water.

a. Overall LOS: 100 gal./capita/day
b. Minimum pressure: 20 pounds per square inch at customer service point
c. Minimum quality: As defined by Chapter 62-550 F.A.C.

(4) *Sanitary Sewer*.

Sufficient wastewater treatment and disposal shall be available to satisfy the projected needs of the development or use according to the following level of service standards:

a. The capacity level of service standard: 167 gallons per day per equivalent dwelling unit (EDU).

b. The wastewater treatment level of service standards:

	Mg/L			
	BOD	TSS	TN	TP
On-site Sewage Treatment and Disposal Systems	10	10	10	1
Design flows less than 100,000 gpd (BAT)	10	10	10	1
Design flows greater than or equal to 100,000 gpd (AWT)	5	5	3	1

BOD: Biochemical Oxygen Demand
TSS: Total Suspended Solids
TN: Total Nitrogen
TP: Total Phosphorus
BAT: Best Available Technology
AWT: Advanced Wastewater Technology

(5) *Drainage/stormwater.*

Treatment and disposal facilities shall be designed to meet the design and performance standards established in ~~62-25, FAC~~ the current edition of the County's *Manual of Stormwater Management Practices* and either demonstrate that post development total nitrogen and total phosphorous loads are less than pre-development loads to the receiving water body (net improvement) or demonstrate a ninety five percent (95%) reduction in stormwater total nitrogen load and total phosphorus load. Treatment and disposal facilities must be ~~and~~ designed and operated so that off-site discharges meet State water quality standards. ~~, as set forth in 62-302, FAC.~~.

(6) *Schools.*

Sufficient school classroom capacity shall be available to accommodate all school-age children to be generated by the proposed development.

(7) *Recreation and Open Space.*

Sufficient available recreation and open space facility capacity shall be available at the levels of service listed below:

a. 1.5 acres per 1000 functional population of passive, resource-based neighborhood and community parks; and
b. 1.5 acres per 1000 functional population of activity-based neighborhood and community parks within each of the Upper Keys, Middle Keys, and Lower Keys subareas.

(b) *Review of capacity.*

(1) *Purpose*. It is the purpose of this subsection is to ensure that the purposes of the Monroe County Comprehensive Plan are achieved and to provide an orderly and equitable procedure for the issuance of development permits, other than permits for additions to

existing structures and other development activity not requiring additional public facilities.

(2) *Service areas.* For the purposes of this subsection, the unincorporated areas of the county shall be divided into the following three public facilities service areas:

a. Upper Keys Service Area: The unincorporated areas of the county north of the Whale Harbor Bridge;
b. Middle Keys Service Area: The unincorporated areas of the county between the Seven Mile Bridge and Whale Harbor Bridge; and
c. Lower Keys Service Area: The unincorporated areas of the county south and/or west of the Seven Mile Bridge.

(3) *Biennial Assessment of public facilities capacity.* The Planning Director shall submit to the BOCC a report of the capacity of available public facilities in each of the service areas established in subsection (b)(2) of this section. The report shall be based on standard analytical methodologies and shall include a projection of the amount of residential and nonresidential growth that can be accommodated in each of the service areas during the ensuing year without exceeding safe and efficient provision of essential public services. The report shall clearly identify areas of inadequate facility capacity, which are those areas with capacity below the adopted level of service standards as provided in subsection (a)(1) through (a)(7)~~(a)(1) – (7)~~ of this section, and areas of marginally adequate facility capacity, which are those areas at the adopted level of service standard or which are projected to reach inadequate capacity within the next 12 to 24 months. In addition, the report shall include growth trends and projections and a development permit monitoring system for each service area.

(4) *Ratification of the service capacity report.* The BOCC shall consider and approve or approve with modifications the assessment of public facilities capacity. In the event the BOCC acts to increase the development capacity of any service area, the BOCC shall make specific findings of fact as to the reasons for the increase, including the source of funds to be used to pay for the additional capacity required to serve additional development to be permitted during the next 12 to 24-month period.

(5) *Review procedure.*

a. *Applicability*. In the event the approved assessment shows that projected growth and development during the next 12 to 24 months exceeds public facilities capacity that will be available to serve the projected growth, development in one or more of the service areas that will require any of the public facilities enumerated in subsection (a) of this section that have insufficient capacity to provide safe and efficient public services shall be subject to the procedure established in this section. Development that does not require the public facilities enumerated in subsection (a) of this section and that has sufficient capacity to provide safe and efficient public services shall not be subject to the procedure established in this section.

b. *Application for development.* As a condition of approval of a development order, all applicants for development shall file an application with the county in the form prescribed by the Planning Director, accompanied by a fee to be set by resolution of the BOCC. The application shall include a written evaluation (facilities impact report and traffic report) of the impact of the anticipated development on the levels of service for public facilities and services and demonstrate that public facilities and services are available prior to or concurrent with the impacts of development.

c. *Areas of inadequate facility capacity*. The county shall not approve applications for development in areas of the county that are served by inadequate facilities identified in the biennial assessment of public facilities capacity report, except the county may approve development that will have no reduction in the capacity of the facility or where the developer agrees to increase the level of service of the facility to the adopted level of service standard. An applicant, except for persons applying for a single-family residence, shall provide a facilities impact report that demonstrates that:

1. For potable water, solid waste, sanitary sewer, and drainage facilities and services, one or more of the following conditions are met:

   i. The necessary facilities and services are in place at the time a development permit is issued; or
   ii. The necessary facilities and services are in place at the time a certificate of occupancy, or its functional equivalent is issued. Prior to commencement of construction, the applicant shall enter into a binding and legally enforceable commitment to the County to assure construction or improvement of the facility.

2. For recreational facilities, one or more of the following conditions are met:

   i. Conditions 1(i.) or 1(ii.), listed above; or,
   ii. The necessary facilities are in place no later than one (1) year after issuance of a building permit. Prior to commencement of construction, the applicant shall enter into a binding and legally enforceable commitment to the County to assure construction or improvement of the facility; or
   iii. In the case of acreage (land) for such parks and recreational facilities, land shall be dedicated to or acquired by the County prior to issuance of a building permit, or funds in the amount of the developer's fair share are committed no later than the approval to commence construction; or
   iv. An enforceable development agreement guarantees that the necessary facilities and services will be in place with the issuance of the applicable development permit. An enforceable development agreement may include, but is not limited to, development agreements

pursuant to section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S.

3. For roads, one or more of the following conditions are met:

i. Conditions 1(i.) or 1(ii.) listed above; or
ii. A binding executed contract is in place at the time the development permit is issued which provides for the commencement of the actual construction of the required facilities or provision of services; or
iii. An enforceable development agreement guarantees that the necessary facilities and services will be in place with the issuance of the applicable development permit. An enforceable development agreement may include, but is not limited to, development agreements pursuant to section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S., or
iv. The proportionate share contribution or construction is sufficient to accomplish one or more mobility improvement(s) that will benefit a regionally significant transportation facility.

d. *Areas of marginally adequate facility capacity*. In areas of marginal facility capacity as identified in the current biennial assessment of public facilities capacity report, the county shall either deny the application or condition the approval so that the level of service standard is not violated. An applicant in these areas, except for persons applying for a single-family residence, shall provide a facilities impact report to demonstrate the standards in subsection (b)(5)c. of this section have been met.
e. *Facilities impact report requirements.* The facilities impact report required by this section shall use acceptable professional methodologies and standards inclusive of a cumulative traffic impact analysis, where necessary, as provided by the Planning Director.

(6) *Exemptions*. In addition to the exemptions from development described in subsection (3) of the definition of "development" in section 101-1, the following construction activities shall not be considered development for the purposes of this section only:

a. The rebuilding or restoration of a single-family residence damaged or destroyed by fire, calamity, or natural disaster if the rebuilding or restoration takes place within the footprint of the destroyed or damaged structure and the use of the structure remains single-family residential;
b. The replacement of a mobile home upon the same lot where the original was located as long as there is no increase in density or intensity of use;
c. The construction of fences;
d. The construction of concrete slabs for existing buildings;
e. The construction of driveways;
f. The construction of docking facilities and seawalls;
g. The construction of tiki and chickee huts;

h. The construction of swimming pools; or
i. The installation of storm shutters.
j. Development that does not require the public facilities enumerated in Section 114-2(a) and that has sufficient capacity.
k. Development that will not reduce the capacity of the affected facilities.
l. Notwithstanding the LOS established above, public transit facilities as defined and provided for within Section 163.3180(5)(h)2., F.S., are exempt from transportation concurrency.
m. Installation of solar collection systems on single-family residences.
n. Work conducted by public utilities within the right of way.
o. Installation of concrete cisterns for water collection.

Sec. 114-3. Surface Water Management Criteria.

(a) *Intent*. It is the intent of this section to establish guidelines and criteria for the safe management and disposal of stormwater runoff from developed areas that will minimize or eliminate any resultant adverse impacts on the surface water, groundwater, and other natural resources of the county. These guidelines consider the effects of sea level rise and encourage the use of low impact development and new stormwater management approaches that reduce off-property discharges. These procedures are intended to assist in protection of the vital water resources of the Florida Keys, including the reservoir of freshwater on Big Pine Key and the near shore waters of the Gulf of Mexico, Florida Bay and the Atlantic Ocean.

(b) *Applicability*. Projects discharging to impaired waters or to Outstanding Florida Waters (OFW) are subject to additional requirements for mitigation of pollutant loads. Single-family and duplex residences are required to observe best management practices (BMP's) as identified in the sections of the current edition of the C~~c~~ounty's *M~~m~~anual of ~~s~~StormwaterM~~m~~anagement P~~p~~ractices* clearly labeled as applicable to single-family and duplex residences and are subject only to the criteria, administrative procedures, and maintenance/retrofitting requirements identified in subsection (d) of this section and other applicable provisions of the Comprehensive Plan and this Land Development Code. All other applications for a county building permit are subject to all the criteria established in this section, except those identified in subsection (c). Except as specifically exempted in subsection (c) below, all development that is non-conforming to the surface water management criteria standards of this article shall be brought into compliance with the criteria of this Section 114-3~~Except as specifically exempted in subsection (c) below, applications for a building permit for properties that are nonconforming to the standards of this section shall be subject to the requirements of Section 114-110.~~

(c) *Exemptions*. Notwithstanding any other provisions of this Land Development Code, the following activities are exempt from the requirements of this section, unless otherwise required by State or Federal Law:

(1) Maintenance work on existing mosquito drainage structures for public health and welfare purposes, provided that the activities do not increase peak discharge rate or pollution load;

(2) Routine maintenance and minor modification of existing impervious area other than single family and duplex residences provided it meets one of the following conditions:

a. The maintenance does not increase the existing impervious conditions of the site; or
b. The proposed maintenance is certified by a licensed engineer demonstrating that the maintenance will not increase the design peak discharge rate, volume pollution load of stormwater runoff, or impervious coverage of the site; or
c. The placement of a new structure does not change the designed peak discharge rate, volume or pollution load, or increase impervious coverage of site area of stormwater runoff from the site.

(3) Emergencies requiring immediate action to prevent material harm or danger to persons when obtaining a permit is impractical and would cause undue hardship in protection of property from fire, violent storms, hurricanes, or other hazards. A report of the emergency action shall be made to the county administrator as soon as practicable. All emergency action shall also be temporary in nature and be reversed or appropriately remedied after the emergency has passed;

(4) Single-family and duplex residences built on individual lots that are part of an existing subdivision, provided a stormwater management system approved by the Monroe County Growth Management Division or South Florida Water Management District is in place, and is provided as part of the application materials;

(5) Maintenance, repair, or installation of underground or overhead utility facilities, such as, but not limited to, pipes, conduits and vaults, including replacing the ground surface with in-kind material or materials with similar runoff characteristics;

(6) Installation of a new or replacement of an existing public drainage system, public combined sewer, public sanitary sewer, or public water supply system;

(7) Road and parking lot maintenance limited to the following activities:

a. Pothole and square cut patching;
b. Overlaying existing asphalt or concrete or impervious brick pavement with asphalt or concrete without expanding the area of coverage;
c. Shoulder grading;
d. Reshaping or regrading drainage ditches;
e. Crack sealing; and
f. Vegetation maintenance.

(d) *Single-family and duplex residences.*

(1) Criteria. All water-quality criteria as per subsection (f)(2) of this section.

(2) Administrative procedures. At building permit review, stormwater management criteria will be applied, generally to assess the applicant's compliance with these criteria through the implementation of best management practices. An applicant's stormwater management plan must comply with the criteria listed in subsection (f)(2) of this section or, in the alternative, follow the guidelines outlined in the document entitled *Layman's Brochure* ~~"Layman's Brochure"~~ distributed by the county.

(3) Lot coverage expansion/retrofitting requirements. Those existing single-family and duplex lot owners wishing to expand impervious area shall bring the increase in impervious area into compliance with this section. Any substantial improvements shall be brought into compliance with the applicable provisions of the land development regulations in accordance with Section 114-3 (c).

(e) General criteria.

(1) Water management areas. Such areas shall be legally reserved to and maintained by the operational entity and be dedicated on the plat, deed restriction, or easements. Any change in the use of the property must comply with this regulation and any other requirements of the Comprehensive Plan and this Land Development Code. Stormwater management areas shall be connected to a public road or other location from which operation and maintenance means of access are legally and physically available to the operational entity, in accordance with county land development regulations governing subdivision of land.

(2) Environmental impacts. All surface water management plans shall be reviewed by the staff to evaluate anticipated impacts of the proposed work on the environment of the county. The following environmental features, among others, shall be used by the staff in evaluating impacts:

a. Wetlands;
b. Water bodies (including determination of discharge to impaired waters or OFW);
c. Intermittent (seasonally wet) ponds;
d. Mixed upland and wetland systems;
e. Pinelands;
f. Dunes/beach berms;
g. Hammock areas;
h. Uplands areas; and
i. Preferred habitat of rare and endangered plant and animal species.

(3) Legal operational entity requirements.

a. An acceptable, responsible entity that agrees to operate and maintain the surface water management system shall be identified in the building permit application. The entity must be provided with sufficient ownership so that it has control over all water management facilities authorized. The following are examples of entities that are acceptable:

1. Governmental agencies;
2. Nonprofit corporations, including homeowners associations, property owners associations, condominium owners associations, or master associations; or
3. The property owner as permittee, or his successors, if the property is wholly owned by the permittee and is intended to be so retained.

b. The entity must provide legally binding written documentation that it will accept the operation and maintenance of all surface water management systems prior to approval.

(4) Water quality considerations. All new surface water management systems shall be evaluated based on the ability of the system to prevent degradation of receiving waters. All new surface water management systems shall be designed to either:

a. Meet net improvement criteria as defined in Section 114-2(a) (5); or

b. Reduce the post-development annual average stormwater for both total nitrogen load and total phosphorus load by 95 ~~and the ability to conform to state water quality standards established in FAC Chapters 62-25 and 62-302.530. Developments planning to discharge stormwater to outstanding impaired water bodies (as described by chapter 62-303 FAC) or Florida waters shall provide greater treatment in accordance with Section 40E-4.091, FAC, and as outlined in the SFWMD Environmental Resources Permit Applicant's Handbook, Vol. II, Appendix 'E,' as listed in Subsection (f)(2) of this Section.~~ ~~and the ability to conform to state water quality standards established in F.A.C. chs. 62-25 and 62-302.530. Developments planning to discharge stormwater to outstanding impaired water bodies (as described by chapter 62-303 F.A.C.) or Florida waters shall provide greater treatment per section 40E-4.091, F.A.C., and as outlined in the SFWMD Environmental Resources Permit Applicant's Handbook, Vol. II, Appendix 'E,' as listed in subsection (f)(2) of this section.~~

(5) Water quantity considerations. All new stormwater management systems shall be evaluated on the ability of the system to prevent flooding of on-site structures, adjacent properties, roads, and road rights-of-way based upon antecedent rainfall conditions.

(f) Technical criteria.

(1) Water quantity.

a. Discharge. Off-site discharge is limited to amounts that will not cause adverse off-site impacts.

These amounts are:

1. Historic discharges based on natural site drainage patterns; or

2. Amounts determined in previous South Florida Water Management District or the county permit actions.

b. Drainage and flood protection criteria. The surface water management system shall be designed using a 24-hour rainfall duration and 25-year return frequency in computing allowable off-site discharge rate. Flood protection and floodplain encroachment standards shall be those established in the Monroe County Land Development Regulations and Comprehensive Plan. If post-development conditions are such that a volume greater than the retention and/or detention volume required for stormwater management is already being retained on site, that condition shall be maintained.

(2) Water quality.

a. Degradation of receiving water quality prohibited. ~~Projects shall be designed so that discharges do not degrade the receiving water quality, as set forth in FAC Chapters 62-3, 62-302.530 and Rule 62-330.010.~~ Projects shall demonstrate either of the following:

1. Meet net improvement criteria; or
2. Reduce the post-development annual average stormwater for both total nitrogen load and total phosphorus load by 95%.

b. ~~*Retention/detention criteria*~~ *Presumption of Compliance.* Projects designed, constructed, operated, and maintained in accordance with the BMPs requirements found in the *Manual of Stormwater Management Practices* are presumed to be in compliance with the requirements of this article. ~~These criteria are based on the minimum treatment requirements of FAC Chapter 62302.530 and Rule 62-330.010. The volume that needs to be retained or detained is dependent on the impervious area percent and whether the discharge is to impaired water bodies or OFW as defined in Subsection (g)(2)b.5 of this Section~~.

1. Requirements for submittal include a stormwater pollution prevention plan, an operational phase pollution prevention plan, site-specific water quality evaluation, grading plan, and all other requirements by permitting agencies

~~For projects that do not discharge directly to sensitive receiving waters, retention and/or detention shall be provided for the first inch of rainfall or 2½ inches of rainfall times the percent of impervious coverage dependent upon the percent of impervious surface. The retention or detention volumes shall be calculated according to the following formulae:~~

~~*For impervious surface area percent of 40 percent or less:*~~

~~Treatment volume (acre feet) = Disturbed area (acres) x 1 (inch)/12 (inches/foot)~~

~~*For impervious surface area percent greater than 40 percent:*~~

~~Treatment volume (acre feet) = Disturbed area (acres) x 2.5 (inches)/12 (inches/foot) x percent impervious area (%)/100(%)~~

~~Where treatment volume (acre feet) is the amount of stormwater treatment necessary, disturbed area (acres) is defined under subsection (f)(2)b.4. of this section, and impervious surface area percent is the total area of the impervious surface divided by the total property area times 100.~~

2. For the purposes of this Section, the term "disturbed area" includes the entire lot except that the areas covered by the following BMPs which shall be subtracted from the calculation of disturbed area:

   i. Forested upland areas/vegetative buffer strips (both natural and manmade) which will be retained intact and over or through which vehicular access or travel is not possible and will not occur; and

   ii. Open water surfaces and wetlands (salt marsh, buttonwood, mangroves, or freshwater marsh habitat types).

   It will be the responsibility of the applicant to affirmatively demonstrate that the BMPs used for the project are designed, constructed, and maintained properly.

   ~~Projects that discharge directly to sensitive receiving waters shall comply with additional measures to assure water quality including:~~

   ~~i. A site specific pollutant loading analysis, for both initial and proposed conditions; and~~
   ~~ii. Provision for an additional 50% water quality treatment volume beyond that required by Section 114-3(f)(2)b.1.~~

~~Where applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, mitigation measures resulting in a net improvement of the water quality in the receiving body will be considered.~~

~~Requirements for submittal include a stormwater prevention plan, an operational phase pollution prevention plan, site-specific water quality evaluation, and all other requirements by permitting agencies~~.

~~3. Commercial or industrial projects shall provide at least one-half-inch of dry detention or retention pretreatment prior to discharge to a disposal structure such as a well, subsurface drainage basin, or trench, as part of the required retention/detention.~~

~~4. For the purposes of this section, the term "disturbed area" includes the entire lot except that the areas covered by the following best management practices shall be subtracted from the calculation of disturbed area:~~

~~i. Forested upland areas/vegetative buffer strips (both natural and manmade) which will be retained intact and over or through which vehicular access or travel is not possible and will not occur; and~~

~~ii. Open water surfaces and wetlands (salt marsh, buttonwood, mangroves, or freshwater marsh habitat types).~~

~~It will be the responsibility of the applicant to affirmatively demonstrate that the best management practices used for the project are designed, constructed, and maintained properly.~~

3. For the purposes of this section, the term "discharging directly to sensitive waters" means the discharge of runoff via a pipe or channel outfall to the near shore waters, including canals, for which there is no intervening stormwater treatment system such as those listed in subsection (g)(2)b.3. of this section. Sensitive receiving waters are defined as: class I waters, class II waters, class III waters, outstanding Florida waters, impaired water bodies as defined by 62-303, F.A.C., and/or canals connecting with these waters.

4. Treatment storage recovery shall be estimated using a safety factor of two for retention systems with supporting infiltration tests.

~~5. Dry detention treatment volumes shall be offline allowing a bypass for storms greater than one, 2.5, or 3.2 inches as applicable.~~

(3) Construction considerations.

After complying with the water quantity and water quality criteria provisions of this section as applicable, if discharge structures are necessary, the following design construction considerations shall apply:

a. Discharge structures.

1. All design discharges from the site shall be made through and controlled by structural discharge facilities. Earth berms shall be used only to disperse or collect sheet flows from or to ditches, swales, or other water channels, served by discharge structures.

~~2. Discharge structures shall be constructed so that they are stationary.~~

2. Discharge structures shall include gratings for safety and maintenance purposes. Regularly-scheduled removal of trash is mandatory ~~if the~~

~~stormwater management system discharges into surface waters and/or outstanding state waters~~.

3. Discharge structures shall include systems that would allow discharge from other than the top or bottom of the water column and shall include a cleanable jump area for the sediment removal. Discharge structures from areas with greater than 50 percent impervious area or systems with inlets in paved areas shall include a baffle, skimmer, or other mechanism suitable for preventing oil and grease from discharging to and/or from retention/detention areas.
4. Direct discharges, such as through culverts, storm drains, or weir structures, will normally be allowed to receive waters which by virtue of their large capacity and configuration, are easily able to absorb concentrated discharges. Such receiving waters might include existing storm sewer systems and manmade ditches, canals, the bay, channels, and the ocean.
5. Indirect discharges, such as overflow and spreader swales, are required where the receiving water or its adjacent supporting ecosystem might be degraded by a direct discharge. The discharge structure would therefore discharge into the overflow, spreader swale, or other channel, which in turn would release the water to the actual receiving water. Such receiving waters might include marshes, wetland, salt marshes and land naturally receiving overland sheet flow.

b. Dry retention~~/detention~~ areas (not applicable to natural or mitigation wetland areas).

1. Dry retention~~/detention~~ areas shall allow for the return of the groundwater level in the area to the control elevation.
2. On-site mosquito control ditches or other appropriate features for such purpose shall be incorporated into the design of dry retention~~/detention~~ areas.
3. The design of dry retention/detention areas shall incorporate considerations for regular maintenance and vegetation harvesting procedures.

c. Wet retention~~/detention~~ areas.

1. Dimensional criteria (as measured at or from the control elevation).

i. Depth. A minimum of 20 percent of the area shallower than six feet is required.
ii. Side slopes for purposes of public safety, water quality enhancement and maintenance. All wet retention/detention areas shall have side slopes no steeper than 4:1 (horizontal/vertical) out to a depth of two feet below the control elevation, or an equivalent substitute. Side slopes shall be topsoiled, nurtured or planted from two feet below to one foot above control elevation to promote vegetation growth.

Littoral zone vegetation growth survival shall be a condition for operation permit issuance.

2. Support facility design criteria. Perimeter maintenance and operation easements of ten feet (minimum preferable) width at slopes no steeper than 4:1 (horizontal/vertical) should be provided beyond the control elevation water line. Control elevations must be set so as not to cause flooding in roadways and to protect road subgrades.

d. Impervious areas. Runoff shall be discharged from impervious surfaces through retention areas, detention devices, filtering and cleansing devices, and/or subjected to some type of best management practice (BMP) prior to discharge from the project site. For projects that include substantial paved areas, such as shopping centers, large highway intersections with frequently stopped traffic, and high-density developments, provisions shall be made for the removal of oil, grease, and sediment from stormwater prior to discharge into the receiving waters of a watercourse.

e. Stagnant water conditions. Configurations that create stagnant water conditions shall not be allowed.

(g) Stormwater management plans. It is the responsibility of the applicant to include in the stormwater management plan for the development sufficient information for the Planning Director or designee to evaluate the environmental and stormwater discharge characteristics of the affected areas, the potential and predicted impacts of the proposed activity on community waters, and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts. The stormwater management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, calculations, explanations, and citations to supporting references, and any additional information deemed necessary by the Planning Director. The stormwater management plan must be sealed by an engineer registered in the state with experience in stormwater management and drainage design.

(h) Manual ~~and brochure~~ of S~~s~~tormwater M~~m~~anagement P~~p~~ractices and L~~l~~ayman's B~~b~~rochure.

(1) The Planning and Environmental Resources Department staff shall compile ~~m~~Manual of ~~s~~Stormwater ~~m~~Management ~~p~~Practices for the guidance of persons preparing stormwater management plans and designing or operating stormwater management systems. The *M~~m~~anual of Stormwater Management Practices* and *Layman's B~~b~~rochure* shall be the primary implementation tool and shall be updated periodically to reflect the most current and effective practices. The~~is~~ *Manual of Stormwater Management Practices* ~~manual~~and *Layman's Brochure* shall be made available to the public.

(2) The *Manual of Stormwater Management Practices* ~~manual~~ shall include guidance and specifications for the preparation of stormwater management plans. Acceptable techniques for obtaining, calculating, and presenting the information required in the stormwater management plans shall be described.

(3) The *Manual of Stormwater Management Practices*~~manual~~ and *Layman's Brochure* ~~brochure~~ shall include guidance for acceptable best management practices (BMP's) for stormwater management systems for single-family and duplex residences. It shall address the condition that improvements to the land may result in water improvement, thereby creating surface water over land that would otherwise not be wetland.

(4) The *Manual of Stormwater Management Practices*~~manual~~ and *Layman's Brochure* ~~brochure~~ shall include guidance in the selection of environmentally sound practices for the management of stormwater and the control of erosion and sedimentation. The development and use of techniques that emphasize the use of natural systems shall be encouraged.

(5) The *Manual of Stormwater Management Practices*~~manual~~ shall also establish minimum specifications for the construction of stormwater management facilities. Construction specification shall be established in accordance with sound engineering practices.

(6) The Planning and Environmental Resources Department shall submit the *Manual of Stormwater Management Practices*~~manual~~ and subsequent revisions of it to the BOCC for review and approval. The *Manual of Stormwater Management Practices* ~~manual~~ may also be submitted for review to the Florida Department of Environmental Protection's Nonpoint Source Management Section in Tallahassee, Florida, and the South Florida Water Management District.

(7) Adherence to these regulations shall be based on the guidelines outlined in the *Manual of Stormwater Management Practices*~~manual~~.

(i) Administration.

(1) Permit application procedures. The stormwater management plan shall be submitted as part of an application for development approval outlined in this Code, unless otherwise herein exempted. All conditions, approvals, and fees shall apply.

(2) Plan adherence. The applicant shall be required to adhere to the plans as approved and permitted. Any changes or amendments to the individual stormwater management plan must be approved by the Planning and Environmental Resources Department prior to construction.

(3) If required, a permit from the South Florida Water Management District must be obtained prior to final concurrency determination.

(j) Maintenance and inspection.

(1) The installed systems required by these regulations shall be maintained by the owner or approved operating entity, except that the county may select certain systems for county maintenance. The selection of critical areas and/or structures to be maintained

by the county shall be recommended to the BOCC by the Planning Director and the County Engineer. All areas and/or structures to be maintained by the county must be dedicated to the county by plat or separate instrument and accepted by the BOCC. The systems to be maintained by the owner or approved operating entity shall have adequate access and easements to permit the county right of entry to inspect and, if necessary, to take corrective action should the owner fail to maintain the systems to be maintained by him. The Planning Director shall give such owner written notice of the nature of corrective action necessary. Should the owner fail, within 30 days from the date of the notice, to take corrective action, the BOCC may take the necessary corrective action and place a lien on the property of the owner to recover the costs thereof.

(2) The applicant shall arrange with the Planning Director for scheduling the following inspections (these inspections may be scheduled along with other required inspections):

a. Erosion and sediment control inspection. As necessary during and after construction to ensure effective control of erosion and sedimentation. Control measures shall be installed and stabilized around the perimeter of the construction area~~between any waters and any areas cleared prior to land clearing~~.

~~a.~~b. Dewatering inspection. As necessary before and during construction to ensure effective control and discharge of water that must be removed from a construction area.

~~b.~~c. Bury inspections. Prior to the burial of any underground drainage structure.

~~c.~~d. Final inspection. When all work, including installation of all stormwater management system facilities, has been completed.

The Code Compliance Officer who inspects the work shall either approve it or notify the applicant in writing in what respects there has been a failure to comply with the requirements of the approved permit. Any portion of the work that does not comply shall be corrected by the permittee within a time frame deemed reasonable by the Planning Director depending on the time needed to correct the violation and the effect of the violation on water and habitat quality, or the applicant shall be subject to the penalty provisions of subsection (k) of this section. There shall be a fee for inspections as established by the BOCC, and no certificates of occupancy shall be issued without approval of the Planning Director.

(k) Enforcement and penalties.

(1) Enforcement. If the Planning Director determines that the project is not being carried out in accordance with the approved plan or if any project subject to these regulations is being carried out without a permit he is authorized to:

a. Issue written notice to the applicant that specifies the nature and location of the alleged noncompliance and includes a description of the remedial actions necessary to bring the project into compliance; and

b. Direct the Building Official to issue stop-work orders directing the applicant or persons in possession to cease and desist all or any portion of the work that

violates the provisions of these regulations until the remedial work is completed. The applicant shall then bring the project into compliance or be subject to denial of certificate of occupancy for the project.

Any order issued pursuant to this subsection not adequately addressed within ten working days shall be forwarded to the Code Compliance Department. With the exception of single-family and duplex residences, the Planning Director shall require a sealed, as-built topographic survey detailing the completed stormwater management system of the development.

(2) Penalties. Penalties will be assessed pursuant to F.S. Chapter 163.

(l) Appeals. Any person aggrieved by the action of any official charged with the enforcement of these regulations as the result of the disapproval of a properly filed permit application, issuance of a written notice of violation, or an alleged failure to properly enforce these regulations in regard to a specific application, shall have the right to appeal the action to the Planning Commission pursuant to Section 102-185.

Sec. 114-4. Wastewater Treatment Criteria.

No structure or land shall be developed, used or occupied unless served by wastewater treatment facilities that meet the following criteria:

(a) On-site treatment facilities.

(1) All on-site wastewater treatment facilities shall comply with the minimum requirements of F.A.C. Chapter 64E-6.

(2) Notwithstanding the minimum setback from surface water bodies established by F.A.C. Chapter 64E-6, on-site wastewater treatment facilities shall be located such that the discharge point of such facilities is located as far as possible away from any surface body of water without violating the other minimum setback requirements established by F.A.C. Chapter 64E-6.

(3) All on-site wastewater treatment facilities shall be inspected by a licensed contractor or engineer every three years, and a sworn affidavit that the on-site wastewater treatment capacity is operating at or above design capacity signed by the inspecting contractor or engineer shall be filed with the Planning Department within 30 days of such inspection.

(b) Sewage disposal facilities.

(1) All sewage disposal facilities shall comply with the minimum requirements of F.A.C. Chapter 64E-6.

(2) Sewage disposal facilities shall be designed and located so that in the event of power failure, untreated effluent will not be discharged into any surface body of water or any wetland.

(3) Sewage disposal facilities shall be located such that any discharge point, whether by shallow or deep well, is located as far as possible from any surface body of water without violating any other setback requirement established by F.A.C. Chapter 64E-6.

Sec. 114-6. Curbs and Gutters.

Permanent six-inch concrete curbs with 24-inch integral concrete gutters or standard rolled curb and gutters shall be provided or such other construction as may be approved by the County Engineer.

Sec. 114-7. Sidewalks and Shared Use Paths.

(a) If concrete sidewalks are provided, they shall be at least four inches thick and reinforced with a six-inch by six-inch wire mesh on a mechanically compacted base.

(b) If sidewalks or shared use paths are provided, the minimum width shall be as follows:

(1) For sidewalks: five (5) feet; and
(2) For shared use paths: minimum of eight (8) feet; ten (10) feet preferred.

Sec. 114-8. Installation of Utilities and Driveways.

(a) The County encourages utility services to be installed underground when feasible, including electric power, telephone and community antenna television service. Both main transmission lines and individual service connection lines to buildings may be installed underground, when feasible.

(b) All driveways for nonresidential or multi-family development shall be composed of compacted fill or concrete not less than four inches thick on a mechanically compacted base and reinforced with at least six-inch by six-inch number wire mesh, or such other construction, including permeable paving materials, as may be approved by the County Engineer.

(c) If a driveway is installed to serve two or more lots, an agreement between the lot owners must be approved by the County Engineer to ensure the maintenance of the driveway.

(d) All underground utility mains and service connections shall be completely installed, inspected and approved by the Public Works Department or the County Engineer before grading is commenced and after grading is completed and before any road base is applied.

Sec. 114-9. Water Supply and Sanitary Sewer Service.

(a) Septic tanks and drain fields shall be permitted only when approved by the County Health Department and the Florida Department of Health.
(b) Proposed waterlines shall be coordinated with the Florida Keys Aqueduct Authority (FKAA) and shall meet all conditions and requirements of the FKAA water main extension policy.
(c) Individual wells shall only be permitted where there is no public supply of water feasible.

Sec. 114-10. Road and Private Drive Name Signs.

The developer, at his expense, shall install road name signs, if applicable, at each entrance to the development and at each intersection of public roads within the development, of durable and sound construction in accordance with Standard Specifications and Details of Monroe County.

Sec. 114-11. Traffic-Control Signs and Devices.

The developer, at his expense, shall install traffic-control signs at locations determined by the County Engineer. Such signs shall meet the requirements of the most current edition of the Manual on Uniform Traffic Control Devices (MUTCD).

Sec. 114-12. Live-Aboard Vessels.

Live-aboard vessels shall be hooked up to an on-land sewage disposal system or shall be provided with onshore sanitary facilities. New live-aboard vessel slips shall only be permitted in marinas that have adequate off-street parking, pump-out facilities and amenities for the occupants of the live-aboard vessels.

Sec. 114-13. Fences.

It is the purpose of this section to regulate fences in order to protect the public health, safety and welfare.

(a) Height. Unless a fence height variance is approved pursuant to Section 102-186 or 102-187(b)(6), i~~I~~n general, all fences shall be measured from the ~~highest~~ lowest finished elevation adjacent to the fence and shall not exceed six feet in height.

(1) For any parcel of land with access to U.S. 1, any property with access to an arterial road and/or any property developed with a nonresidential use~~.~~, ~~a~~ fences shall not exceed three (3) feet in height within a clear sight triangle as defined in Section 114-201;
(2) For any parcel of land located along US 1 or adjacent to the intersection of any two public roads, ~~a~~ fences shall not exceed three (3) feet in height within a clear sight triangle as defined in section 114-201 and/or according to FDOT and national American Association of State Highway and Transportation Officials (AASHTO) standards, whichever is more restrictive;
(3) For any parcel of land developed with a single-family residential residence and on a local road, ~~a~~ fences located within a clear sight triangle as defined in Section 114-201

may exceed three (3) feet in height if located a minimum of ten (10) feet from the edge of pavement of the road, the sidewalk or the bike path, whichever is closest to the property line. On unpaved streets, the distance shall be measured from the approximate edge of the cleared right-of-way;

(4) ~~A f~~Fences shall not exceed four (4) feet in height within any front yard setback or within any side yard setback that overlaps with a front yard setback, as required pursuant to Chapter 131, except as follows:

a. Within all land use (zoning) districts, fences of up to five (5) feet in height may be permitted if constructed of chain-link, a four-foot solid fence with a one-foot lattice or louvre top, or another material that does not impair visibility. Construction details and materials for fences, other than chain-link, must be approved by the Planning Director;

~~a.~~b. Within all land use (zoning) districts, driveway gates no wider than twelve (12) feet may be permitted up to six (6) feet in height provided the gates meet setback and sightline requirements.

~~b.~~c. Within the Airport (AD), Commercial 1 (C1), Commercial 2 (C2), Commercial Fishing Area (CFA), Commercial Fishing Special District (CFSD), Commercial fishing Village (CFV), Destination Resort (DR), Industrial (I), Maritime Industries (MI), Mixed Use (MU), Recreational Vehicle (RV), Suburban Commercial (SC) and Urban Commercial (UC) Land Use (Zoning) Districts, fences of up to six (6) feet in height may be permitted, provided the fences are not located within clear sight triangles as defined in Section 114-201 and/or according to FDOT and national AASHTO standards, whichever is more restrictive;

~~c.~~d. Within the Improved Subdivision (IS), Native Area (NA), Sparsely Settled (SS), Suburban Residential (SR) and Suburban Residential Limited (SR-L) Land Use (Zoning) Districts, fences of up to six (6) feet in height may be permitted, provided that no other residentially developed property is located within 200 feet of the subject property and provided the fences are not located within clear sight triangles as defined in Section 114-201 and/or according to FDOT and national AASHTO standards, whichever is more restrictive;

~~d.~~e. Notwithstanding the provisions of (a)(4) and (a)(4)c. of this section, on Stock Island and on Key Haven, fences of up to six (6) feet may be permitted, provided they are not located within clear sight triangles as defined in section 114-201 and/or according to FDOT and national AASHTO standards, whichever is more restrictive. In addition, parcels of land on Stock Island and Key Haven that are developed with single family dwellings may incorporate entry features of greater than six (6) feet within fences, provided all of the following design criteria are met:

1. The entry feature is defined as a continuous fence or gate, or combination thereof, located contiguous to and on both sides of the main access (driveway) to the property which is designed and intended to control and/or demarcate the access to the property. An "entry feature" includes all walls, buttresses, guy wires, integral signs and decorative features attached thereto

up to a maximum width of 12 feet, or 15 percent of the lot width whichever is greater, a maximum height of ten (10) feet, and four (4) feet in depth or six (6) percent of the lot depth whichever is greater as measured from the front property line; and

2. The entry feature shall not be located in any side yard setback required pursuant to Section 131-1; and
3. The entry feature shall be compatible with the existing development in the immediate vicinity, shall be in harmony with the general appearance and character of the community, and shall not be otherwise detrimental to the public welfare; and
4. The entry feature shall be designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent structures while affording the applicant a reasonable use of the land; and
5. The entry feature shall require a building permit for its construction and in addition to the normal building permit application requirements, the application shall include a scaled site plan and elevations for the entry feature that shows the height, width and length of each element of the entry feature applied for, including any decorative or non-functional elements; and identification of the materials composing each element of the structure (e.g. wire, stone, chain-link, wood, etc.).

(5) When it is necessary to use a fence to contain athletic activity, the fence may be erected to a maximum of twelve (12) feet in height, if constructed of chain-link or another material that does not impair visibility and is designed in accordance with the community character as determined~~. Construction details and materials for fences other than chain-link must be approved~~ by the Planning Director;

(6) When it is necessary to use a fence to contain a public use for safety and/or security purposes (i.e. high voltage substations, pumping stations, public wastewater treatment facilities), the fence may be erected to a maximum height provided in national, state or otherwise recognized industry code, if it is designed in accordance with community character as determined by the Planning Director.

(b) Setbacks. In general, notwithstanding the setback requirements in Section 131-1, fencing may be located anywhere on the property, including the property line, except as follows:

(1) The use of a fence shall not negate bufferyard requirements and standards. The clearing of existing native vegetation to locate a fence in the bufferyard shall only be permitted to facilitate the construction of fences located along the inside or outside edge of the required bufferyard.

~~(1)~~(2) The construction of fences shall not result in or cause any tree abuse.

~~(2)~~(3) No fence shall be placed so as to extend into or through any wetlands or water bodies, or extend beyond the mean high tide line on any property, except that on marginal docks as described in Section 118-12, fences may extend out to the waterward face of the marginal dock.

~~(3)~~(4) In no event shall fences be approved if they restrict fire and emergency access to individual or adjacent properties.

~~(4)~~(5) Additional setback requirements for Big Pine Key and No Name Key are provided in subsection (c) of this section.

(c) Additional requirements for Big Pine Key and No Name Key as required by LCP, HCP and ITP for Big Pine Key and No Name Key. The purpose of this subsection is to recognize and provide for the particular habitat needs of the Florida Key Deer (Odocoileus virginianus clavium) on Big Pine Key and No Name Key so that deer movement throughout Big Pine Key and No Name Key is not hindered while allowing for reasonable use of minimal fencing for the purposes of safety and protection of property. In addition to all other standards set forth in this section, all fences located on Big Pine Key and No Name Key shall meet the standards of this subsection as listed below:

(1) In the Improved Subdivision (IS) Land Use (Zoning) District, fences shall be set back as follows:

a. On canal lots, fences shall be set back at least 15 feet from the edge of abutting street rights-of-way; and built to the edge of all other property lines or as approved through a U.S. Fish and Wildlife Service coordination letter; and

b. On all other lots, fences shall be set back at least 15 feet from the edge of abutting street rights-of-way, at least five feet from side property lines and at least ten feet from the rear property line, or as approved through a U.S. Fish and Wildlife Service coordination letter.

(2) In land use (zoning) districts other than Improved Subdivision (IS), fences may enclose up to a maximum of and not to exceed the net buildable area of the parcel only.

(3) Enclosure of the freshwater wetlands by fences is prohibited.

(4) All fences shall be designed and located such that Key Deer access to native habitat, including pinelands, hammocks, beach berms, salt marshes, buttonwoods and mangroves is maintained wherever possible.

(5) All fences shall be designed and located such that Key Deer corridors, as identified by the U.S. Fish and Wildlife Service, shall be maintained.

(6) Fences shall not be permitted without a principal use except where the enclosed area consists of disturbed lands or disturbed land with exotics.

(7) Fences are not permitted on Tier 1 lands except as authorized by the U.S. Fish and Wildlife Service and fencing required for safety purposes at any location to enclose the immediate impervious area of pools and tennis courts.

(8) Fences are not permitted in non-residential areas along U.S. 1.

~~(6)~~(9) Fences existing on the date the LCP was adopted (August 18, 2004) may be replaced in their existing configuration.

(d) Use. Fences may be allowed as accessory uses/structures within any Land Use (Zoning) District. Notwithstanding the definition of accessory use in Section 101-1, fences may be allowed without a principal use where upland security is required.

(e) Construction material. Fences may be constructed of natural or manmade materials, including, but not limited to, brick, lumber, stone, metal, plaster, concrete and masonry, ~~except for b~~Barbed wire and razor wire~~, which~~ are prohibited except in the Industrial (I) and Airport (AD) Land Use (Zoning) Districts.

(f) Attachments to fences. No attachments to fences shall be allowed. The only exception shall be a maximum of two electrical lights attached to the fence per driveway. Such lights shall not exceed two feet in height above the maximum height limit of the fence. These lights shall comply with all outdoor lighting requirements of Article VI of this chapter.

(g) Required permit. All fences shall be constructed pursuant to a building permit issued by the county building department and, if applicable, according to the requirements of the HCP/ITP.

(h) Limited clearing. To allow construction of fences and gates, limited clearing may be permitted if the following design standards have been met:

(1) Such limited clearing does not occur in scenic ~~highway~~ corridors as defined and required in ~~this Land Development Code~~Section 114-125;
(2) Limited clearing shall not remove native vegetation that would provide for the minimum buffer required in Section 114-124; and
(3) Existing native trees ~~canopies~~ within hardwood and pineland hammocks are not removed.

(i) Maintenance. All fences shall be maintained in good repair at all times.

Sec. 114-14. Recycling and Solid Waste Collection Areas.

Any nonresidential, mixed use or multi-family residential development shall make adequate provision for a recycling collection area in accordance with the following standards:

(a) Nonresidential and mixed use buildings:

The following are minimum space configurations per solid waste/recycling collection area:

Floor Area (square feet)	**Minimum Collection Area (square feet)**
0 to 5,000	82
5,001 to 15,000	125
15,001 to 50,000	175
50,001 to 100,000	225
100,001 or greater	275

(b) Multi-family residential developments:

The following are minimum space configurations per solid waste/recycling collection area:

Dwelling Units	**Minimum Collection Area (square feet)**

3 to 10	144
11 to 15	216
16 to 30	240
31 to 35	264

For multi-family residential developments consisting of 36 to 50 dwelling units, there shall be at least two collection areas, with each area consisting of at least 240 square feet.

For multi-family residential developments consisting of more than 50 dwelling units, there shall at least one collection area per 25 dwelling units, with each area consisting of at least 240 square feet.

Combinations of collection areas that, in total, meet the standards are acceptable if approved by the Planning Director.

(c) Additional solid waste containers. Generally, the minimum collection areas shown above provide enough area for a typical solid waste container (i.e. dumpster) and recycling containers.

If the collection area requires more than one solid waste container, then an additional area of six feet by ten feet (60 square feet) is required per each additional solid waste container.

(d) Setback. Notwithstanding the provisions of Chapter 131, a collection area may be set back five feet from any rear or side yard property line.

(e) Screening. Notwithstanding the provisions of Sections 114-13 and 131-1, collection areas shall be screened on at least three sides. Screening shall consist of a solid or semi-opaque enclosure that shall not exceed six feet in height. The enclosure shall provide a minimum of one foot six inch clearance on each side of the container.

(f) Enclosure design. Area required is measured from the interior dimensions of the enclosure. Enough room should be provided to move and lift containers. The design of the enclosure should make it easy to keep container lids shut at all times.

(g) Location. Exterior collection areas should be located in an area accessible and convenient to the intended users (typically no more than 200 feet from the farthest user). The location of the collection area should not interfere with the primary use of the site. It should be located in areas that can tolerate noise, odor and increased pedestrian and vehicle traffic. The collection area should be designed to be easily accessible by all collection vehicles.

Sec. 114-15. Accommodation for Mass Transit.

Nonresidential and multi-family uses generating over two thousand (2,000) trips per day shall be developed to encourage mass transit, by including features such as: transit facilities, including covered bus shelters, pedestrian/bicycle paths, bicycle racks, carpool facilities, adequate turning radii for large vehicles, and pedestrian access to adjacent nonresidential and multi-family uses.

Sec. 114-16. Planned Bicycle or Pedestrian Facility Requirement.

Development occurring on or adjacent to the location of a planned bicycle or pedestrian facility as identified by the County shall provide for the construction of that portion of the facility occurring within or adjacent to the development. If the facility already has been built, or if it will be constructed by an external agency, the development shall be connected to the facility in a safe and convenient manner to ensure that it is part of the development's overall transportation system. For state owned bicycle or pedestrian facilities a connection permit shall be required.

Secs. 114-17—114-43. Reserved.

ARTICLE II. ENERGY AND WATER CONSERVATION STANDARDS

Sec. 114-44. Purpose.

It is the purpose of this article to provide for the conservation of energy and water in design and development in the county.

Sec. 114-45. Energy Conservation Standards.

All developments shall make adequate provision for energy conservation. To the greatest extent practical, developments shall incorporate the following standards into site and building design:

(a) Provision of bicycle/pedestrian paths and sidewalks along roads;

(b) Provision of bicycle racks or other bicycle storage facilities in nonresidential and multi-family developments;

(c) Reduced coverage by asphalt, concrete, rock and similar substances in streets, driveways, parking lots and other areas to reduce local air temperatures and reflected light and heat;

(d) Installation of energy-efficient lighting for streets, parking areas, recreation areas, and other interior and exterior public areas;

(e) Selection, installation and maintenance of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, maintenance and other needs;

(f) Planting of native shade trees to provide reasonable shade for all recreation areas, streets and parking areas;

(g) Orientation of structures, as possible, to reduce solar heat gain by walls and to use the natural cooling effects of the wind;

(h) Provision for structural shading (e.g., trellises, awnings and roof overhangs) wherever practicable when natural shading cannot be used effectively; and

(i) Inclusion of porch/patio areas in residential units.

Sec. 114-46. Potable water conservation standards.

All development shall make adequate provision for water conservation~~. To the greatest extent practical,~~and developments shall incorporate the following standards into site and building design:

(1) Planting of native vegetation to reduce need for use of potable water for landscape watering; and

(2) Installation of alternative water source systems such as reverse osmosis, cisterns, water re-use and on-site stormwater collection for irrigation and other safe uses.

Secs. 114-47—114-65. Reserved.

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ARTICLE III. PARKING AND LOADING

Sec. 114-66. Purpose and Intent.

The purpose and intent of this article is to provide adequate off-street parking and loading areas to serve the majority of traffic generated by development. The provision of parking and loading areas is to:

(1) Avoid undue congestion on the roads;

(2) Protect the capacity of the road system to move traffic;

(3) Minimize unnecessary conflicts among vehicles, pedestrians, and bicyclists;

(4) Facilitate the use of transportation management systems; and

(5) Avoid noise, glare, lights, and visual impacts of parking and loading operations on adjacent properties.

Sec. 114-67. Required Off-Street Parking.

(a) *Generally.* Every use shall be provided with off-street parking in accordance with the standards contained in this article. Every parking space, both required and unrequired, shall meet the minimum standards of this article.

(b) *Design and dimensional requirements of parking spaces and aisles.*

Except as expressly stated herein, each parking aisle and parking space shall meet the following minimum standards:

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Parking Space and Aisle Width Minimum Dimensional Requirements

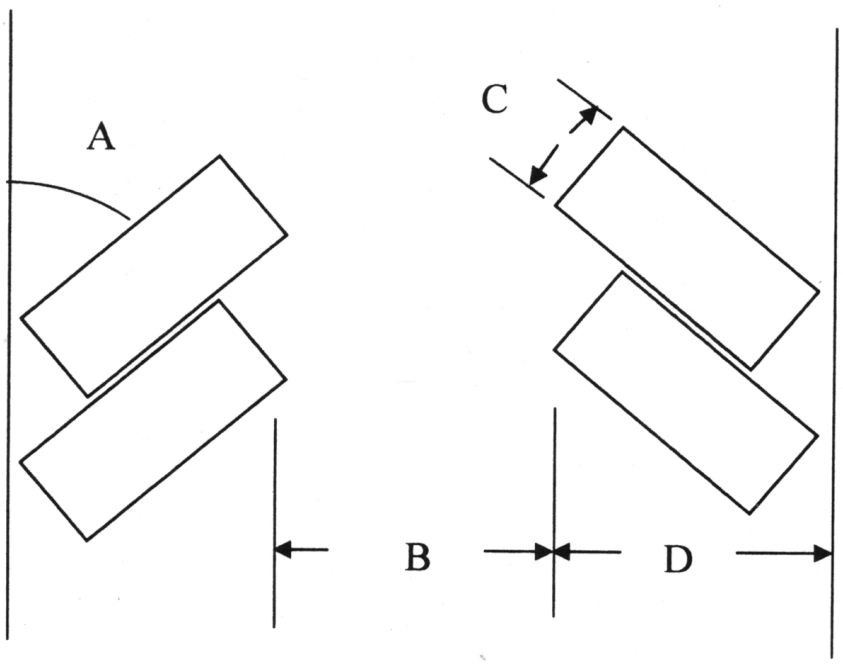

Illustration of Minimum Required Parking Space Dimensions

Legend for Minimum Required Parking Space Dimensions
A—Angle of parking space, varies from 0 to 90 degrees
B—Width of aisle, one-way and two-way
C—Width of parking space
D—Length of parking space

Parking Pattern in Degrees (A)	*One-Way* Aisle Width *in feet (B)*	*Two-Way* Aisle Width *in feet (B)*	Parking Space Width *in feet (C)*	Parking Space Length *in feet (D)*
0 (parallel)	12	24	8.5*	25
30 or 45	15	24	8.5*	18
60	18	24	8.5*	18
75	22	24	8.5*	18
90	24	24	8.5*	18

*All ADA parking spaces must have a width (C) of 12 feet, plus a 5-foot access aisle, based on Americans with Disabilities Act Accessibility Guidelines

(c) *Required number of off-street parking spaces.*

The following number of parking spaces shall be provided for each use:

Specific Use Category	**Minimum Required Number of Parking Spaces Per Indicated Unit of Measure**
Single-family dwelling units, including mobile homes on individual lots or parcels	2.0 spaces per dwelling unit or mobile home
Multifamily residential developments	2.0 spaces per each 1-bedroom dwelling unit; 2.0 spaces per each 2-bedroom dwelling unit; and 3.0 spaces per each 3 or more bedroom dwelling unit
Mobile home parks	2.0 spaces per each mobile home
Commercial retail except as otherwise specified in this table	3.0 spaces per 1,000 sq. ft. of nonresidential floor area within the building and 1.5 spaces per 1,000 sq. ft. of area devoted to outdoor retail sales
Eating and drinking establishments, such as restaurants and bars	For areas devoted to food/beverage service, 1.0 space per 3 seats or 3.0 spaces per 1,000 sq. ft. of nonresidential floor area, whichever total amount is higher. For other areas, 3.0 spaces per 1,000 sq. ft. of nonresidential floor area within the building separate from the seating area and devoted to activities other than food/beverage service (including, but not limited to, kitchen, office, retail sales not related to food or beverage and storage).
Convenience stores/markets	4.0 spaces per 1,000 sq. ft. of nonresidential floor area within the building
Gasoline/service stations	4.0 spaces per 1,000 sq. ft. of nonresidential floor area within the building and 1.0 space per each fueling station (such space may also serve as the space for the vehicle in which a fuel pump serves)
Commercial recreation (indoor), excluding theaters, conference centers and activity centers	5.0 spaces per 1,000 sq. ft. of nonresidential floor area within building
Commercial recreation (outdoor)	5.0 spaces per 1,000 sq. ft. of the parcel that is directly devoted to the outdoor recreational activity, excluding areas used for parking and driveways, required yards and required landscaping and buffer areas
Theaters, conference centers, or activity centers	1.0 space per 3.0 actual seats or based on seating capacity

Specific Use Category	**Minimum Required Number of Parking Spaces Per Indicated Unit of Measure**
Offices	3.0 spaces per 1,000 sq. ft. of nonresidential floor area within the building
Medical and dental clinics	4.0 spaces per 1,000 sq. ft. of nonresidential floor area within the building
RV parks	1.0 space per each RV space
Hotels/destination resorts	1.0 space per each 1-bedroom transient dwelling unit and 1.0 space plus 0.5 space for each additional bedroom per each 2 or more bedroom transient dwelling unit
Industrial uses; excluding mini-warehouses/self-storage centers; repair and or servicing of vehicles; and warehousing	2.0 spaces per 1,000 sq. ft. of nonresidential floor area within building; and 1.0 space per 1,000 sq. ft. of the parcel that is devoted to outdoor industrial use
Mini-warehouses/self-storage center	3.0 spaces for the office use plus a parking aisle of 10 feet in width adjacent the storage unit access doors if outside access to the storage units is provided
Repair and or servicing of vehicles	3.0 spaces per service/repair bay or 3.0 spaces per 1000 sq. ft. of nonresidential floor area within building, whichever is greater, the service/repair bays shall not be counted as parking spaces
Warehousing	1.0 space per 1,000 sq. ft. nonresidential floor area within the building
Hospitals	1.8 spaces per bed
Churches	0.3 space per seat and/or 0.3 space per 24 inches for pews
Live-aboard	1.5 spaces per berth
Marinas and commercial fishing facilities	1.0 space per berth plus 1.0 space per four dry storage racks
Charter/guide boats, six or fewer passengers capacity	2.0 spaces per berth
Party and charter/guide boats, more than six passengers capacity	0.3 space per passenger capacity of vessel
Boat ramps	6.0 spaces per ramp; all spaces shall be a minimum of 14 feet by 55 feet, to accommodate trailers and oversized vehicles

(d) *Category of specific use for determination of the number of spaces.* If a use does not fall within one of the specific use categories in subsection (c) of this section, or the general category does not accurately identify the parking need for a specific use, then the parking space requirements shall be based on the most current edition of the Institute of Transportation Engineer's Parking Generation Manual.

(e) *Calculation of number of parking spaces.* In calculating the number of parking spaces required under this article, the following special provisions apply:

(1) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction less than one-half (0.5) shall be disregarded and fractions of one-half (0.5) or greater shall require one (1) parking space.

(2) When two or more separate uses are on a site, the required parking for the site is the sum of the total required parking for each of the individual uses, except if the shared parking calculation option is used, as provided for in subsection (i) of this section.

(3) Within a gated master planned community, up to 25 percent of the required parking spaces for nonresidential uses may be replaced with an equivalent number of smaller parking spaces designed to accommodate golf carts, neighborhood electric vehicles, similar four wheeled vehicles, motorcycles, or scooters.

(4) On Stock Island, consistent with its community master plan, up to 20 percent of the required parking spaces for nonresidential uses may be replaced with an equivalent number of smaller parking spaces designed to accommodate motorcycles or scooters and other similar modes of transportation.

(f) *Additional parking requirements.*

(1) The number and design of ADA parking spaces shall be in accordance with the provisions of Chapter 6, which incorporates by reference the Florida Building Code.

(2) Scooter and motorcycle parking spaces shall be a minimum width of 3.5’ by 7.5’ in length. Golf cart parking spaces shall be a minimum of 6’ in width by 11’ in length.

(g) *Location of required parking.* Required off-street parking spaces for residential uses shall be located on the same parcel of land as the dwelling unit(s) which the parking spaces serve. Required off-street parking spaces for nonresidential uses shall be located on the same parcel of land as the nonresidential use which the parking spaces serve or at an off-site parking facility in accordance the provisions of subsection (h) of this section.

(h) *Requirements for off-site parking facilities*. The following requirements shall apply to off-site parking facilities for nonresidential uses.

(1) The location of any off-site parking facility shall be within 300 feet walking distance, as measured by the shortest route of effective pedestrian access to a public entrance to the structure or land area containing the use for which the spaces are required.

(2) A parking agreement shall be required in accordance with Section 114-68.

(3) In addition, any off-site parking facility located within a different land use (zoning) district than the principal use it is intended to serve or any off-site parking facility proposed to be located greater than 300 feet walking distance from the principal use it is intended to serve shall meet the following provisions:

a. The off-site parking facility shall be approved by a minor conditional use permit, meeting all of the standards set forth in Section 110-67. If the principal use requires a major conditional use approval, the off-site parking facility may also be reviewed pursuant to the major conditional use application.

b. The location of any off-site parking facility shall be governed by the following:

1. The proposed off-site parking facility shall not be located greater than 600 feet walking distance, as measured by the shortest route of effective pedestrian access to a public entrance to the structure or land area containing the use for which the spaces are required; and
2. The proposed off-site parking facility shall not require vehicles to drive past existing residential uses; and
3. Pedestrians shall not be required to cross U.S. 1 to reach the use served by the off-site parking.
4. The proposed off-site parking facility shall not be located on Tier I designated property.

c. No parking space or vehicle overhang shall encroach upon the required landscaping, any sidewalk area, or the right-of-way of any public road or walkway.

d. A class "C" bufferyard shall be provided on any side of the parcel which is contiguous to an established residential use.

(i) *Shared parking option requirements.*

(1) Purpose. The purpose of the shared parking option is to permit a reduction in the total number of parking spaces, which would otherwise be required in instances where two or more uses on the same development parcel are to share the same parking spaces because their peak parking demands do not occur at the same time. Shared parking is an option to the method for calculation of required parking as provided for in subsection (e)(2) of this section.

(2) Condition on development approval. If the shared parking option is used to calculate the amount of required parking spaces, the approved development permit shall have a condition that any change in the occupancy or use of any of the principal uses intended to be served by the shared parking shall require development approval by the Planning Director to ensure sufficient parking is available.

(3) Computation of shared parking requirements. Notwithstanding the provisions of subsection (e)(3) of this section for individual land uses, when any land or building is used for two or more distinguishable purposes as listed in this subsection, the shared

parking option may be used to determine the minimum amount of parking required. Under the shared parking option, the minimum total number of required parking spaces for the land or building shall be determined by the following procedure:

a. Multiply the minimum parking requirement for each individual use as set forth in subsection (i)(3)c. of this section by the appropriate percentage as set forth in the table below for each of the five designated time periods.
b. Add the resulting sums for each of the five vertical columns in the table.
c. The minimum parking requirement is the highest sum among the five columns resulting from the calculation in subsection (i)(3)b. of this section. Time periods not covered in the table below may be ignored for the purposes of calculating shared parking.

	Nighttime	*Weekday*		*Weekend*	
	Midnight to 6:00 a.m.	*Day* (9:00 a.m. to *4:00 p.m.)*	*Evening (6:00 p.m. to Midnight)*	*Day* (9:00 a.m. to *4:00 p.m.)*	*Evening (6:00 p.m. to Midnight)*
Specific Use Categories					
Marinas	5%	70%	10%	100%	20%
Residential	100%	60%	90%	80%	90%
Office/industrial	5%	100%	10%	10%	5%
Churches	5%	25%	50%	100%	50%
Commercial retail	5%	60%	90%	100%	70%
Drinking and eating/entertainment/recreation (theaters, bowling alleys, meeting halls)	10%	40%	100%	80%	100%
Hotel	75%	75%	100%	75%	100%
All others	100%	100%	100%	100%	100%

d. Shared parking spaces shall not be separated by any physical barrier(s) from the uses they are intended to serve, and shall not be assigned or reserved for specific businesses or individuals.

(4) Parking demand study. The Planning Director may reduce the required parking requirements based on a parking demand study approved by the Planning Director. The methodology for conducting the study shall be submitted for review and approval by the county and shall include, but not be limited to, the week and day the study will be conducted, the number of days and duration of the study, and the time intervals and locations for data collection. The study shall be reviewed by the county traffic

consultant to determine whether the parking study supports the basis for the parking reduction request.

(j) *Wheel stop requirements.* All impervious surface parking spaces shall be clearly marked by striping or other markings acceptable to the Planning Director. All pervious and impervious surface parking spaces shall have a wheel stop, bumper blocks or similar barriers where the front of the parking space is adjacent a building, required yard or required landscaping, to designate each parking space.

(k) *Nonconforming parking and loading.* All lawfully existing multifamily (3 or more units) residential or nonresidential development that is nonconforming to the parking and/or loading requirements of this article shall be brought into compliance as follows:

(1) When any change of use or expansion of the use occurs, the site shall come into compliance with the parking and loading requirements of this article to the greatest extent practicable (considering sufficient land is available on the site to accommodate some or all of the parking deficiencies), as determined by the Planning Director on a case-by-case basis.
(2) When any substantial improvement occurs, the property shall come into full compliance with the parking and loading requirements of this article.

Sec. 114-68. Parking Agreements.

(a) Purpose. The purpose of parking agreements is to ensure the continued availability of off-site parking facilities for the uses they are intended to serve.

(b) Requirements. All off-site parking facilities shall require a parking agreement.

(c) Form and approvals. The parking agreement shall be drawn to the satisfaction of the county attorney and Planning Director and executed by all parties, including the county. The agreement shall provide the county with the right of enforcement.

(d) The owner or lessee of the land upon which such required off-site parking facilities are located shall enter into a written agreement with the county, to be filed with the Clerk of the Circuit Court, with enforcement running to the county, providing that the land comprising the required off-site parking facilities shall not be encroached upon, used, sold, leased or conveyed for any purpose except in conjunction with the nonresidential building or use which the required off-site parking serves, so long as the parking facilities are needed.

Sec. 114-69. Required Number and Size of Loading/Unloading Spaces.

All nonresidential uses of over 100 square feet in floor area, involving the receipt and distribution by vehicles of materials and merchandise, shall provide for off-street loading.

(a) Number and size of required spaces. Loading/unloading spaces shall be provided as follows:

		Minimum Required Number of Loading and Unloading Spaces	
Specific use category	GFA (sq. ft.)	11′× 35′	11′ × 55′
All nonresidential uses	100 - 2,499	1	0
	2,500 - 19,999	0	1
	20,000 - 49,000	0	1
	50,000 and over	0	2
Outdoor uses and storage	All sizes	1	0

(b) Location of required loading/unloading spaces. Loading/unloading spaces shall be located entirely on the same parcel as the principal use they serve. These spaces shall not be located on any public right-of-way, or on any parking spaces or parking aisle, and shall allow for adequate ingress and egress and turning maneuverability within the site. The spaces shall be accessible and adjacent or as close to the building served as possible.

(c) Reduction in loading/unloading space requirements. The Planning Director is authorized to grant a reduction in the number and dimensional requirements for loading/unloading spaces based on the submittal by an applicant of a study of loading/unloading space need, prepared and signed by a qualified traffic engineer, and reviewed by the county traffic planner/consultant.

Sec. 114-70. Restriction on Use of Parking and Loading Spaces.

The use of off-street parking, loading/unloading spaces or aisles for outdoor retail sales, outside storage, storage area, or repair of motor vehicles or any kind of equipment is prohibited except as allowed through the issuance of a public assembly permit issued by the county for a specific period of time.

Sec. 114-71 Bicycle Parking

(a) Any development generating over two thousand (2,000) trips per day shall be required to provide bicycle parking racks.

(b) All nonresidential development within 200 feet of an existing or programmed state or county bikeway shall provide a bicycle parking rack.

(c) Bicycle parking rack criteria:

(1) Bicycle parking racks must be designed to accommodate a minimum of four (4) bicycles;

(2) All bicycle parking racks shall be separated from vehicular traffic by at least five feet or a physical barrier;

(3) Bicycle racks shall be located within 100 feet of the building entrance at a location that does not interfere with pedestrian traffic; and

(4) The minimum dimensions for a bicycle parking rack shall be two-foot-wide by six-foot-long stalls with a minimum aisle width of five feet. Location criteria can be modified by the Planning Director if he or she determines that a superior alternative exists.

Secs. 114-72-114-98. Reserved.

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ARTICLE IV. LANDSCAPING

Sec. 114-99. Purpose and Intent

(a) The intent of this article is as follows:

(1) To protect the public health, safety and welfare;
(2) To provide minimum standards for landscaping new developments or for redevelopment.
(3) To enhance the appearance of the County, help improve water quality, help conserve water, and screen unattractive views; and
(4) To provide standards for the design, installation, and maintenance of landscaping that adheres to the Best Management Principles of a Florida-Friendly LandscapingTM, to preserve, protect and enhance the natural resources, encourage creative landscape design, construction and management to minimize the potential adverse impacts associated with adjacent land uses of varying intensities.

Sec. 114-100. Required Landscaping.

(a) All off-street parking areas containing more than six (6) spaces shall be landscaped in accordance with the following standards:

(1) Interior landscaping shall be installed in landscape areas designated for the purposes of controlling traffic, providing shade, screening unnecessary views into and within the vehicular use areas, and separating parking circulation and service areas.
(2) Parking lots shall be designed to be sustainable and to function as part of the development's stormwater management system, utilizing vegetated islands as bioretention/swale areas, at/or below grade and with curb cuts. Existing natural drainage ways and vegetated channels shall be incorporated into the design, rather than the standard soil mounding, continuous concrete curb and gutter configuration, to decrease flow velocity and allow for stormwater infiltration.
(3) Landscaping shall be provided in a square footage area equal to a minimum of twenty percent (20%) of the gross parking lot area (includes both parking and vehicular use area). Calculations to verify these requirements shall be shown on the landscape plan per Section 114-108. Such required parking lot landscaping area shall be in addition to other required bufferyards.
(4) No required parking lot landscaping area shall have any dimension less than five (5) feet.
(5) For all off-street parking areas containing twenty (20) or more spaces a terminal island shall be provided at the end of each row of parking adjacent to the travel lanes or parking aisle serving the parking.
(6) Island landscape areas shall be provided for at least every ten (10) parking spaces in a row.
(7) One (1) tree shall be required for every one thousand (1,000) square feet, or fraction thereof, of gross parking lot area (includes both parking and vehicular use area). Every island shall have a minimum one (1) canopy tree.

(8) Four (4) shrubs~~/groundcover~~ shall be required for every one thousand (1,000) square feet, or fraction thereof, of gross parking lot area (includes both parking and vehicular use area).

(9) 100% of required parking lot landscaping material shall be native species, as ~~listed~~ defined in Section 114-105.

(10) A minimum of fifty percent (50%) of the required trees shall be native canopy species, as defined in Section 114-105, and shall have a minimum of twenty (20) feet on-center spacing.

(11) A minimum of forty percent (40%) of the required trees shall be native understory species, as defined in Section 114-105.

(12) A maximum of ten percent (10%) of the required trees may be native palm species, as defined in Section 114-105.

(13) Turf shall not be used in ~~any of the parking lot islands~~required landscaping areas; instead, native canopy trees, shrubs and groundcovers shall be used.

(14) Existing native plant material that is retained and meets the planting requirements relative to location, size and species may be counted toward the total planting requirement of this section.

(15) Landscaping on each island shall be located so as not to cause a traffic hazard. Visibility must be maintained for traffic movements. Shrubs shall not exceed thirty (30) inches in height, and trees shall be kept with at least four (4) feet of clear trunk.

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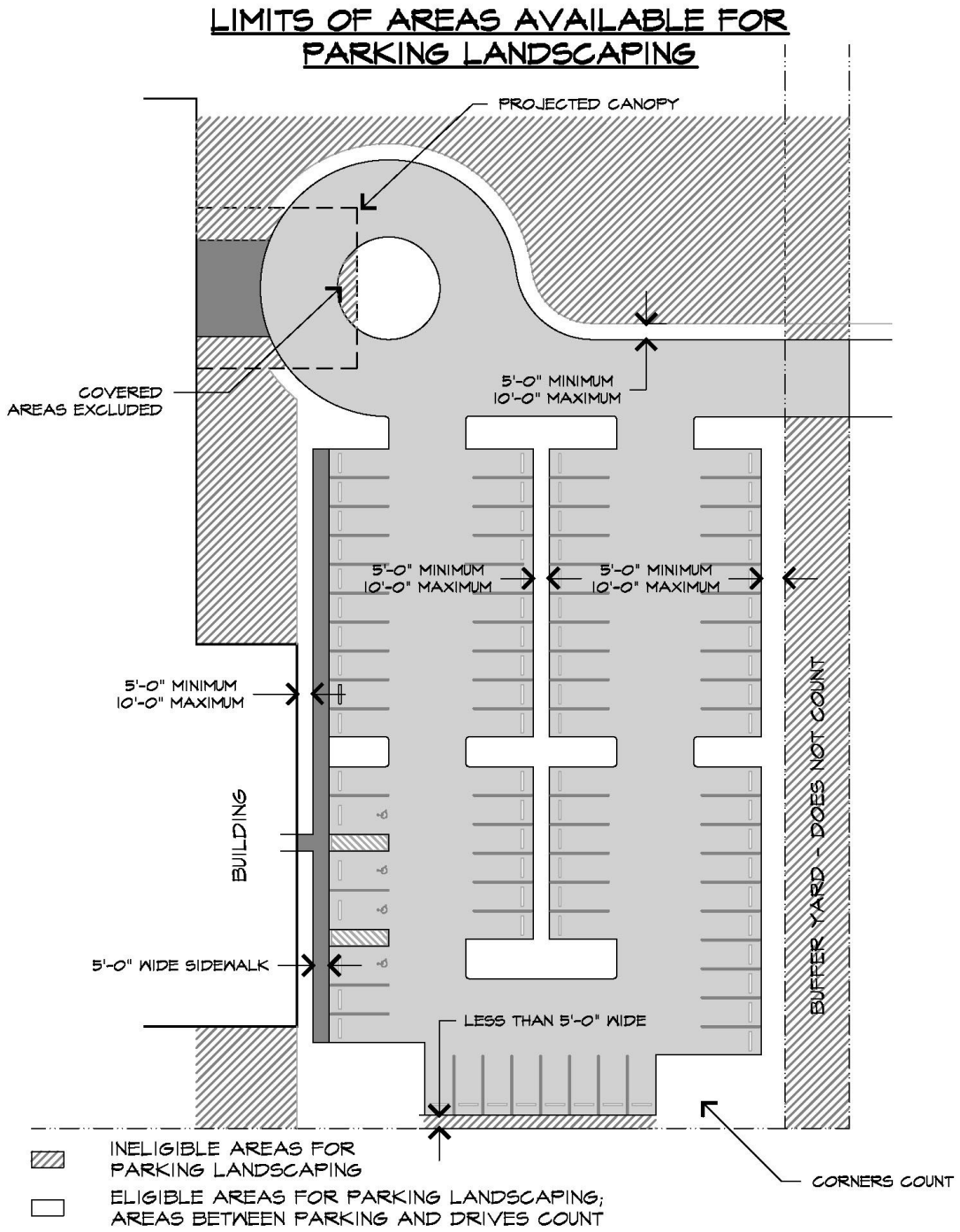
(b) Areas Available for Parking Lot Landscaping.



Sec. 114-101. Commercial Irrigation Standards.

All proposed commercial irrigation systems shall meet the requirements of this section.

(a) Water can be conserved through the use of a properly designed, managed, maintained, and timed irrigation system. Irrigation systems shall only provide coverage to target areas, and shall be installed in such a manner as to minimize spray upon public sidewalks, streets, or adjacent properties. Irrigation systems shall include the use of low volume, low pressure, subsurface irrigation systems, and other such methods which encourage water conservation. All automatic lawn or landscape irrigation systems shall be equipped with and operate a moisture sensor or approved automatic switch which overrides the irrigation cycle when adequate rainfall and/or soil moisture level has occurred.

(b) Irrigation plans must be designed to recognize differential irrigation requirements of the landscape. The irrigation plan shall be designed by a Registered Landscape Architect and/or a Certified Irrigation Specialty Contractor. The irrigation plan shall include the following:

(1) Irrigation point(s) of connection (POC) and design capacity;
(2) Water service pressure at irrigation POCs;
(3) `Water meter size;
(4) Reduced-pressure-principle backflow-prevention devices for each irrigation POC on potable water systems;
(5) Major components of the irrigation system shall include, but not be limited to; smart controller, rain sensors, pumps, filters, valves, mainline pipes, lateral pipes, controllers, flow sensor, spray heads, drip, low-volume irrigation equipment, tubing, and pipe sizes;
(6) Precipitation rate expressed in inches per hour for each valve circuit. The preparer must attach calculations for deriving precipitation rates for each irrigation valve circuit;
(7) Total flow rate (flow velocity not to exceed five (5) feet per second) in gallons per minute (gpm) and operating pressure (PSI) for each individual overhead and bubbler circuit, and gallons per hour (GPH) and operating pressure for low-flow point irrigation circuit;
(8) Irrigation legend must have the following elements: Separate symbols for irrigation equipment. For each irrigation head type the legend shall show coverage patterns, precipitation rates, operation pressure requirements, gallons required and associated time periods, brand and model names, and pressure compensating devices (if applicable) and a general description of other equipment, including brand name and model number, sizes, special features, and materials. For all specified equipment for low-flow systems, the legend shall contain recommended operating pressure, brand name and model names, precipitation rates, distribution patterns, and spacing of emitters or drip tubing;
(9) The same requirements for use of a recycled water irrigation system shall apply. Reclaimed water, gray water, or other nonpotable water shall be used for irrigation provided an acceptable source for that water is available;
(10) Identify location of the rain shut-off devices and any soil moisture sensors; and
(11) The irrigation system must account for slopes over ten percent (10%) and elevation differences over five (5) feet. If the irrigation plan does not show design for these

situations, a grading plan is required which shall indicate finish grades by either spot elevations or contours or both along with drainage patterns within the developed irrigated areas.

Sec. 114-102. Landscape Installation and Maintenance Criteria.

(a) Plant species shall conform at a minimum to the standards for Florida No. 1 or better, as given in "Grades and Standards for Nursery Plant," State Department of Agriculture and Consumer Services, Division of Plant Industry, Tallahassee. All plant material shall be free of disease, invasive pests, and invasive fungi and shall be one of the species shown in Section 114-105 or shall be certified by the county biologist as native ~~or tropical in character~~.

(b) All plant material shall be installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth.

(c) All plant material shall be planted with a minimum of six inches of planting soil and mulched to a depth of four inches. All trees shall be properly guyed or staked at the time of planting.

(d) All plant material shall be planted in a manner that is not intrusive to utilities or pavement.

(e) Plant material that dies shall be replaced in accordance with the integrity of the approved landscape plan.

(f) One hundred percent (100%) of the plant material used to satisfy landscaping requirements shall be native species in accordance with Section 114-105.

(g) Shrubs and hedges shall be maintained at a height not to exceed three (3) feet if located within the clear sight triangle as defined in Section 114-201.

(h) Invasive exotic plant species, as defined in Section 101-1, shall not be planted within the County, including but not limited to:

(1) Melaleuca, *Melaleuca quinquinerva*;
(2) Australian Pine, *Casuarina (Spp.)*;
(3) Brazilian Pepper, *Schinus terebinthifolius*;
(4) Sapodilla, *Manilkara zapota*~~, north of the Seven Mile Bridge~~;
~~(4)~~(5) Guinea grass, *Panicum maximum;*

~~(5)~~(6) Latherleaf, *Colubrina asiatica*;
~~(6)~~(7) Lead Tree, *Leucaena leucocephala*;
~~(7)~~(8) Seaside Mahoe, *Thespesia populnea*;
~~(8)~~(9) Bowstring Hemp, *Sansevieria hyacinthoides*; and
(10) Beach Naupaka, *Scaevola taccada*.

(i) Hammock species shall not be planted within 500 feet of native pineland communities

Sec. 114-103. Tree Removal and~~or~~ Major Pruning of Required Landscaping and Bufferyards.

Except the removal of~~for those species identified as~~ invasive exotic plant species ~~or~~ identified in Section 114-102(h), which are located on developed lots, and except for other exemptions provided herein, the removal of any tree regardless of size, or major pruning of any tree over six inches DBH~~, required as landscaping, a street tree, or as part of a bufferyard pursuant to Sections 114-100, 114-104, or 114-124,~~ shall require a development permit. All such activity shall adhere to practices and principles set by the 2017 American National Standards Institute ("ANSI") A-300, Standards for Tree Care Operations: Tree, Shrub and Other Woody Plant Maintenance-Standard Practices, and Z133.1-2006 Arboricultural Operations: Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and Cutting Brush - Safety Requirements. Excessive annual pruning of more than 25% of a native tree's canopy or other forms of tree abuse are subject to code compliance.

Pursuant to Section 163.045, F.S., if a property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that a tree presents a danger to persons or property, the pruning, trimming, or removal of trees on residential property will not require a notice, application, approval, permit, fee, or mitigation. The property owner shall not be required to replant the tree that was pruned, trimmed, or removed in accordance with the referenced Florida Statute section. This section does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to Sections 403.9321-403.9333, F.S. Should Florida Statute 163.045 be repealed or otherwise withdrawn, the exemptions of this Section 114-103(b) shall no longer apply.

Notwithstanding the requirements of Sections 114-103 and 118-8, in the event of a declared State of Local Emergency after a natural disaster, the BOCC may enact a temporary suspension of the requirement for a development permit for the major pruning or removal of native vegetation where imminent danger to life or safety exists or to prevent further property damage caused by the natural disaster. Pursuant to the approved temporary suspension, a property owner may prune or remove native hazardous vegetation to the minimum extent necessary without a development permit. The property owner shall document the pruning or removal with photographs taken before and after the necessary action.

Clearing of habitat beyond hazardous vegetation is not authorized without a development permit and is subject to code compliance.

Sec. 114-104. Street Trees.

All street fronts shall plant native canopy street ~~trees~~tree species as listed in Section 114-105 within the primary or secondary front yard setback area as established in Section 131-1.

(a) Gumbo limbo (*Bursera* simaruba) and all palm species shall not be acceptable as a street tree.

(b) Such trees shall ~~be native canopy trees,~~ not intrusive to utilities or pavement.

(c) ~~, and~~Native trees shall be installed pursuant to a landscape plan, with the number of trees to be equal to at least one (1) canopy tree at least twelve (12) feet in overall height or a minimum tree caliper dimension of ~~(~~three (3) inches ~~caliper)~~measured at six (6) inches above grade per one-hundred (100) feet of street length, provided that in no event will less than one street tree be provided for every parcel. Canopy species that are listed as Threatened, Endangered or Regionally Important in Section 114-105 that are a minimum of eight (8) feet tall area acceptable as a street tree.

(d) Native canopy trees installed along the street as landscaping or a bufferyard required by Section 114-100 or 114-124 may satisfy this requirement.

(e) Preservation of existing natural native vegetation takes priority and may satisfy this requirement.

~~(a)~~(f) The required amount of street trees pursuant to this section shall be as a condition of the issuance of any permit for change of use, expansion, addition or redevelopment.

Sec. 114-105. Landscaping materials.

All required landscaping materials shall be of the types and minimum sizes set forth in this section. Canopy trees shall be a minimum of twelve (12) feet in overall height or a minimum tree caliper dimension of three (3) inches (measured at six (6) inches above grade) at the time of installation.~~.~~ Understory trees shall be a minimum of five (5) feet in height. Shrubs shall be a minimum of two (2) feet in height at the time of installation.

C = Canopy	G = Ground cover	T = Threatened (Florida)
U = Understory	V = Vine	E = Endangered (Florida)
S = Shrub	ST = Street tree	RI = Regionally Important
P = Palm	SA = Salt tolerant	

(a) Native Planting List*

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NATIVE PLANTING LIST*			
Common Name	***Latin Name***	***Type***	***Status****
Bahama Cassia	~~*Cassia*~~ *Senna Mexicana* var. *chapmanii*	S	T
~~Bahia Honda Andira~~	~~*Andira inermis*~~	~~C, ST~~	
Yellowwood, West Indian satinwood~~Bahia Honda Lime~~	*Zanthoxylum flavum*	U, ST	E
Bay Cedar	*Suriana maritima*	S, SA	RI
Beautyberry	*Callicarpa americana*	S	
Black Ironwood	*Krugiodendron ferreum*	C, U, ST	RI
Blackbead	*Pithecellobium keyense*	U, S	T
Blacktorch	*Erithalis fruticosa*	S	T
Blolly	*Guapira discolor*	U, S, ST, SA	
Buccaneer p~~P~~alm	*Pseudophoenix sargentii*	C, U, P	E
Buttonwood, Silver b~~B~~uttonwood	*Conocarpus erectus*	C, U, S, ST, SA	
Cabbage p~~P~~alm	*Sabal palmetto*	C, U, P, SA	
Cat's ~~C~~claw	*Pithecellobium unguis-cati*	U, S	
Christmas b~~B~~erry	*Lycium carolinianum*	S, G, SA	RI
Cinnamonbark	*Canella winterana*	U, S, ST	E
Coffee c~~C~~olubrina	~~*Ceanothus*~~ *Colubrina arborescens*	C, U, ST	E
Coontie	*Zamia i~~I~~ntegrifolia*	S, G	
Crabwood	~~*Ateramnus lucidus*~~*Gynnanthes lucida*	U, ST	RI
Cuba c~~C~~olubrina	*Colubrina cubensis*	U	E
Cupania	*Cupania glabra*	U	E
Darling p~~P~~lum	*Reynosia septentrionalis*	U	T
Everglades v~~V~~elvetseed	*Guettarda elliptica*	U, ST	RI
Fiddlewood	*Citharexylum spinosum*	U	RI
~~Firebush~~	~~*Hamelia patens var. patens*~~	~~S~~	
Florida ~~F~~forestiera, Florida s~~S~~wampprivet	*Forestiera segregata*	S	RI
Florida t~~T~~hatch p~~P~~alm	*Thrinax radiata*	U, S, P	E
Florida t~~T~~rema	*Trema micranthum*	U, S	RI
Geiger t~~T~~ree	*Cordia sebestena*	C, U, ST	RI

~~Gumbo Limbo~~	~~*Bursera simaruba*~~	~~C~~	
Inkberry	*Scaevola plumieri*	U, S, SA	T
Inkwood	*Exothea paniculata*	C, ST	RI
Jamaica c~~C~~aper	~~*Capparis*~~ *Quadrella jamaicensis* ~~*cynophallophora*~~	U, S	
Common Name	***Latin Name***	***Type***	***Status*****
Jamaica d~~D~~ogwood	*Piscidia piscipula*	C, ST	
Joewood	*Jacquinia keyensis*	U, S, SA	T
Keys t~~T~~hatch p~~P~~alm	~~*Thrinax*~~ *Leucothrinax morrisii*	U, S, P	T
Lancewood, Jamaica ~~N~~nectandra	~~*Nectandra*~~ *Damburneya coriacea*	C, U, ST	RI
Lignum Vitae	*Guaiacum sanctum*	U, S, ST	E
Limber Caper	~~*Capparis*~~ *Cynophalla flexuosa*	U	
Locustberry	~~*Brysonima*~~ *Byrsonima lucida*	S	T
~~Mahogany~~	~~*Swietenia mahagoni*~~	~~C, ST~~	~~T~~
Maidenbush	~~*S*~~*Heterosavia bahamensis*	S	E
Marlberry	*Ardisia escallonioides*	U, S	
Mastic	~~*Mastichodendron*~~ *Sideroxylon foetidissimum*	C, ST	RI
Mayten	~~*Maytenus*~~ *Tricerma phyllanthoides*	S, SA	T
Milkbark	*Drypetes diversifolia*	C, U, ST	E
Myrsine	*Myrsine* ~~*Floridana*~~*cubana*	U, S	
Paradise t~~T~~ree	*Simarouba glauca*	C, ST	RI
Pearlberry	*Vallesia antillana*	G	E
Pigeon p~~P~~lum	*Coccoloba diversifolia*	C, ST	
Pisonia	*Pisonia rotundata*	U, S	E
~~Pitch Apple, Autograph Tree~~	~~*Clusia rosea*~~	~~C, ST~~	
Poisonwood	*Metopium toxiferum*	C, ST	
Pondapple	*Annona glabra*	U	
Potato ~~T~~tree	*Solanum erianthum*	U, S	
Prickly a~~A~~pple c~~C~~actus	*Harrisia fragrans*	S	E
Princewood	*Exostema caribaeum*	C, U, ST	E
Randia, White i~~I~~ndigoberry	*Randia aculeata*	S	
Red s~~S~~topper	*Eugenia rhombea*	S	E
Redbay	*Persea borbonia*	C	RI
Redberry Stopper	*Eugenia confusa*	U, S	E

Rhacoma	*Crossopetalum rhacoma*	U, S	T
Saffron p~~P~~lum	~~*Bumelia*~~ *Sideroxylon celastrina*	U	
Saltbush	*Baccharis halimifolia*	C, SA	
Satinleaf	*Chrysophyllum oliviforme*	C, U, ST	T
Saw p~~P~~almetto	*Serenoa repens*	S, P	
Sea l~~L~~avendar	~~*Tournefortia*~~ *Heliotropium gnaphalodes*	S	E
Common Name	***Latin Name***	***Type***	***Status*****
Seagrape	*Coccoloba uvifera*	C, S, ST, SA	
Seven-y~~Y~~ear a~~A~~pple	*Genipa clusiifolia*	U	RI
Shortleaf ~~F~~fig	*Ficus citrifolia*	C	
Silver p~~P~~alm	*Coccothrinax argentata*	U, S, P	T
Slash p~~P~~ine	*Pinus elliottii var. densa*	C	RI
Snowberry	*Chiococca alba*	S, G	
Soapberry	*Sapindus saponaria*	U	RI
Spanish b~~B~~ayonet	*Yucca aloifolia*	S	
Spanish s~~S~~topper	*Eugenia foetida*	U, S	
Spicewood, Pale ~~L~~lidflower	~~*Calyptranthes pallens*~~ *Myrcia neopallens*	U, S	RI
Strangler f~~F~~ig	*Ficus aurea*	C	
Strongback	*Bourreria* ~~*ovata*~~*succulenta*	U	E
Sweet Acacia	~~*Acacia*~~ *Vachellia farnesiana* var. *farnesiana*	U, S	RI
Tallowwood, Hog ~~P~~plum	*Ximenia americana*	U	
Torchwood	*Amyris elemifera*	U	RI
Wax-Myrtle	*Myrica cerifera*	U, S	
West Indian Cherry	*Prunus myrtifolia*	U	T
~~West Indian Lilac~~	~~*Tetrazygia bicolor*~~		~~T~~
West Indies t~~T~~rema	*Trema lamarckiana*	S	E
White i~~I~~ronwood	*Hypelate trifoliata*	U, ST	E
White s~~S~~topper	*Eugenia axillaris*	U, ST	
Bahama w~~W~~ild c~~C~~offee	*Psychotria ligustrifolia*	S	E
Wild c~~C~~offee	*Psychotria nervosa*	S	
Wild d~~D~~illy	*Manilkara jaimiqui* subsp. *emarginata*~~*bahamensis*~~	U	T
Wild l~~L~~antana	*Lantana involucrata*	S	
Wild l~~L~~ime	*Zanthoxylum fagara*	U, S	RI

Wild ~~T~~tamarind, Lysiloma	*Lysiloma latisiliquum*	C, ST	
Willow b~~B~~ustic	~~*Dipholis*~~ *Sideroxylon salicifolia*	C, U, ST	

*The list is to be used as a representative sampling, and by no means a complete inventory of the species that are native to South Florida or the Florida Keys. For a determination of what constitutes a native plant, contact the County Biologist.

**This list is to be used as a representative sampling, and by no means a complete inventory of threatened, endangered, or regionally important species. Any species listed as threatened, endangered, or regionally important under the provisions of the federal Endangered Species Act, and/or Florida Statutes, and/or the Florida Endangered and Threatened Special Act shall be considered as such.

(b) Swale Planting List*

The following native plants may be used in the swale for stormwater management, with consideration given to stormwater management volume.

~~**SWALE PLANTING LIST***~~		
~~***Common Name***~~	~~***Latin Name***~~	~~***Type***~~
~~Bahama wild coffee~~	~~*Psychotria ligustrifolia*~~	~~S~~
~~Bay cedar~~	~~*Suriana maritime*~~	~~S~~
~~Beach creeper, Coughbush~~	~~*Ernodea littoralis*~~	~~S~~
~~Blue morning glory~~	~~*Ipomea indica*~~	~~V~~
~~Cocoplum~~	~~*Chrysobalanus icaco*~~	~~S~~
~~Darlingplum~~	~~*Reynosia septentrionalis*~~	~~U~~
~~Dune sunflower~~	~~*Helianthus debilis*~~	~~G~~
~~Elliott's lovegrass~~	~~*Eragrostis elliottii*~~	~~G~~
~~Firebush~~	~~*Hamelia patens* var. *patens*~~	~~S~~
~~Florida Keys blackbead~~	~~*Pithecellobium keyense*~~	~~U~~
~~Florida mayten~~	~~*Maytenus phyllanthoides*~~	~~S~~
~~Florida thatch palm~~	~~*Thrinax radiata*~~	~~U, S, P~~
~~Grape~~	~~*Vitus* spp.~~	~~V~~
~~Joewood~~	~~*Jacquinia keyensis*~~	~~U, S~~
~~Moonflower~~	~~*Ipomea alba*~~	~~V~~
~~Myrsine~~	~~*Myrsine cubana*~~	~~U, S~~
~~Pineland heliotrope~~	~~*Heliotropium polyphyllum*~~	~~G~~
~~Randia, White indigoberry~~	~~*Randia aculeate*~~	~~S~~
~~Saltmeadow cordgrass~~	~~*Spartina patens*~~	~~G~~
~~Spider lily~~	~~*Hymenocallis latifolia*~~	~~G~~
~~Wax-myrtle~~	~~*Myrica cerifera*~~	~~U, S~~
~~Wild coffee~~	~~*Psychotria nervosa*~~	~~S~~

~~*The list is to be used as a representative sampling, and by no means a complete inventory of the species that are native to South Florida or the Florida Keys. For a determination of what constitutes a native plant, additional species that may be appropriate to use in swales, or potential sight line conflicts, contact the County Biologist.~~

List of Trees/Shrubbery/Ground Covers for Storm-water Landscaped Areas

Examples of Shade Trees/Larger Trees/ Non-Salt Tolerant

Common Name	Botanical Name
Inkwood	*Exothea paniculata*
Mastic	*Mastichodendron foetidissimum*
Paradise Tree	*Simaruba glauca*

Examples of Shade Trees/Larger Trees/ Salt Tolerant

Common Name	Botanical Name
Buttonwood, Green	*Conocarpus erectus*
Buttonwood, Silver	*Conocarpus erectus var. sericeus*
Seagrape	*Coccoloba uvifera*

Examples of Screening/Small Trees/Shrubbery Non-Salt Tolerant

Common Name	Botanical Name
Bahama Senna	*Senna Mexicana* var. *chapmanii*
Blackhead	*Pithecellobium guadalupense*
Blolly	*Guapira discolor*
Caper, Jamaica	*Quadrella jamaicensis*
Cat' s Claw	*Pithecellobium unguis-cati*
Cinnecord	*Vachella choriophylla*
Geiger	*Cordia sebestena*
Lignum Vitae	*Guaiacum sanctum*
Lime, Wild	*Zanthoxylum fagara*
Locust-berry	*Byrsonima Iucida*
Palm, Silver	*Coccothrinax argentata*
Palm, Florida Thatch	*Thrinax radiata*
Palm, Keys Thatch	*Thrinax morrisii*
Palm, Silver	*Coccothrinax argentata*
Pigeon Plum	*Coccoloba diversifolia*
Stopper, Spanish	*Eugenia foetida*
Stopper, White	*Eugenia axillaris*
Sweet Acacia	*Vachellia famesiana*
Wild Cotton	*Gossypium hirsutum*
Yellow Elder	*Tecoma stans*

Examples of Screening/Small Trees/Shrubbery Salt Tolerant

Common Name	Botanical Name
Bay Cedar	*Suriana maritima*
Blackbead	*Pithecellobium guadalupense*

Black Torch	*Erithalis fruticos*
Cat's Claw	*Pithecellobium unguis-cati*
Cinnecord	*Vachella choriophylla*
Geiger	*Cordia sebestena*
Palm, Silver	*Coccothrinax argentata*
Sea Lavender	*Heliotropium gnaphalodes*
Seven Year Apple	*Genipa clusiifolia*

Examples of Ground Covers /Non- Salt Tolerant

Common Name	**Botanical Name**
Blue Porterweed	*Stachytarpheta jamaicensis*
Golden Creeper	*Ernodea littoralis*
Lantana	*Lantana involucrata*
Wild Lily	*Hymenocallis keyensis*
Keys Railroad vine	*Ipomoea pes-caprae*
Sea Ox-eye Daisy	*Borrichia frutescens*
Sea Ox-eye Daisy	*Borrichia arborescens*
Sesuvium	*Sesuvium portulacastrum* or *S. maritimum*

Examples of Ground Covers / Salt Tolerant

Common Name	**Botanical Name**
Batis	*Batis maritima*
Beach Pea	*Canavalia maritima*
Cord Grass	*Spartina bakeri*
Glass Wort	*Salicornia ambigua*
Golden Creeper	*Ernodea littoralis*
Lily, Keys	*Hymenocallis keyensis*
Railroad vine	*Ipomoea pes-caprae*
Salt Grass	*Distichlis spicata*
Sea Oats	*Uniola paniculata*
Sea Ox-eye Daisy	*Borrichia frutescens*
Sea Ox-eye Daisy	*Borrichia arborescens*
Seashore Dropseed	*Sporobolus virginicus*
Sesuvium	*Sesuvium portulacastrum* or *S. maritimum*

The list is to be used as a representative sampling, and by no means a complete inventory of the species that are native to South Florida or the Florida Keys. For a determination of what constitutes a native plant, additional species that may be appropriate to use in swales, or potential sight line conflicts, contact the County Biologist.

Sec. 114-106. Landscape Incentives.

Incentives are provided to increase water conservation, biological diversity, and sustainable landscaping, subject to approval by the County Biologist. The following activities are encouraged:

~~(a) Pervious pavers over two hundred fifty (250) square feet, not located within the required open space, shall allow the reduction of one (1) required understory tree or three (3) required shrubs.~~

~~(b)~~(a)Butterfly gardens consisting of at least two (2) larval host plants, and two (2) nectar source plants shall allow the reduction of one (1) required understory tree. Pursuant to approval from the County Biologist, additional reductions may be allowed for plant species that benefit native butterfly species that are endangered, threatened, or otherwise protected.

~~(c)~~(b)Replacement of turf grass or sod areas to artificial turf or a native plant bed shall allow the reduction of three (3) required shrubs.

Sec. 114-107. Rainwater Collection System Criteria

(a) Rainwater collection systems exceeding 275 gallons shall require a building permit, in accordance with Chapter 6 of the Monroe County Code. In addition to any requirements of the Monroe County Building Department, the building permit application shall include the following:

(1) Site plan indicating the location of the rainwater collection system;
(2) Location of, and permit for, electrical connections, if applicable; and
(3) Proposed clearing and/or tree relocation.

(b) Unless otherwise required by Chapter 6 of the Monroe County Code , rainwater collection systems of 275 gallons or less shall not require a building permit, provided that the system:

(1) is not proposed to be located within any required setback;
(2) does not require an electrical connection; and
(3) does not require clearing or tree relocation.

(c) Rainwater collection systems may be located within a required rear setback provided that:

(1) a building permit is obtained for the collection system;
(2) the system is located at least five (5) feet from any property line; and
(3) screening is provided by a solid fence of at least 6 feet in height and/or a Class B bufferyard on all sides visible to adjacent properties.

Sec. 114-108. Landscaping Plan Required.

(a) An applicant for development approval who is required to install landscaping shall submit a landscaping plan as part of the development permit application.

(b) The landscaping plan shall include all of the following:

1. Name of existing or proposed development;
2. Name, location, quantity, size, and type of existing and proposed vegetation and landscaping on the site, and its relation to other site features such as existing and proposed buildings, utilities and easements;
3. Plant schedule, including a plant list with the botanical and common name, size and quantity of proposed plantings;
4. Existing trees of four (4) inches DBH or greater to be retained, proposed for removal or relocation;
5. Proposed building footprints; drives, walks, patios, parking areas, lighting and other hardscape improvements;
6. Scale, date, north arrow, and street names;
7. Existing and proposed utilities; and
8. Calculation chart verifying landscape requirements being met.

Sec. 114-109. Nonconforming Landscaping.

All ~~lawfully existing multi-family (3 or more units) and nonresidential~~ development that is nonconforming to the landscaping standards of this article shall be brought into compliance as follows:

(a) When any change of use, redevelopment or expansion of ~~the~~ multifamily (3 or more units) or nonresidential use occurs, the site shall come into compliance with the landscaping requirements of this article to the greatest extent practicable, as approved by the Planning Director on a case-by-case basis.

(b) When any substantial improvement occurs, the property shall come into full compliance with the landscaping requirements of this article.

Secs. 114-110—114-123. Reserved.

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ARTICLE V. SCENIC CORRIDOR AND BUFFERYARDS

Sec. 114-124. Required.

No structure or land that abuts U.S. 1, SR 905 or SR 940 (Key Deer Boulevard), a boundary between two different land use (zoning) districts, or fronts on a major street shall hereafter be developed, used or occupied unless a scenic corridor or bufferyard is provided in accordance with the requirements of this article, Chapter 30 of Section 146-5. Except as provided for in Chapter 142-6(d)(4) and 142-8(a)(6), n~~N~~o structure other than a fence shall be placed within a required bufferyard, provided that where there is existing native vegetation that will provide for a bufferyard, no clearing will be permitted for the installation for a fence.

Sec. 114-125. Scenic Corridor.

(a) All development of any parcel of land that fronts on U.S. 1, 905 or 940 (Key Deer Boulevard) and is designated as hammock, mangrove or transitional habitat and is vegetated with plants native to the Florida Keys shall be developed so that a scenic corridor buffer is provided in accordance with Section 114-127.

(b) All other development of land that fronts on U.S. 1, 905 or 940 (Key Deer Boulevard) shall provide a major street buffer in accordance with Section 114-127.

Sec. 114-126. District Boundary Buffers.

(a) Bufferyards required by Section 114-124 along district boundaries shall be provided in accordance with the following table:

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District Boundary Buffer Standards																									
Land Use (Zoning) District	*Adjoining District*																								
	UC	UR	URM	URM-L	C1	C2	SC	SR	SS	NA	MN	OS	IS	DR	RV	CFA	CFV	CFS	MU	I	MI	MF	AD	PR	P
UC	-	C	C	C	-	-	-	D	F	B	B	F	D	B	C	G	G	G	-	-	B	-	~~-~~ B	-	F
UR	C	-	C	C	C	C	C	C	E	A	A	E	B	C	D	H	H	H	C	C	D	D	- D	-	E
URM	C	C	-	C	B	C	B	C	B	E	E	B	C	D	D	C	C	C	C	H	D	C	- D	-	B
URM-L	C	C	C	-	B	C	B	C	B	~~B~~ E	E	B	C	D	D	C	C	C	C	H	D	C	- D	-	B
C1	-	C	B	B	-	-	-	D	~~C~~ F	B	B	F	D	B	C	G	G	G	-	A	B	-	- B	-	F
C2	-	C	C	C	-	-	-	D	F	B	B	F	D	B	C	G	G	G	-	-	B	-	- B	-	F
SC	-	C	B	B	-	-	-	D	~~C~~ F	B	B	F	D	B	C	G	G	G	-	A	B	-	- B	-	F
SR	D	C	C	C	D	D	D	-	E	A	A	D	B	D	E	H	H	H	D	D	E	E	- D	-	D
SS	F	E	B	B	F	F	F	~~D~~ E	-	A	A	D	D	E	E	G	G	G	D	E	F	F	- D	-	D

NA	B	A	E	E	B	B	B	A	A	-	-	A	-	B	C	A	A	A	B	C	C	-	- D	-	A
MN	B	A	E	E	B	B	B	A	A	-	-	-	-	B	C	A	A	A	B	C	C	C	-	-	-
OS	F	E	B	B	F	F	F	D	D	A	-	-	D	E	E	G	G	G	D	E	F	F	-	-	-
IS	D	B	C	C	D	D	D	B	D	-	-	D	-	D	E	H	H	H	D	D	E	D	- D	-	D
DR	B	C	D	D	B	B	B	D	E	B	B	E	D	-	C	H	H	H	C	C	E	D	- D	-	E
RV	C	D	D	D	C	C	C	E	E	C	C	E	E	C	-	H	H	H	B	C	E	D	- D	-	E
CFA	G	H	C	C	G	G	G	H	G	A	A	G	H	H	H	-	-	-	-	- A	B	-	- D	-	G
CFV	G	H	C	C	G	G	G	H	G	A	A	G	H	H	H	-	-	-	-	- A	B	-	- D	-	G
District Boundary Buffer Standards																									
Land Use (Zoning) District	*Adjoining District*																								
	UC	UR	URM	URM-L	C1	C2	SC	SR	SS	NA	MN	OS	IS	DR	RV	CFA	CFV	CFS	MU	I	MI	MF	AD	PR	P
CFS	G	H	C	C	G	G	G	H	G	A	A	G	H	H	H	-	-	-	-	- A	B	-	- D	-	G
MU	-	C	C	C	-	-	-	D	D	B	B	D	D	C	B	-	-	-	-	A	B	- B	- B	-	D

I	-	C	H	H	A	-	A	D	E	C	C	E	D	C	C	A	A	A	A	-	-	-	- B	- B	E
MI	B	D	D	D	B	B	B	E	F	C	C	F	E	E	E	B	B	B	B	-	-	-	- B	- B	F
MF	-	D	C	C	-	-	-	E	F	-	C	F	D	D	D	-	-	-	B	-	-	-	-	-	F
AD	B	D	D	D	B	B	B	D	D	D	-	-	D	D	D	D	D	D	B	B	B	-	-	D	-
PR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	B	B	-	D	-	-
P	F	E	B	B	F	F	F	D	D	A	-	-	D	E	E	G	G	G	D	E	F	F	-	-	-

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(b) Where a district boundary runs along a canal, the following rules apply:

(1) No buffer is required along man-made canals in IS or URM zoned properties with conforming uses.
~~(1)~~(2) No buffer is required if the specified buffer is an A or B buffer.
~~(2)~~(3) All other buffers shall be reduced as follows:

C to A
D to B
E to C
F to D
G to A
H to B

(c) Where a district boundary runs along the ~~center line of~~ a street, the following rules apply:

(1) No buffer is required if the specified buffer is an A, B or G buffer.
(2) All other buffers shall be reduced as follows:

C to B
D to C
E to D
F to E
H to G

~~(d) Where a street separates a parcel boundary from the district boundary, the following rules apply:~~

~~(1) No buffer is required if the specified buffer is an A or B buffer.~~
~~(2) All other buffers shall be reduced as follows:~~

~~C to A~~
~~D to B~~
~~E to C~~
~~F to D~~
~~G to A~~
~~H to B~~

~~(e)~~(d) On a single parcel having multiple land use district designations, and/or on multiple parcels developed under a common plan or theme of development pursuant to Section 130-165 which have multiple land use district designations, required district boundary buffers may be provided along the perimeter of the development parcel(s) rather than along the internal district boundary line.

Sec. 114-127. Required Scenic Corridor and Major Street Buffers.

(a) Bufferyards required by Section 114-124 shall be provided in accordance with the following table:

Scenic Corridor and Major Street Buffer Standards		
Land Use (Zoning) District	*Major Street Buffer*	*Scenic Corridor*
Urban commercial	B	D
Urban residential	D	E
Urban residential mobile home	D	D
Urban residential mobile home-limited	J	D
Commercial 1	C	E
Commercial 2	B	D
Suburban commercial	C	E
Suburban residential	E	F
Sparsely settled	F	F
Native area	F	F
Mainland native area	F	F
Improved subdivisions	D	D
Destination resort	D	F
Commercial fishing	E	F
Mixed use	B	F
Industrial	D	F
Maritime industries	D	F
Military facilities	C	F
Recreational vehicle	E	F
Airport	E	F
Preservation (P)		

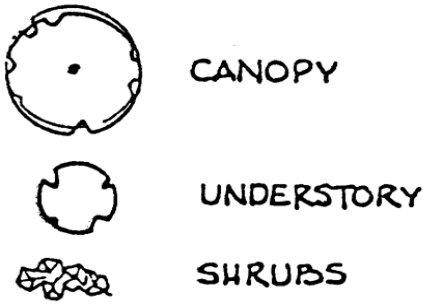
(b) Major streets are: U.S. 1, 905, and 940 (Key Deer Boulevard). Additional major streets may be designated by the BOCC pursuant to the provisions of Chapter 102, article V.

Sec. 114-128. Bufferyard Standards.

Each of the buffers required in Sections 114-126 and 114-127 shall be installed in accordance with the standards set forth in this section. The illustrations that follow this section specify the number of plants required per one hundred (100) linear feet. To determine the total number of plants required, the length of each side of the property requiring a buffer shall be divided by one hundred (100) and multiplied by the number of plants shown in the illustrations that follows this section. Any buffer area that overlaps another buffer area shall be subtracted from the total to avoid double counting. The trees, understory and shrubs shall be evenly distributed throughout the buffer~~arrangement of the plants in the bufferyard shall be determined by the developer~~.

BUFFERYARDS

PLANT KEY



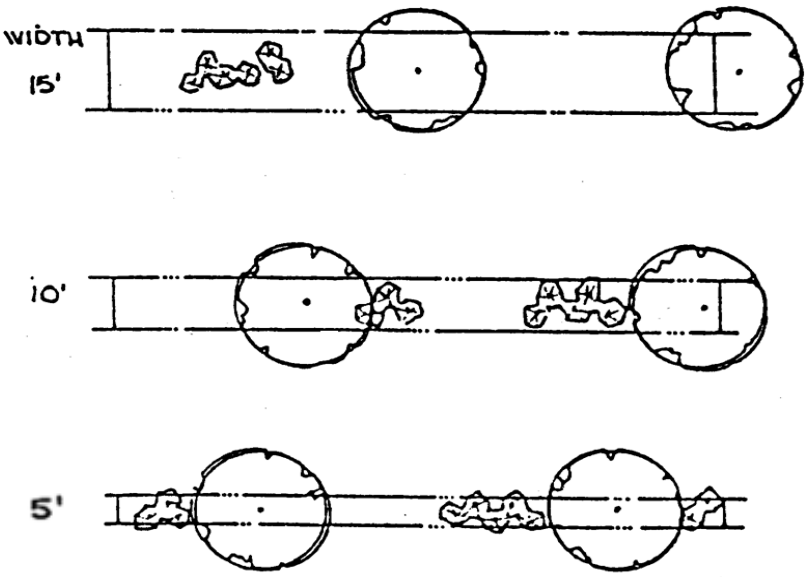
BUFFER A

PLANT MATERIAL / 100'

1.4 CANOPY
6 SHRUBS

1.6 CANOPY
8 SHRUBS

2 CANOPY
10 SHRUBS



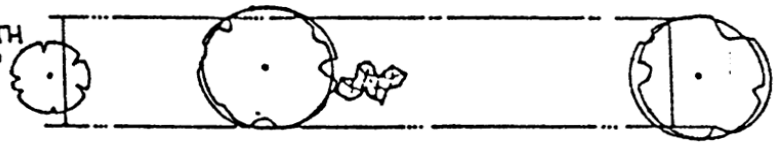
BUFFERYARDS

BUFFER B

PLANT MATERIAL/100'

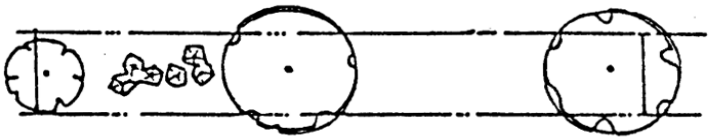
WIDTH 20'

1.2 CANOPY
.4 UNDERSTORY
4 SHRUBS



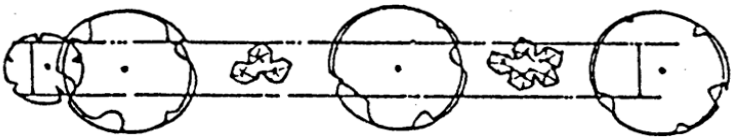
1.8 CANOPY
.6 UNDERSTORY
6 SHRUBS

15'



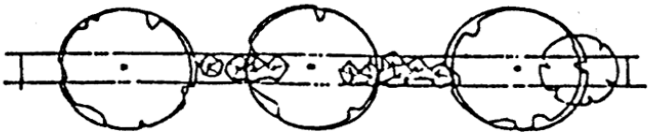
2.4 CANOPY
.8 UNDERSTORY
8 SHRUBS

10'



3 CANOPY
1 UNDERSTORY
10 SHRUBS

5'

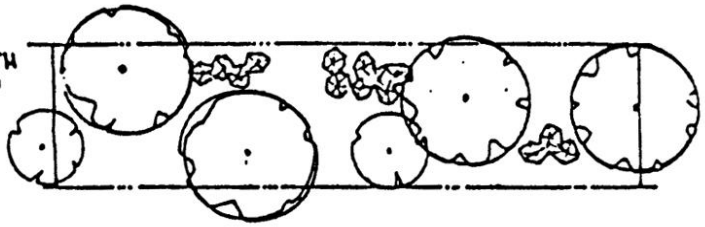


BUFFERYARDS

BUFFER C

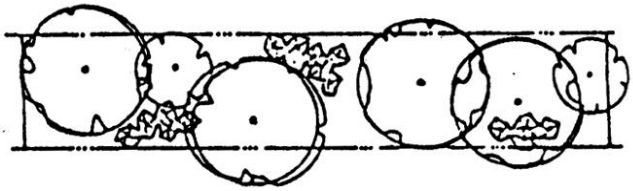
PLANT MATERIAL/100'
3.5 CANOPY
1.4 UNDERSTORY
14 SHRUBS

WIDTH
25'



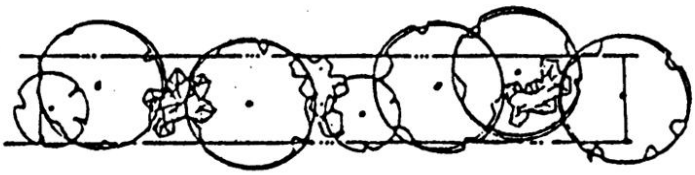
4 CANOPY
1.6 UNDERSTORY
16 SHRUBS

20'



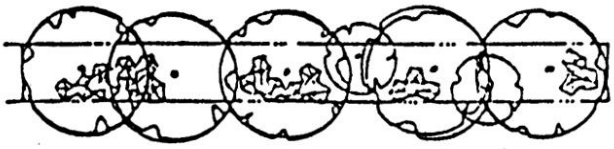
4.5 CANOPY
1.8 UNDERSTORY
18 SHRUBS

15'



5 CANOPY
2 UNDERSTORY
20 SHRUBS

10'

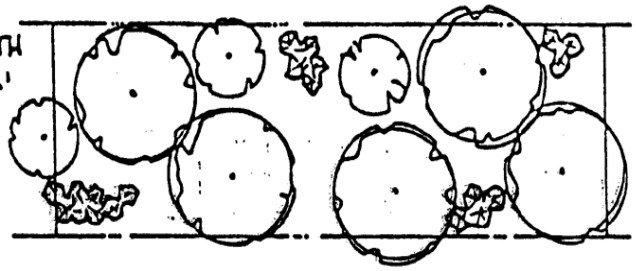


BUFFERYARDS

BUFFER D

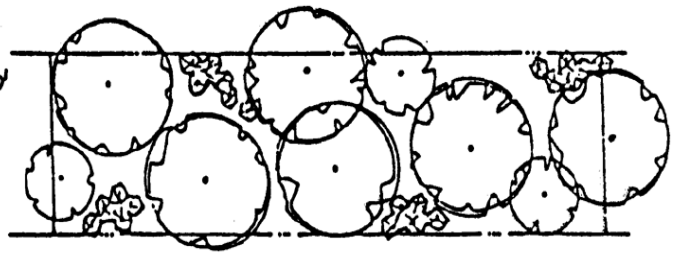
PLANT MATERAL/100'
4.8 CANOPY
2.4 UNDERSTORY
19 SHRUBS

WIDTH
35'



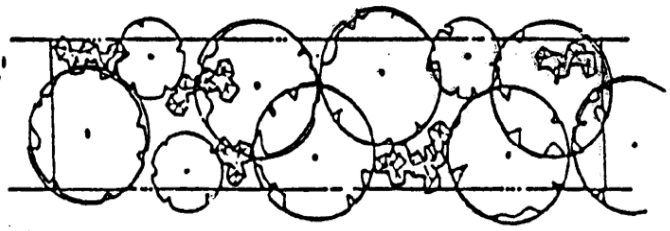
5.4 CANOPY
2.7 UNDERSTORY
22 SHRUBS

30'



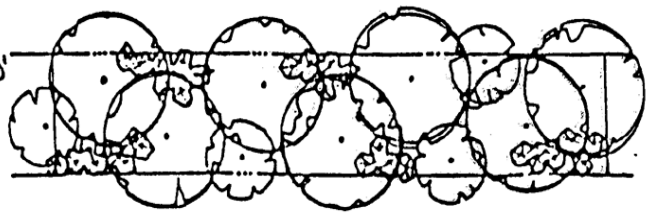
6 CANOPY
3 UNDERSTORY
24 SHRUBS

25'



6.6 CANOPY
3.3 UNDERSTORY
28 SHRUBS

20'



BUFFERYARDS

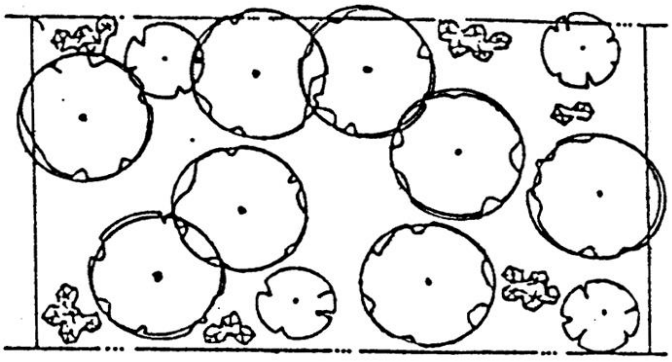
BUFFER E

PLANT MATERIAL /100'

WIDTH

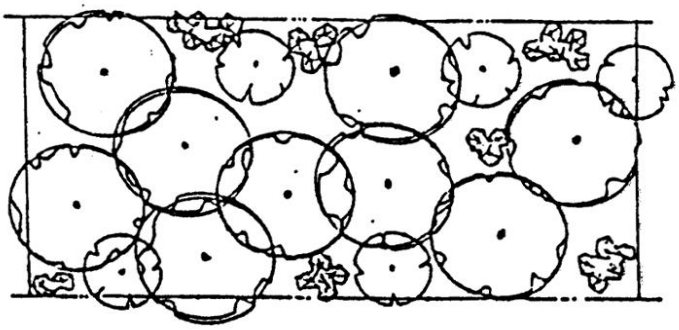
8 CANOPY
4 UNDERSTORY
24 SHRUBS

60'



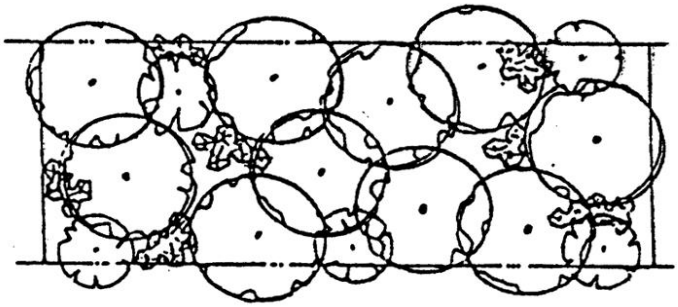
9 CANOPY
4.5 UNDERSTORY
27 SHRUBS

50'



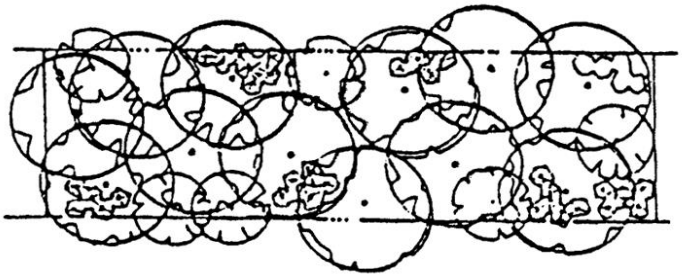
10 CANOPY
5 UNDERSTORY
30 SHRUBS

40'



12 CANOPY
6 UNDERSTORY
36 SHRUBS

30'



BUFFERYARDS

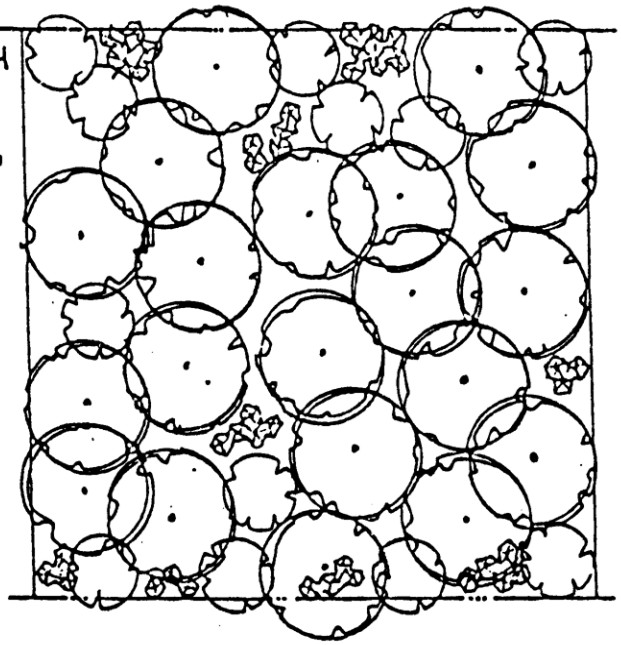
BUFFER F

PLANT MATERIAL / 100'

20 CANOPY
12 UNDERSTORY
40 SHRUBS

WIDTH

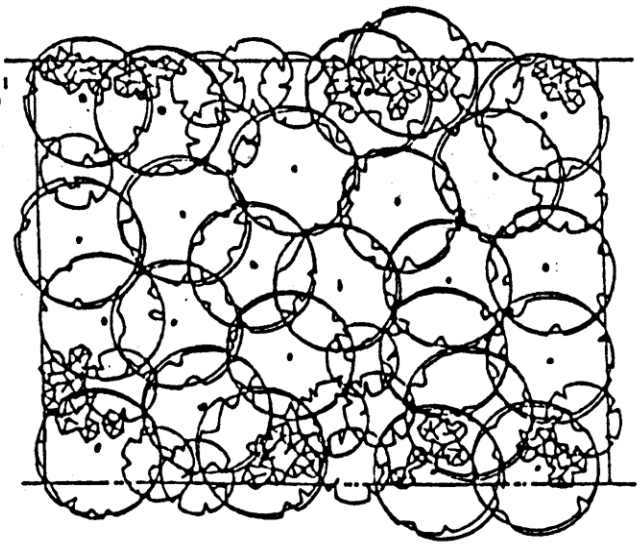
100'



25 CANOPY
15 UNDERSTORY
50 SHRUBS

3 FOOT BERM

75'



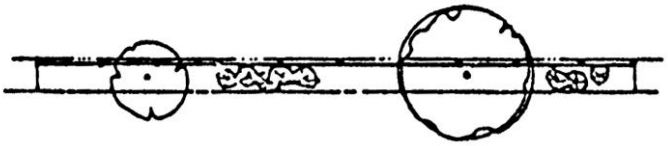
BUFFERYARDS

PLANT MATERIAL/100' WIDTH

BUFFER G

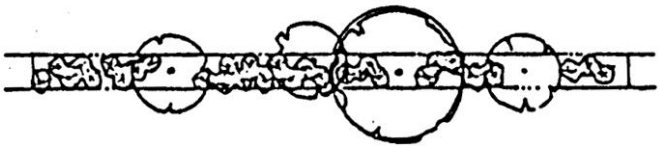
1 CANOPY
1 UNDERSTORY
8 SHRUBS
6 FOOT WOOD FENCE

5'



1 CANOPY
3 UNDERSTORY
30 SHRUBS

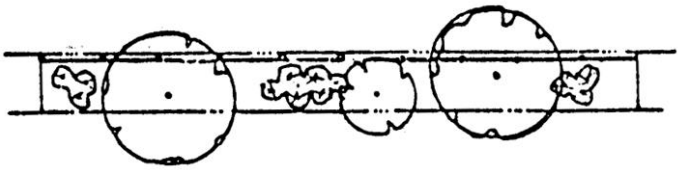
5'



BUFFER H

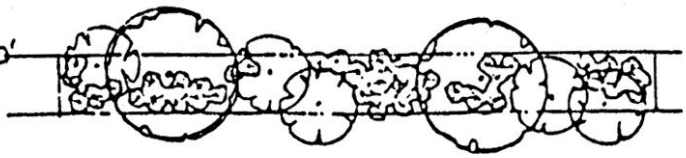
2 CANOPY
1 UNDERSTORY
12 SHRUBS
6 FOOT WOOD FENCE

10'



2 CANOPY
5 UNDERSTORY
40 SHRUBS

10'



Sec. 114-129. Responsibility for District Boundary Bufferyards.

(a) Where both sides of the district boundary are vacant:

(1) Where commercial districts abut residential districts (UR, IS, URM, URM-L, SR, SS and NA) and an E or F buffer is required, the commercial uses shall provide two-thirds (⅔) of the required buffer.
(2) In all other cases, each side shall be responsible for half (½) of the required buffer.

(b) Where one side of the boundary is developed:

(1) The new use shall be responsible for all the required buffer where no solid fence exists; but all existing canopy trees, shrubs or understory trees within ten (10) feet of the property line may be counted up to fifty percent (50%) of the required plant material.
(2) The new use shall be responsible for eighty percent (80%) of the required buffer where a solid fence exists, and may count all existing canopy trees, shrubs or understory trees within ten (10) feet of the property line up to forty percent (40%) of the specified plant material.

Sec. 114-130. Nonconforming Buffers.

(a) Where existing uses occupy both sides of a district boundary, a buffer shall be established as a condition of any permit issued for a change in use, reconstruction or addition for any nonresidential use or hotel or destination resort. The maximum buffer that can be established, given the existing buildings and drives, shall be established. If the width available is less than fifty percent (50%) of the minimum required buffer width, then a six (6) foot solid fence shall be located at the inner side of the buffer.

(b) Where a scenic corridor, major street buffer, or a district bufferyard are nonconforming, the maximum buffer that can be established shall be required as a condition of the issuance of any permit for change of use or expansion of development footprint. ~~street buffers are nonconforming, the maximum buffer that can be established shall be required as a condition of the issuance of any permit for change of use, expansion or reconstruction.~~

Secs. 114-131—114-158. Reserved.

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ARTICLE VI. OUTDOOR LIGHTING

Sec. 114-159. Outdoor Lighting.

No structure or land shall be developed, used or occupied unless all outdoor lighting conforms to the requirements of this article and the sea turtle protection provisions of Chapter 12, Article V, unless otherwise specified within this chapter.

Sec. 114-160. Outdoor Lighting Standards.

Outdoor lighting, other than that used for public athletic facilities, shall be designed, located, and mounted at a maximum height of eighteen (18) feet for noncutoff lights and thirty-five (35) feet for cutoff lights. All lighting shall be shielded so that light does not illuminate above 45° angled towards the ground.

Outdoor lighting for public athletic facilities may be designed, located, and mounted up to a maximum of seventy (70) feet in height. Except for fields designated as public athletic facilities, little league fields shall be mounted to a maximum of sixty (60) feet in height at the Key Largo Community Park.

Sec. 114-161. Maximum Illumination.

Outdoor lighting shall be designed and located such that the maximum illumination measured in footcandles at the property line shall not exceed 0.3 footcandles for noncutoff lights and 1.5 footcandles for cutoff lights. If illumination is desired or required for nonresidential or multifamily (3 or more units) residential development, site plans shall include photometric lighting plans.

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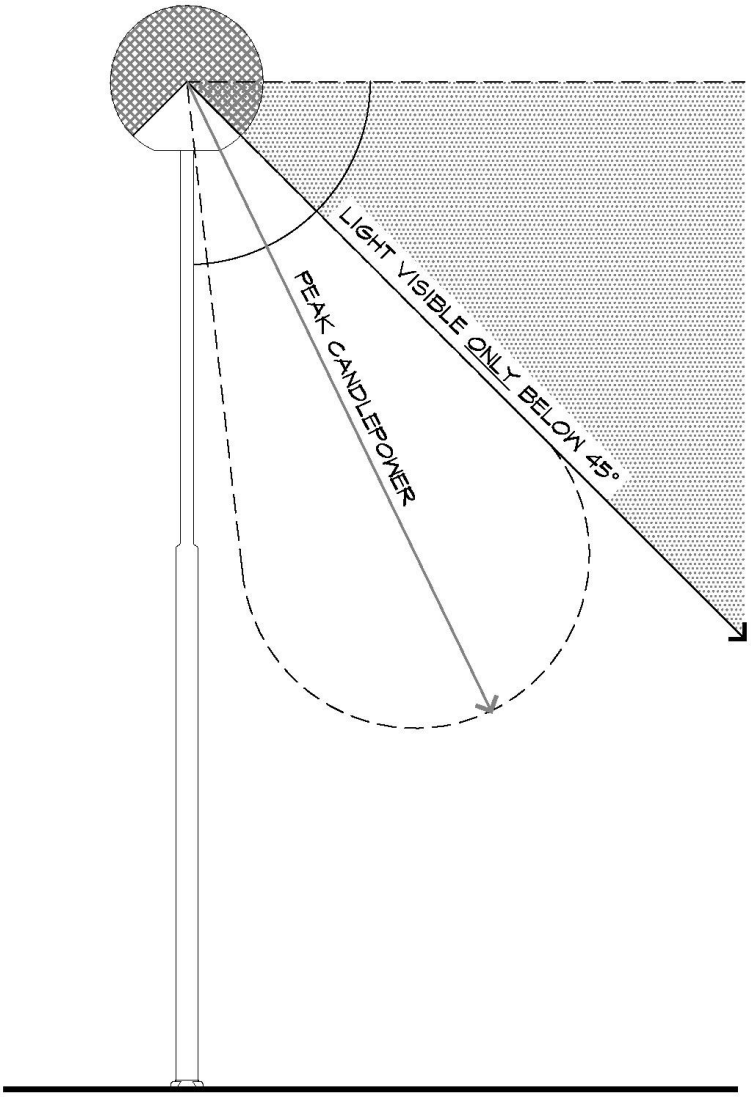
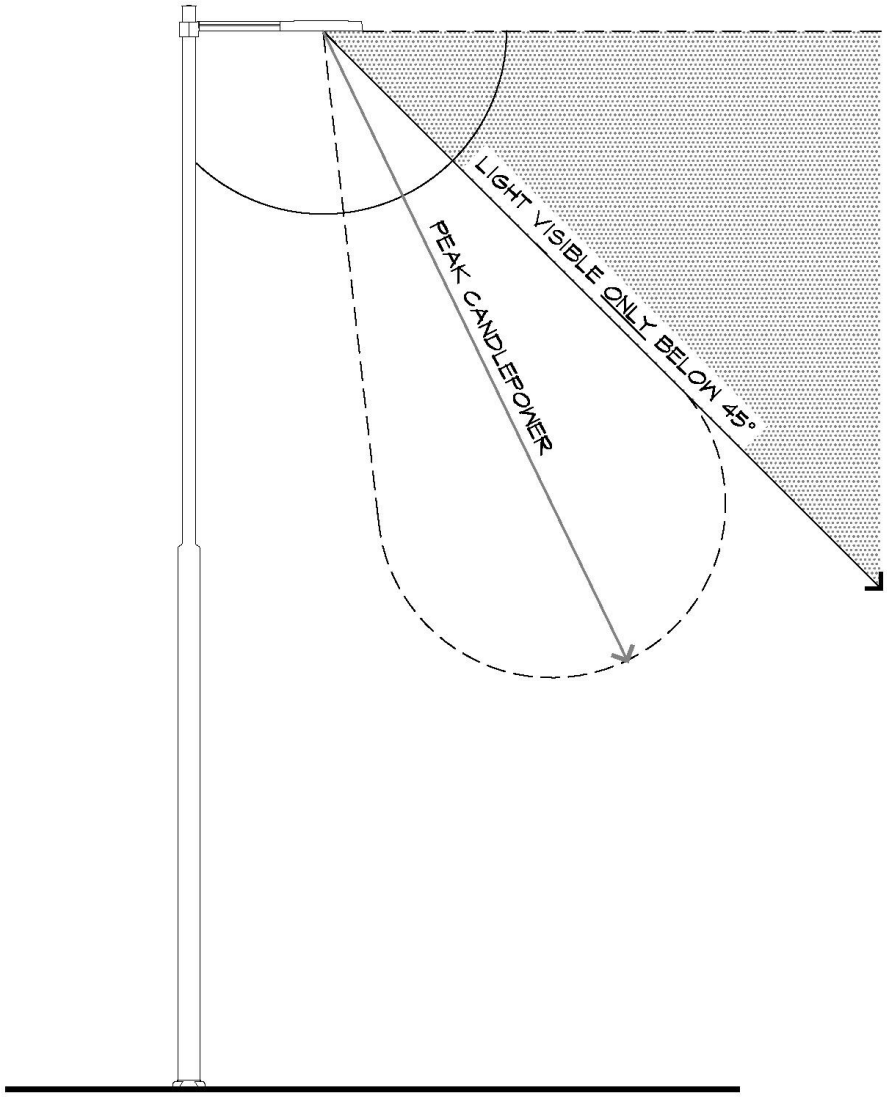
OUTDOOR LIGHTING STANDARDS
(NON-CUT OFF LIGHT)

NOTE:

NON-CUT OFF LIGHTS SHALL BE SHIELDED SO LIGHT DOES NOT ILLUMINATE ABOVE 45° ANGLED TOWARDS THE GROUND

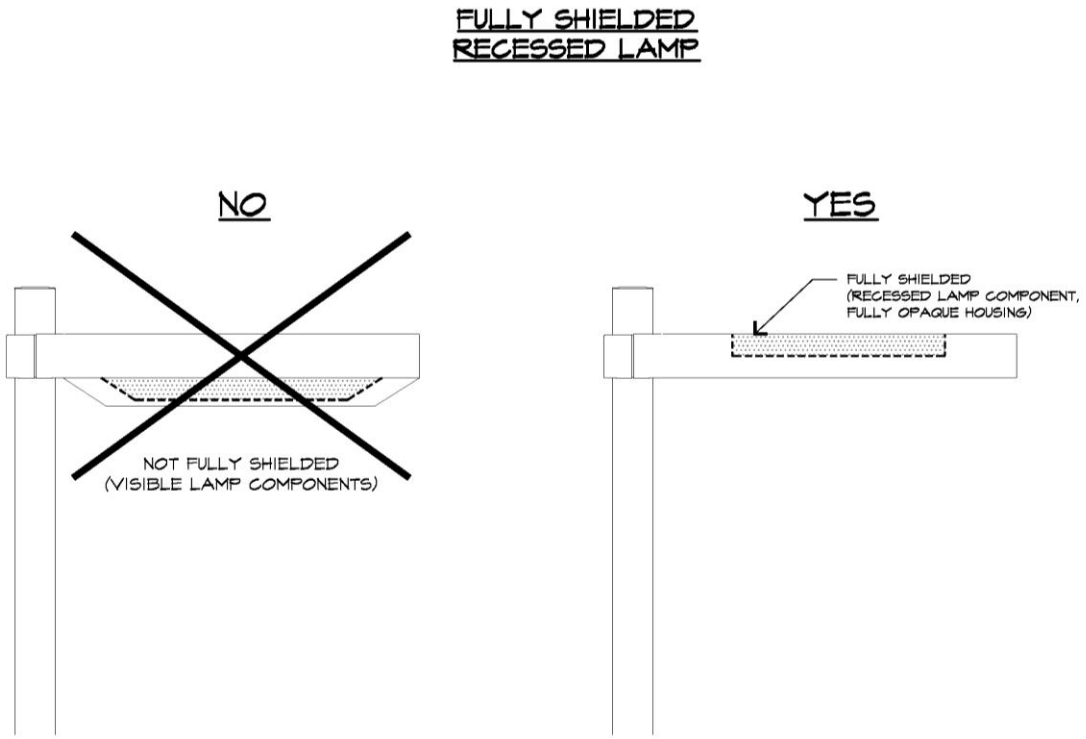


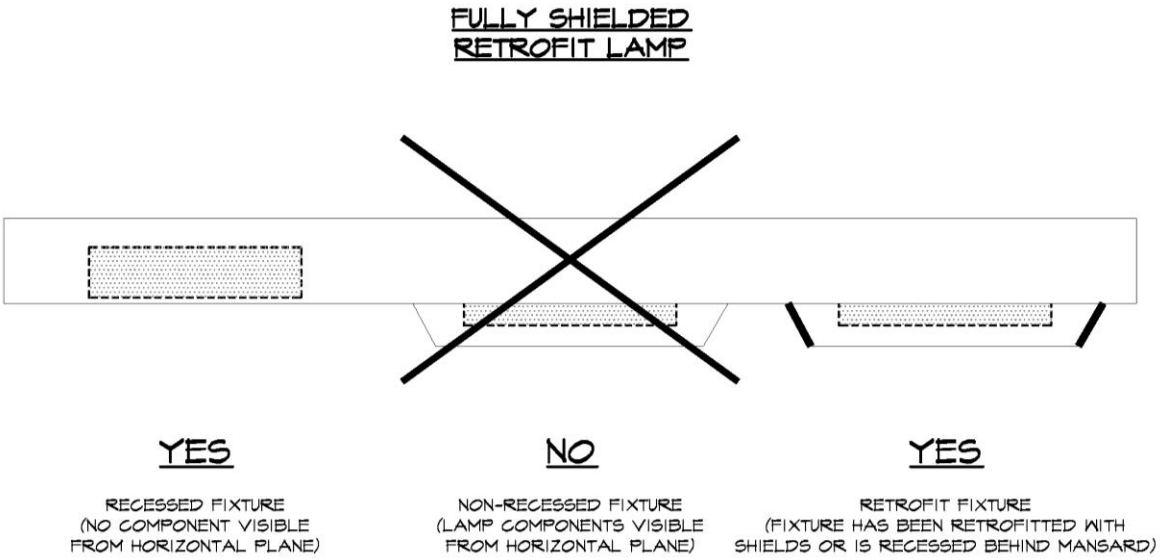
OUTDOOR LIGHTING STANDARDS
(CUT OFF LIGHT)



Sec. 114-162. Shielding of Nonresidential Lighting.

Lighting from nonresidential uses shall be located, screened and/or shielded so that adjacent residential lots are not directly illuminated





Sec. 114-163. Waterfront Lighting.

(a) Outdoor lighting within twenty-five (25) feet of any body of water shall be cutoff lights and shall not exceed a height of eighteen (18) feet above grade.

(b) Dock lighting shall comply with the following design criteria:

(1) Light fixtures shall ~~include~~ contain recessed light sources or shields;
(2) Light source shall consist of yellow bug type bulbs ~~not exceeding 25 watts~~ or low-pressure sodium vapor lamps, not exceeding the equivalent of a 25 watt incandescent bulb;
(3) Dock lighting shall consist of low-profile, low-level luminaries no higher than 48 inches off the decking such as low-mounted wall fixtures, low bollards, and dock-level fixtures, so that the light source or any reflective surface of the light fixture is not visible from the water; and
(4) The use of red or green lights or lights that emit red or green light due to a lens or other method is prohibited

Sec. 114-164. Nonconforming Lighting.

When any change of use, redevelopment or expansion of a ~~use~~ development footprint occurs, the site shall come into compliance with the lighting requirements of this article to the greatest extent practicable, as approved by the Planning Director on a case-by-case basis.

Secs. 114-165 – 114-194. Reserved.

ARTICLE VII. ACCESS STANDARDS

Sec. 114-195. US-1/County Road 905 Access.

No structure or land shall be developed, used or occupied unless direct access to U.S. 1 or County Road 905 is by way of a curb cut that is spaced at least four hundred (400) feet from any other curb cut that meets the access standards of the Florida Department of Transportation, as contained in Chapter 14-97, F.A.C., or an existing street on the same side of U.S. 1 or County Road 905. Proposed developments with access on U.S. 1 that are designated as Class 5 or Class 6 access control classifications, as defined by FDOT, where the posted speed limit is 45 MPH or less may deviate from 400 foot standard, in accordance with the standards contained in Chapter 14-97, F.A.C., State Highway System Access Control Classification System and Access Management Standards. Proposed developments on a U.S. 1 segment of roadway with a speed limit of 50 mph or higher (segments with speeds of 50 mph or greater are defined as FDOT as a high speed facility) shall provide an exclusive right and/or left turn lane into the development, unless otherwise determined by FDOT.

Sec. 114-196. Parallel Access.

Lots that cannot meet the major road access standard in Section 114-195 shall take access from platted side streets, parallel streets or frontage roads. Such access shall be acquired by installing a parallel street or frontage road, through combined parking lots or by combining lots by sharing drives, or the provision of easements of access. However, if any permanent access is constructed pursuant to an agreement entered into under this section and such construction would otherwise render the structure located on the subject lot nonconforming under any other section of this chapter, then such structure shall be considered conforming under those other sections regardless of the terms thereof.

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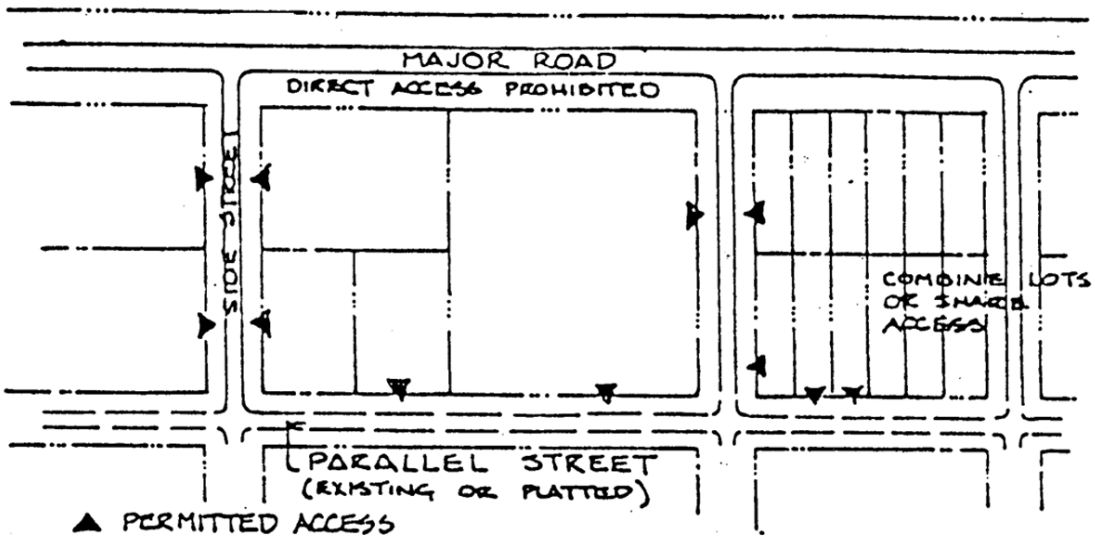
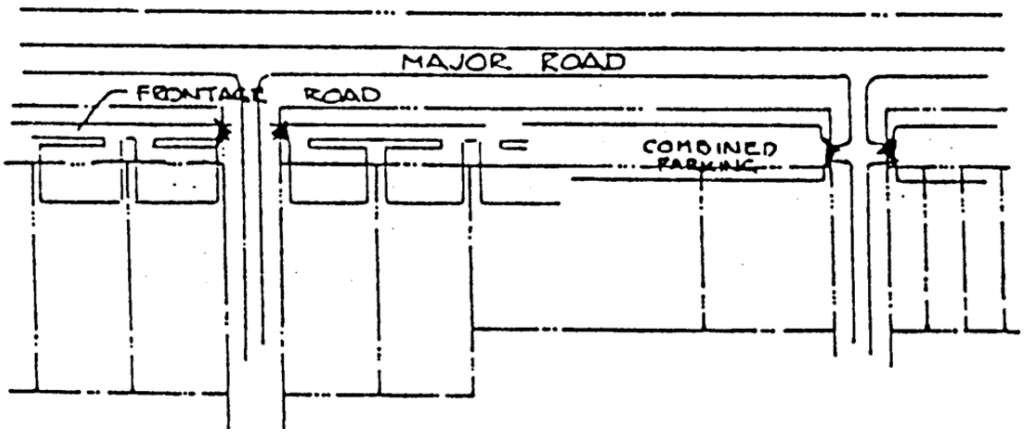
PARALLEL STREET



FRONTAGE ROADS



Sec. 114-197. Access within 250 Feet of Bridges Prohibited.

No development shall be permitted that has access to U.S. 1 by way of a curb cut that is located within two hundred fifty (250) feet of a U.S. 1 bridge abutment.

Sec. 114-198. Temporary Access.

No applicant shall be denied development approval for the sole reason that the lot cannot meet the requirements of Section 114-195 or 114-196. To provide access, the Planning Director shall issue a temporary access permit provided that the landowner's site plan provides for the eventual connection to a parallel access on an adjoining property, and that the owners agree, with suitable legal documents, to close the temporary access when connection to adjoining properties is feasible.

Sec. 114-199. Nonconforming Access.

No use fronting on U.S. 1 or County Road 905 shall receive a permit for a change of use, expansion or substantial improvement unless it is brought into conformance with this article by provision of combined drives or parallel access, and with any access standards or requirements of FDOT.

Sec. 114-200. Traffic Study.

(a) In addition to all application requirements, traffic studies by a qualified traffic engineer, as determined by the Planning Director, who is a licensed engineer in the state, shall be required as follows, in accordance with the Monroe County Traffic Report Guidelines Manual:

(1) Traffic studies shall be required for proposed development as shown in the table below, based on the anticipated number of vehicle trips per day generated by the site:

Required Traffic Studies		
Gross Daily Trip Generation*	Project Location	Type of Report Required
11 - 249	Segments of U.S.1 designated as Inadequate Capacity or Marginally Adequate Capacity according to the biennial assessment of public facilities capacity report (see Sec. 114-2).	Level 1
250 - 500	All Areas	Level 2
>500	All Areas	Level 3
*Gross Daily Trip Generation shall be calculated in accordance with the methods used in the Institute of Transportation Engineers, Trip Generation Manual, current edition.		

(2) Level 1 traffic studies shall include the following:

a. Provide a detailed assessment of the number of additional daily trips generated by the development as calculated by the most current edition of the ITE Trip Generation Manual;

b. Analysis shall be based on the project's expected trip generation broken into primary, pass-by, and internal trips, as well as the directional split and trip lengths to estimate the number of additional primary trips on US-1;
c. The report shall provide recommendations for mitigating any project trips in excess of the LOS C standard; and
d. The applicant shall be responsible for construction of the improvements recommended in the study.

(3) Level 2 traffic studies shall include all elements of a Level 1 study, plus the following:

a. Ensure adequate access to the street system;
b. The study shall also include traffic diagrams detailing the peak hour and AADT traffic counts at intersections and turning movements;
c. The data shall include background traffic (existing traffic plus traffic from approved projects) and proposed project traffic;
d. Any recommendation for a traffic signal will required an alternatives analysis;
e. All roadways and intersections along the access routes shall be evaluated for traffic safety and visibility; and
f. The study shall recommend improvements necessary to meet the accepted traffic standards for Monroe County.

(4) Level 3 traffic studies shall include all elements of both Level 1 and Level 2 studies, plus the following:

a. Ensure all intersections serving the development will operate at or above the County's LOS standards;
b. All signalized and signalized intersections within one mile of the development shall be analyzed; and
c. The study shall recommend mitigation measures for deterioration of LOS at signalized and/or unsignalized intersections.

(5) All required traffic studies shall indicate that U.S. 1 has sufficient available capacity to operate at or within five percent (5%) of a level of service of C as measured on an overall (countywide) basis as measured by the U.S. 1 Level of Service Task Force Methodology. If the proposed development will reduce the level service to more than 5% below a level of service C, the traffic study shall indicate mitigation measures required to maintain the adopted level of service.

(6) All Level 3 traffic studies shall indicate that every paved County road within one (1) mile of the parcel proposed for development and all bridges on U.S.1 within six (6) miles of the parcel proposed for development shall have sufficient available capacity to operate at minimum peak hour at or within five percent (5%) of a level of service D as measured by the methodology identified in the most recent edition of the Highway Capacity Manual. If the proposed development will reduce the level service on such roads and/or bridges to more than 5% below a level of service D, the traffic study shall indicate mitigation measures required to maintain the adopted level of service

(7) Traffic studies shall not be required for applications for a single family residence.

Sec. 114-201. Clear Sight Triangles.

All entrance drives and street intersections shall provide clear sight triangles in both directions as follows and as more fully set forth in the illustrations that follow this section. Entrance drives along U.S. 1 and street intersections with U.S. 1 shall adhere to both the clear sight triangle requirements in this section, FDOT and national American Association of State Highway and Transportation Officials (AASHTO) standards, whichever is most restrictive.

(a) Drives with bufferyard.

	Distances in feet	
Type of Street	*A**	*B***
U.S. 1	30	250
Arterials	25	200
Local streets	20	150

(b) Drives with no bufferyard.

	Distances in feet	
Type of Street	*A**	*B***
U.S. 1	35	250
Arterials	30	200
Local streets	20	150

(c) Streets with bufferyard or natural area.

	Distances in feet	
Type of Street	*A**	*B***
U.S. 1	30	300
Arterials	25	250
Local streets	20	150

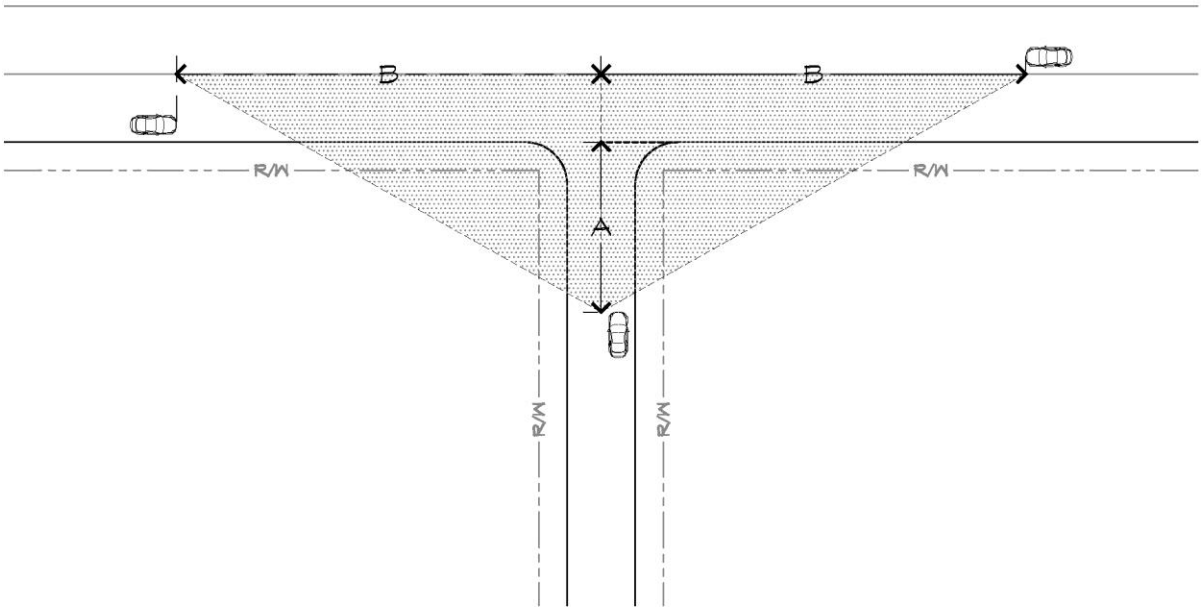
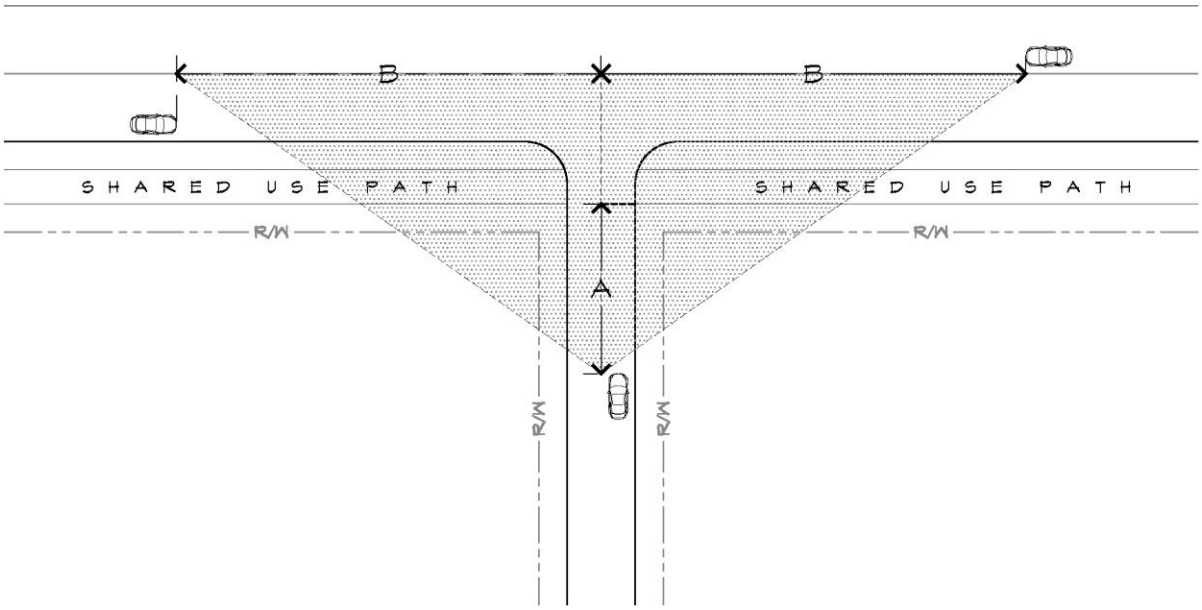
(d) Streets with no bufferyard or natural area.

	Distances in feet	
Type of Street	*A**	*B***
U.S. 1	35	300
Arterials	30	250
Local streets	20	150

*A is the distance from the edge of pavement of the street, bicycle path, or shared use path, as applicable, to the point on the drive at which clear sight distance is required.

**B is the distance measured along the centerline of the street, from the centerline of the entrance to the point where an oncoming vehicle or bicycle must be visible.

CLEAR SIGHT TRIANGLES
(WITHOUT SHARED USE PATH)



CLEAR SIGHT TRIANGLES
(WITH SHARED USE PATH)