

LDC 25-0957
Subdivision of Parcels on Septic Tank in the Urban Service Area

Sec. 4.02.03. Development Orders Subject to Mandatory Determination and Those Exempt from Obtaining a Certification of Capacity

A. Mandatory Determination

The following Development Order Applications are subject to a mandatory determination of capacity:

1. A Platted Subdivision Review.
2. A Preliminary Site Development Review or site construction plan review.
3. A Certified Parcel involving the subdivision of a lot of record or parent parcel into two lots.
4. A Development Order, or an amendment to an existing Development Order, other than a zoning or rezoning, which could reasonably be expected to result in additional impacts to public facilities.
5. A Building Permit which can reasonably be expected to result in additional impacts to public facilities provided a mandatory determination of capacity was not previously provided for a subdivision plat, a site plan, a Certified Parcel or a Development Order.

B. Exemptions

The following Development Orders are exempt from obtaining a Certificate of Capacity:

1. A Development Order for a proposed development with a valid, unexpired vested rights special use permit with vested development rights for purposes of concurrency. These proposed developments shall submit an application to allow tracking of the proposed capacities.
2. A Development Order relating to a Development of Regional Impact or approved phase thereof, with a Development of Regional Impact Development Order issued prior to February 1, 1990, where such Development of Regional Impact Development Order is based upon, or requires, a detailed analysis of public facility impacts of the Development of Regional Impact, or approved phase thereof; or
3. A Development Order for redevelopment of a property where the redevelopment is for a use which is substantially the same with regard to the density, intensity, location, and other aspects of the proposed redevelopment and which could not reasonably be expected to result in additional impacts to public facilities; or
4. Development Orders exempted from the provisions of these Adequate Public Facilities regulations by the terms of local government Development Agreement entered into pursuant the Chapter 163, Florida Statutes.
5. A Building Permit for a single or two family dwelling on a Parent Parcel or Lot of Record established in accordance with this Code.
6. Bona fide agricultural uses and facilities as defined by this Code on Parent Parcels or Lots of Record established by this Code on a lot of five acres in size or greater.

C. Exceptions

~~Within the Urban Service Area a Parent Parcel or Lot of Record shall not be subdivided, unless it will be connected to a publicly owned and operated wastewater facility system. The following concurrency exceptions for potable water and wastewater disposal may be granted by the County Administrator. Additionally, the following concurrency exceptions for wastewater disposal may be granted by the County Administrator for development applications submitted prior to January 1, 2021. Existing uses currently utilizing septic systems in the Urban Service Area, and existing or new accessory dwellings reviewed in accordance with LDC Section 6.11.02 of this Code, shall not be required to connect to wastewater services:~~

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1. A Parent Parcel or Lot of Record established under this Code may be subdivided to create ~~one~~ up to two additional lots provided that the County Administrator finds and determines that:
 - a. All resulting parcels comply with the zoning and other provisions of this Code; and
 - b. The permitted intensity of development shall not exceed one Equivalent Residential Connection on each lot or a cumulative intensity of development of ~~two~~ three Equivalent Residential Connections; and
 - c. The cost to provide public water or wastewater service to the resulting parcels exceeds the cost defined by the technical manual feasibility criteria.
2. A Parent Parcel or Lot of Record established under this Code may be subdivided without limitation to the number of lots provided the County Administrator finds and determines that:
 - a. All resulting lots are zoned as an Agricultural District under this Code; and
 - b. All resulting lots are ten acres or larger.
3. Non-residential and non-agricultural development as defined by this Code may be granted a concurrency exception provided the County Administrator finds and determines that:
 - a. All resulting parcels comply with the zoning and other provisions of this Code; and
 - b. The permitted intensity of development shall not exceed ~~two~~ three Equivalent Residential Connections; and
 - c. The cost to provide public or wastewater service to the resulting parcels exceeds the cost defined by the technical manual feasibility criteria.
- ~~4. Any request for variance to the number equivalent residential connections set out in 1.b. and 3.b. above shall be limited to consideration for only one additional equivalent residential connection and must be filed and reviewed in accordance with sections 10.02 and 11.04 of this Code. Variance applications to allow a third lot or third ERC on septic tanks must be filed prior to January 1, 2021.~~

D. Monitoring and Programming

1. The County Administrator shall complete an Annual Report on Public Facilities. The Annual Report on Public Utilities shall determine the existing conditions of all public facilities addressed by the adequate public facilities regulations, determine and summarize the available capacity of these public facilities based on the LOS, and forecast the capacity of existing and planned capital improvements identified in the Six-Year Capital Improvement Schedule. The forecasts shall be based on the most recently updated schedule of capital improvements for each public facility. The Annual Report on Public Facilities shall contain recommendations for revisions, if necessary, to the capital improvements in the Six-Year Capital Improvement Schedule in the Capital Improvements Element.

The findings of the Annual Update and Inventory Report on Public Facilities shall form the basis for proposed amendments to the Capital Improvements Element.

Based upon analysis of the Annual Report on Public Facilities, the County Administrator shall propose any necessary amendments to the Capital Improvements Element.

LDC 25-0957	Division Director Sign-off	
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