

Chapter 3

CONDITIONAL USES

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Section 301 Purpose and Intent

Conditional uses have unique characteristics that require the imposition of development criteria in order to ensure that they are not harmful to the health, safety, and welfare of residents, surrounding uses and surrounding properties. These criteria may be applied in relation to use, occupancy, location, construction, design, character, scale, manner of operation, or the necessity for making complex or unusual determinations. The uses are listed in this Section together with the specific criteria that apply to each conditional use. They are listed in alphabetical order according to the use as it appears on the Use Table. These criteria shall be met in addition to all other standards of this Code, unless specifically exempted, and all applicable regulations of other governmental agencies.

Section 302 General Provisions

Four types of Conditional Uses are identified on the Use Table in Section 205. They are denoted by C1, C2, C3, or C4 which indicate the Level of Review necessary to insure the conditions are appropriately applied. These conditions shall also apply to all Conditional Uses identified on the SAP Use Tables, Tables 4.1, 4.3, 4.8, and 4.11.

- C1 Conditional uses which are reviewed at the staff level through an existing permit procedure. The review process is outlined in Section 904, Level 1 Reviews.
- C2 Conditional uses which are reviewed by the staff but involve multiple issues or departments. The review process is outlined in Section 905, Level 2 Review, and involves review of a site plan by the Development Review Committee.
- C3 Conditional uses which are reviewed by the staff but involve multiple issues and potential off-site impacts. The review process is described in Section 906, Level 3 Reviews, and includes a site plan submittal for review by the Development Review Committee (DRC) and a public hearing before the Planning Commission (PC).
- C4 Conditional uses which involve multiple issues and potential significant off-site impacts. These uses are reviewed by the DRC and include public hearings before the Planning Commission and BoCC. The procedure for this review is described in Section 907, Level 4 Review.

A. *Additional Criteria*

The Planning Commission or BOCC may impose additional criteria or conditions if warranted to further the intent and purpose of this Code. Such criteria shall be based upon and consistent with the conditions applicable to similar uses and shall be supported by stated reasons in the records.

B. *Failure to Comply*

Failure to comply with conditions and safeguards, when attached to a grant of special use permit, shall be deemed a violation of this Code.

C. *Conditions and Safeguards Binding*

The conditions and safeguards shall be binding on the original applicant as well as all successors, assigns and heirs.

D. *Conditions and Safeguards Duration*

The conditions and safeguards shall run with the land, unless a specific time frame is applied by the County.

Section 303 Criteria for Conditional Uses (*Revised 8/16/16 – Ord. 16-040; 04/19/16 – Ord. 16-022; 08/15/15 – Ord. 15-53; 03/18/14 – Ord. 14-015; 06/08/04 Ord. 03-95; 01/03/05 - Ord. 04-80*)

The following land uses are conditional uses and are arranged in alphabetical order for presentation purposes.

Adult Day Care Center (7 or more Clients) (*Revised 12/1/09 – Ord. 09-073*)

The following shall apply to Adult Day Care Centers:

1. Any request for an Adult Day Care Center shall comply with Chapter 429, F.S.
2. Adult Day Care Centers shall be designed and built to a comparable scale and intensity as surrounding residential structures, or shall provide setbacks and buffering to mitigate dissimilar scales.
3. There shall be at a minimum 50 feet of road frontage, and all access points shall be on a collector road or better if any of the following conditions exist:
 - a. The use (including accessory uses) generates 50 or more Average Annual Daily Trips (AADT).
 - b. The overall Gross Floor Area (GFA) exceeds 5,400 square feet.

Adult Entertainment Establishments

In addition to the applicable regulations the following standards shall apply:

A. *General Location Guidelines*

1. Establishments located within the unincorporated area of Polk County, Florida, which permits live performances by dancers, strippers, or other similar entertainers where such performances are distinguished or characterized by the exposure for the view of the patrons thereof of any specified anatomical area shall not be located or operated within 2,500 feet of a church, school, public park or establishment which is licensed by the Florida Alcoholic Beverage Commission for the sale and consumption on the premises of alcoholic beverages.
2. Distances shall be measured from property line to property line along the shortest distance between property lines.
3. Nothing in this Section shall be construed to permit, authorize or allow the establishment of any business, the performance of any activity or the possession of any item which is obscene under the judicially established definition of obscenity.
4. All adult entertainment establishments shall comply with Polk County Ordinance 92-25, as amended, Comprehensive Adult Use Regulation.

B. *Enforcement (Revised 5/20/09 – Ord. 09-023)*

1. Prior to obtaining an occupational license to operate any commercial establishment regulated by this ordinance, the applicant shall obtain from the Land Development Director a certification that the proposed location of such business complies with the location requirements contained in this ordinance.
2. Any person who violates any Section of this ordinance shall be punishable by a fine not exceeding \$500, or imprisonment not to exceed 60 days, or by both such fine and imprisonment. Each day a violation exists shall constitute a separate offense.
3. In addition to the penalty set forth, if the Polk County Sheriff's Department finds that any commercial establishment is in continuing violation of this ordinance, the Polk County Sheriff's Department may request the County Attorney's Office to file suit in the Circuit Court seeking injunctive relief.

Agricultural Support Activities, Off-site (Revised 01/30/03 - Ord. 03-14)

1. Within the RS and RCC-R districts, approval of an off-site agricultural support activity shall not impede the orderly development of the surrounding area for residential uses.

2. For all proposed off-site agricultural support facilities, the applicant shall demonstrate a need for the agricultural support facility to be located in the proposed area, and that the proposed agricultural support facility is limited to an intensity and scale necessary to provide support services to agricultural uses within the general support service area.

Airports

See Polk County Joint Airport Regulations Resolution No. 78-07, as amended.

Alcohol Package Sales (Revised 7/25/01 - Ord. 01-57)

Alcohol Sales shall be consistent with all standards in Section 224.

Animal Farm, Intensive (Revised 01/30/03 - Ord. 03-14)

In residential districts (RL, RM, RH, RS, RCC-R), intensive animal farms shall comply with all applicable standards and all of the following conditions:

1. All new structures containing livestock related to the farm shall be at a minimum of 25 feet from property boundaries.
2. No outside storage of equipment or materials shall be located within front yard setback.

Animal Farm, Small, Specialty (Revised 01/30/03 - Ord. 03-14)

In residential districts (RL, RM, RH, RS, RCC-R), small, specialty animal farms shall comply with all applicable standards and all of the following conditions:

1. All new structures shall be at a minimum of 25 feet from the property boundaries.
2. All new farms shall at a minimum provide a Type B buffer (See Section 720) when adjacent to residential properties.
3. No outside storage of equipment or materials shall be located within front yard setback.

Aquiculture (Revised 01/30/03 - Ord. 03-14)

In residential districts (RL, RM, RH, RS, RCC-R), aquiculture shall comply with all applicable standards and all of the following conditions:

1. All new facilities shall be a minimum of 25 feet from any side property boundary, and a minimum of 15 feet from the rear property boundary line.

Bars, Lounges, Taverns (Rev 7/25/01 - Ord. 01/57)

Bars, Lounges and Taverns shall meet the following conditions:

1. Square footage shall not exceed 2,000 in NAC, L/R, BPC-1, BPC-2, IND, AND TC not including a kitchen or storage.
2. All standards in Section 224 shall apply.

Bed and Breakfast Facilities

In residential districts, bed and breakfast facilities shall comply with applicable standards and all of the following conditions:

1. No alterations shall be made to the external appearance of any principal or accessory structure or of the site which would change its residential character to a non-residential character.
2. No sign shall be permitted other than a non-illuminated nameplate attached to the main entrance of the principal building. This nameplate shall not exceed two square feet in area.
3. Not more than one person not residing on the premises may be employed at the facility.
4. In addition to those required for the owner's dwelling unit, one off-street parking space shall be provided for each room available for rent
5. Bed and breakfast facilities are typically located within historic districts or within structures that have been designated as local, state, or national historic landmarks. At a minimum, an applicant shall demonstrate that, because of the unusual or unique character of the dwelling unit or the property, the bed and breakfast facility would be a viable tourist attraction.

Breeding, Boarding, and Rehabilitation Facilities, Wild or Exotic (Revised 01/30/03 - Ord. 03-14)

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. The minimum site area for a wild or exotic breeding facility shall be five acres, unless the site lies within the Green Swamp ACSC, then the site area shall be a minimum of ten acres.
2. There shall be, at a minimum, a 100 foot building setback from all property boundaries.

3. Adequate security measures shall be demonstrated at the time of site plan review and consistent with Florida Statutes.

Car Wash, Full Service

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. The minimum distance from a full service car wash facility to any residentially designated property shall be 50 feet measured at the narrowest point between the property line of the residential property and either the stacking lane, car washing enclosure, or detailing area, whichever is closer. All car wash activities shall be screened from off-site residential view.
2. Land use activities, containing a full service car wash, located adjacent to residentially designated properties shall, at a minimum, provide a landscaped buffer equal to a Type C buffer (see Section 720) between the entire property and adjacent residential areas.
3. All car wash operations shall be required to connect to public or community sanitary sewer.
4. All car wash operations shall be required to connect re-use water where and when it is available.

Car Wash, Incidental

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. The minimum distance from an incidental car wash facility to any residentially designated property shall be 50 feet measured at the narrowest point between the property line of the residential property and either the stacking lane, car washing enclosure, or detailing area, whichever is closer. All car wash activities shall be screened from off-site residential view.
2. Land use activities, containing an incidental car wash, located adjacent to residentially designated properties shall, at a minimum, provide a landscaped buffer equal to a Type C buffer (see Section 720) between the entire property and adjacent residential areas.
3. All car wash operations shall be required to connect to public or community sanitary sewer.
4. All car wash operations shall be required to connect re-use water where and when it is available.

Car Wash, Self Service

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. The minimum distance from a self service car wash facility to any residentially designated property shall be 50 feet measured at the narrowest point between the property line of the residential property and either the stacking lane, car washing enclosure, or detailing area, whichever is closer. All car wash activities shall be screened from off-site residential view.
2. Land use activities, containing self service car wash, located adjacent to residentially designated properties shall, at a minimum, provide a landscaped buffer equal to a Type C buffer (see Section 720) between the entire property and adjacent residential areas.
3. All car wash operations shall be required to connect to public or community sanitary sewer.
4. All car wash operations shall be required to connect re-use water where and when it is available.

Cemeteries (Revised 01/03/05 - Ord. 04-80)

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. The minimum site area for a cemetery shall be 15 acres, unless accessory to a Religious Institution, in which case there is no minimum.
2. All burial plots and structures intended to be used for internment (including mausoleums, vaults, and crypts), shall be set back a minimum of 20 feet from all property lines.
3. A buffer equal to a Type A buffer (see Section 720) shall be provided between a cemetery and all abutting residential districts, except in the A/RR district (no buffering is required adjacent to an A/RR district).
4. Burial plots location requirements:
 - a. No burial plot may be located within a 100-year floodplain.
 - b. No burial plot may be located on wetlands as defined by the Florida Department of Environmental Protection, the applicable Water Management District or the US Army Corps of Engineers.

- c. No burial plot may be located where the land surface is less than six feet above the seasonal high groundwater level.

Childcare Center

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. Childcare centers with a licensed capacity of more than 25 children shall not have direct access to a local residential street.
2. A drop-off/pick-up area shall be designated to provide a one-way traffic circulation pattern on the site.
3. There shall be a minimum of 45 square feet of usable, safe outdoor play area per child. Play area shall be calculated at the rate of 45 square feet per child in any group using the play area at one time. A minimum play area shall be provided for one half of the licensed capacity of the childcare center.
4. The outdoor play area shall be fenced to a minimum height of four feet for childcare centers with a licensed capacity of 25 or fewer children. Those centers with a licensed capacity of more than 25 children shall provide a minimum five foot high fence around the outdoor play area.
5. Development and operation of a childcare center shall conform to the standards contained in the Polk County Child Care Center Regulation (Ord. 87-03, as amended), and all applicable state licensing requirements.

Clinic and Medical Office (Revised 06/08/04 Ord. 03-94)

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. The clinic or medical office structure shall be consistent with the character of any adjacent residential neighborhood.
2. There shall be at a minimum 50 feet of road frontage and all access points shall be on a collector road or higher facility.
3. Interconnection with adjacent commercial properties shall be required.
4. No outside storage of any equipment or supplies shall be allowed on site.

Commercial Vehicle Parking (Added 11/12/08 – Ord. 08-56)

The Purpose of this section is to regulate the parking, storing or keeping of commercial vehicles, as defined in Chapter 10 of this Code, on any lot or parcel within a non-residential land use district. This section is separate from the requirements of Section 216, Commercial Vehicle Parking and Storage, which regulates the parking of commercial vehicles in residential land use districts. In addition to all applicable regulations the following standards shall apply:

1. Commercial vehicle parking shall be prohibited on sites or areas less than 21,780 square feet (1/2 acre).
2. There shall be no loading or unloading of freight on site. Additionally, there shall be no service or repair of vehicle(s) on site.
3. One parking space shall be provided for each vehicle for the maximum number of vehicles anticipated to be on-site.
4. Individual commercial vehicle parking spaces may be left unpaved provided they are surfaced and maintained to provide a durable, dust free surface and provided adequate drainage facilities for disposal of all collected surface water. Surfacing materials may include, but are not limited to, pavement, gravel, lime rock or pervious paving materials. Paved drive aisles shall be provided for internal circulation from the parking areas to public or private roadways.
5. No site shall be permitted to access a local road except for a local commercial road.
6. A Type A Buffer shall be installed along all public rights-of-way.
7. When abutting a residential district or use, a Type B Buffer shall be installed. In addition to the Type B Buffer, an opaque fence with a minimum height of eight feet shall be installed for the extent of the area being defined as the area for parking.
8. When abutting a residential district or use, all commercial vehicles shall be parked at least 50 feet from the residential district or the residential property line.
9. When abutting a residential district or use, refrigerator units on vehicles shall not exceed 65 db(A) when measured in accordance with Section 761.B.
10. All commercial vehicles shall be currently registered or licensed and operable.
11. Commercial vehicles on site shall not be permitted to be slept in overnight and shall not have the motor running overnight.

12. Commercial vehicle parking shall not be permitted in the Green Swamp Area of Critical State Concern.
13. A request for commercial vehicle parking on an existing/developed non-residential site will be processed as a C1 review if the site already complies with all of the conditions outlined above, and complies with the applicable Use Tables (Tables 2.1, 4.1, 4.3, 4.8, 4.12, 4.16 and 4) outlining the permissible and use districts in which commercial vehicle parking is allowable. If any of the above conditions are not met on the existing/developed non-residential site then the level of review prescribed by the Use Tables shall be followed.

Community Centers (Revised 12/17/13 – Ord. 13-066; 01/03/05 - Ord. 04-80)

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. The center shall be built in the character and scale of the community it will serve. This is subject to review on an individual project basis.
2. There shall be at a minimum 50 feet of road frontage, and all access points shall be on a collector road or better if any of the following conditions exist:
 - a. The use (including accessory uses) generates 50 or more Average Annual Daily Trips (AADT); or
 - b. The overall Gross Floor Area (GFA) exceeds 5,400 square feet.
3. The proposed parking facilities shall be setback at least 25 feet from adjacent residential property.
4. Hours of operation shall be limited on a case by case basis.

Communication Towers (Revised 5/20/09 – Ord. 09-023; 1/30/03 Ord. 03-12; 7/29/02 - Ord. 02-52, Rev. 08/18/12 – Ord. 12-028)

Except as specifically provided in this Section, these provisions shall apply throughout the unincorporated limits of Polk County and no communication tower or antenna shall be permitted except in compliance with these provisions.

1. This Section shall not apply to the following:
 - a. Communication towers that are constructed and antennas that are installed at a height below the height limitations specified in Table 2.2 for the land use designation in which the communication tower or antenna is located;
 - b. Any communication tower or antenna that is placed in response to an emergency as declared by Polk County, the State of Florida or any other agency with the authority to declare an emergency (this exemption shall

apply only for the duration of the emergency and for such period of time following the emergency as is reasonably necessary to remove the tower or antenna);

- c. Any communication tower or antenna that is operated solely by an amateur radio operator licensed by the FCC;
 - d. Communication towers not exceeding 130 feet in height and located on a specific site for no more than 30 days in any 365 day period; and,
 - e. Antennas placed on alternative support structures and antennas placed on communication towers which do not add to the height of the communication tower.
2. Communication towers may not be located within one mile of any active private or public airstrip unless a variance pursuant to Section 930 has been granted by the Board of Adjustment. Additionally, communication towers over 50 feet in height may not be located within the Military Compatibility Zone except in compliance with Section 642 of this LDC.
3. General guidelines and requirements shall include the following:
- a. Communication towers and antennas, including their equipment buildings and other supporting equipment, may be considered both principal uses and accessory uses such that, notwithstanding the provisions of this Section, the existence or non-existence of a principal use or structure on a lot or parcel shall not preclude the installation of an antenna or communication tower. For the purposes of applying set back, lot coverage, buffering and other applicable development regulations, the entire lot or parcel on which a communication tower or antenna is located shall be treated as the lot, even if the communication tower or antenna is located on a leased parcel within such lot or parcel. Communication towers and their antenna, with the exception of their equipment buildings and other accessory structures, are exempt from the height regulations required by their land use district.
 - b. Aesthetics and lighting shall conform to the following:
 - i. With the exception of concrete communication towers, all communication towers shall have either a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - ii. To the extent possible, communication towers and their support facilities shall be designed with materials, colors, textures, screening, and landscaping that will blend the communication tower with its surrounding environment.

- iii. Communication towers shall not be artificially lighted unless required by the FAA or any other authority with jurisdiction. If lighting is required, strobe lighting shall be utilized during daylight hours only and red lighting shall be utilized at night unless another form of lighting is required by the FAA or any other authority with jurisdiction.
- c. Notwithstanding anything herein to the contrary, all communication towers shall meet all applicable requirements of the FAA, the FCC, and any other agency of the federal government with the authority to regulate telecommunication facilities.
- d. New communication towers and antennas, as well as modifications to existing towers, including height additions and additions of antennas, shall be designed in accordance with the Standard Building Code and all other applicable state and local construction Codes. Construction plans shall be signed and sealed by an engineer licensed to practice in the State of Florida.
- e. Each application for the construction of a new communication tower shall include the tower manufacturer's product specifications indicating that the tower will satisfy all standards imposed by the American National Standards Institute (ANSI). Applications for modifications to existing communication towers shall include a certification as to the structural integrity of the structure, including the structure's foundation, prepared by an engineer licensed to practice in the State of Florida. Upon completion of a communication tower or a modification to an existing tower, a signed and sealed statement by an engineer licensed to practice in the State of Florida certifying that the structure has been constructed in accordance with the engineered design and all applicable state and local construction Codes shall be submitted as a condition of final approval or issuance of Certificate of Occupancy.
- f. No communication tower shall be approved unless the application for the structure includes a certification that no antennas to be placed on the structure will cause significant interference with a public safety system or with the usual and customary transmission or reception of radio, television and other customary services enjoyed by adjacent residential and non-residential properties.
- g. No commercial signage or advertising shall be placed on communication towers. However, signs pertaining to trespassing may be posted on communication towers and emergency phone numbers shall be posted in a conspicuous location on the security fencing required.

- h. Communication towers shall be enclosed by security fencing not less than six feet in height. Access to communication towers shall be through a lockable gate.
- i. Subject to Section 120 of this Code, all communication towers legally existing on the effective date of this Code may continue in use regardless of whether or not such structures would be authorized under the provisions of this Section. Notwithstanding Section 120, antennas may be co-located on non-conforming communication towers and non-conforming communication towers which have been damaged or destroyed beyond 50 percent may be repaired or replaced.
- j. Abandoned communication towers shall be removed within 30 days of abandonment. The owner of an abandoned tower, as well as the owner of the real property upon which the tower is situated, shall be jointly and severally responsible for its removal. A communication tower shall be considered abandoned if no licensed operator has had an antenna in use on the structure for a period of 365 consecutive days.
- k. No communication tower shall be approved unless a lease or other contract exists between the tower applicant and a telecommunication service provider for placement of an antenna on the tower upon approval and construction of the tower. An affidavit that a lease or contract exists may be either submitted in lieu of either lease or contract.
- l. All communication towers erected as of the effective date of this Code shall provide for co-location in conformance with this Section. No new communication tower shall be approved unless the applicant demonstrates that no existing structure is available or sufficient to accommodate the applicant's proposed antenna. Evidence of any of the following shall be sufficient to demonstrate that no existing structure is available or sufficient to accommodate the applicant's proposed antenna:
 - i. No existing structures are located within the applicant's search ring.
 - ii. Existing structures are of insufficient height to meet the applicant's engineering requirements.
 - iii. Existing structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - iv. The applicant's proposed antenna would cause electromagnetic interference with antennas on existing structures, or antennas on existing structures would cause interference with the applicant's proposed antenna.

- v. The fees, costs or other contractual provisions required by the owner of an existing structure for co-location or the engineering costs to adapt an existing structure for co-location are unreasonable. Fees and costs which exceed the costs to design and construct a new communication tower shall be presumed to be unreasonable.
- vi. Other factors exist that render existing structures unsuitable.
- m. The visual impacts of communication towers on nearby viewers shall be mitigated to the extent reasonably possible. At a minimum, a row of trees at least six feet tall at planting shall be planted around the perimeter of the fence to the property and a continuous hedge at least 30 inches high at planting and capable of growing to at least 36 inches in height within 18 months shall be planted in front of the tree line referenced, together providing for an opacity at planting of 60 percent and achieving 100 percent opacity within two years of planting. The required opacity shall be achieved to a height of six feet. All landscaping shall be of an evergreen variety (non-deciduous), except that existing native vegetation shall be preserved if sufficient to meet opacity requirements. The required landscaping shall be located on the outside of the fence to the property. Landscaping requirements may be waived for those sides of a communication tower that are adjacent to un developable property or that are not otherwise visible from off-site.
- n. An Impact Assessment Statement as required Section 910 of this Code shall not be required of communication towers conforming to the requirements of this Section.
- o. All applications for communication towers to be located in the Green Swamp Area of Critical State Concern shall be accompanied by a Green Swamp Impact Assessment Statement, pursuant to Section 503.
- p. Each owner or operator of a communication tower located in unincorporated Polk County shall submit an annual report to the Land Development Division on forms to be provided by the Land Development Division or other form containing the same information that may be required by any other regulatory agency no later than January 31 of each year. The annual report shall contain the following information:
 - i. The name of the owner and operator of the communication tower;
 - ii. The name of the owner of the site upon which the communication tower is located;
 - iii. The names of all service providers with antennas on the communication tower;
 - iv. The current height of the communication tower;

- v. An affidavit indicating non-abandonment of the communication tower; and,
 - vi. Such other information as indicated on the form provided by the Land Development Division.
- 4. In addition to those towers indicated in the Use Tables [tables 2.1, 4.1, 4.3, 4.8, 4.11, 4.14, 4.15, 5. 2] as requiring a Level 2 Review, the following also shall be approved through a Level 2 Review:
 - a. Communication towers which exceed district height limitations but do not exceed 65 feet in height. Those located in the Military Compatibility Zone exceeding 50 feet in height may be permitted with a Level 2 Review if granted a variance by the Board of Adjustment per Section 930 and 931 of this Code;
 - b. Camouflaged structures;
 - c. Communication towers being modified or rebuilt to accommodate the co-location of additional antennas shall be reviewed as a Level 2 Review provided that:
 - i. The modified or rebuilt tower, including the added antenna, is no more than 20 feet taller than the original tower;
 - ii. The modified or rebuilt tower is relocated to a location no more than 50 feet from the original tower and no closer to any off-site residential structure or residential Future Land Use Map designation than the original tower;
 - iii. Any prior Conditional Use Permit or Planned Unit Development approval, if any, for the original tower does not contain a condition prohibiting relocation of or addition to the structure; and,
 - iv. The original tower is removed from the site upon completion of the replacement tower in those cases where the original tower is being rebuilt rather than modified.
- 5. Communication towers proposed in Planned Development's shall require a Level 3 Review through the Planned Development approval process prior to construction of the tower.
- 6. Any new tower proposed within the setbacks required by this Section shall be treated as a Level 3 Review prior to construction.

7. The following setback requirements shall apply to all communication towers constructed subsequent to the effective date of this Code:
 - a. Communication towers shall be set back a distance equal to one times (1x) the height of the communication tower from any off-site residential Future Land Use designation or the property line of any off-site residential structure. Setbacks shall be measured from the base of the communication tower. For the purposes of this provision, the Land Use designation of Agriculture/Residential Rural (A/RR) shall not be considered a residential Future Land Use designation. The setback may be reduced by 50 percent if the off-site residential structure is non-conforming with the Land Use Designation or if there is an intervening conforming structure of a non-residential nature.
 - b. Setbacks from off-site non-residential structures and off-site non-residential Land Use designations shall be governed by minimum district setback requirements.
 - c. Setbacks for communication towers located in Planned Developments shall be established during the Planned Development review and approval process. For communication towers proposed in existing Planned Developments, a Major Modification shall be required to determine placement and setbacks.
 - d. Setbacks for guy wires, equipment buildings and other facilities supporting communication towers shall satisfy minimum district setback requirements rather than the setback requirements for communication towers.
8. Applicants for Level 2 and Level 3 Reviews shall apply to the Land Development Division and shall provide the information set forth in this Section. Applicants for Level 2 Review shall submit 12 sets and Level 3 Review shall submit 17 sets of the following:
 - a. A 24" X 36" and 8.5" X 11" scaled site plan, including two elevations. The site plan shall be signed and sealed by an appropriate licensed professional and shall meet the following specifications:
 - i. Each page shall be numbered.
 - ii. Lettering shall be a minimum 3/32" in height.
 - iii. A north arrow and legend shall be included on each sheet of the site plan.
 - iv. The scale shall be 1"= 60' or larger.
 - v. Topographic contours shall be shown at one foot intervals based on Mean Sea Level datum.

- vi. The location and dimensions of all existing and proposed structures and uses on the site, including driveways, fences and parking areas, shall be indicated, as well as the setbacks of existing and proposed structures from adjacent properties and road rights-of-way. Setbacks from road rights-of-way shall be measured from right-of-way centerlines.
 - vii. The geodetic coordinates of the proposed communication tower shall be indicated.
 - viii. The name, location, and width of all roads adjacent to or on the site, whether existing or platted, shall be indicated. The location and width of all easements adjacent to or on the site shall also be indicated.
 - ix. Wetlands and water bodies located within a distance from the proposed communication tower equal to two times the height of the proposed tower shall be indicated. All communication towers and supporting facilities shall be located at minimum of 50 feet from any wetlands identified. If any wetlands are located within this distance and on the site, a wetlands survey signed and sealed by a registered Professional Surveyor and Mapper shall be included.
 - x. Floodplain management information and flood zones shall be delineated if the site is located within a flood plain.
 - xi. The date of preparation of the site plan, as well as any revisions, and the name of the person who prepared the plan shall be indicated.
- b. A landscape plan reflecting proposed buffering meeting the requirements of this Section or Section 720, whichever is greater.
 - c. A certified property boundary survey.
 - d. A map indicating the Future Land Use designations, as well as actual uses, of property within a distance from the proposed communication tower equal to the height of the proposed tower.

- e. A map depicting all structures within the applicant's search ring equal to or greater than 75 percent of the height represented by the applicant as being required for its proposed tower, along with an affidavit indicating whether or not such structures are available or sufficient to accommodate the applicant's proposed antenna.
- f. An affidavit certifying that all requirements of the Joint Airport Zoning Board have been satisfied and indicating the status of any FAA applications for the proposed tower.
- g. Such other information as the Land Development Division reasonably deems necessary to adequately review the application.
- h. The Planning Commission may consider the following items for granting the C3 approval.
 - i. The standards in Section 910A.1-4, the compatibility standards for the Impact Assessment Statement;
 - ii. Setbacks to residential uses;
 - iii. Alternative land use districts available for the tower in the search ring;
 - iv. Site issues, including parcel size, location on the parcel, natural buffers and access; and
 - v. Evidence such as photo simulation or other visual analysis that the proposed site is sited and designed to minimize any negative visual impacts on adjacent properties.

Construction Aggregate Processing (Added 11/4/14 – Ord. 14-066)

In addition to the applicable district regulations, the following standards shall apply:

- 1, All processing activities shall be setback a minimum of 100 feet from all property lines. This may be reduced to 50 feet if the adjacent property consists of the following:
 - a. The adjacent property consists of a similarly intense industrial use;
 - b. The site is adjacent to an active railroad line; or
 - c. The adjacent property consists of a majority of environmentally sensitive lands, which prevents the future development of the property.

The Planning Commission may approve a request to vary from these setback requirements when considering the variance criteria as outlined in Section 931 of this Code.

2. If adjacent to residentially used or designated property, all processing activities shall be setback a minimum of 200 feet. This shall include residentially used or designated property across any roadway with less than 80 feet of right-of-way. The Planning Commission may approve a request to vary from this setback requirement when considering the variance criteria as outlined in Section 931 of this Code.
3. A minimum Type B Buffer shall be required along all property lines. In addition, a six foot high opaque fence shall be installed along all road rights-of-way and adjacent residentially used or designated property. This shall be installed along the interior of the required landscaping.
4. Construction aggregate processing uses are permitted to have accessory storage piles. These storage piles shall comply with the following:
 - a. Be setback a minimum of 50 feet from all property lines;
 - b. No pile shall exceed 75 feet in height. When adjacent to a residential use or residential land use district, the pile height shall be limited to 50 feet within the first 200 feet of the subject property line; and
 - c. The Planning Commission may approve a request to vary from these setback and height requirements when considering the variance criteria as outlined in Section 931 of this Code.
5. All processing activities and storage piles shall incorporate dust prevention measures (i.e. water spraying, etc.).
6. A construction aggregate processing use shall have direct access to a paved local commercial road, collector road or arterial road.
7. Only equipment related to the construction aggregate processing and storage shall be stored on-site.

Construction Aggregate Storage (Added 11/4/14 – Ord. 14-066)

In addition to the applicable district regulations, the following standards shall apply:

1. Only storage shall be permitted. No processing shall take place on-site. Only loading and unloading of the construction aggregate to and from vehicles, rail cars, etc. is permitted.
2. All storage piles shall comply with the following:

- a. Be setback a minimum of 50 feet from all property lines;
 - b. No pile shall exceed 75 feet in height. When adjacent to a residential use or residential land use district, the pile height shall be limited to 50 feet within the first 200 feet of the subject property line; and
 - c. The Planning Commission may approve a request to vary from these setback and height requirements when considering the variance criteria as outlined in Section 931 of this Code.
- 3. A minimum Type B Buffer shall be required along all property lines. In addition, an eight foot high opaque fence shall be installed along all road rights-of-way and adjacent residentially used or designated property. This shall be installed along the interior of the required landscaping.
 - 4. All storage piles shall incorporate dust prevention measures (i.e. water spraying, etc.).
 - 5. A construction aggregate storage use shall have direct access to a paved local commercial road, collector road or arterial road.
 - 6. Only equipment related to the construction aggregate storage shall be stored on-site.

Convenience Stores, Isolated

Isolated convenience stores located in any residential district are subject to approval by the Board of County Commissioners and the following requirements:

- 1. Isolated convenience stores shall be located no closer to another convenience store, or RCC, CC, NAC, CAC, RAC, TCC, LCC, or CE district providing for similar convenience and shopping needs, than the following distances along a public, vehicular right-of-way:
 - a. One mile within the UDA or UGA;
 - b. Two miles within the SDA or UEA; and,
 - c. Three miles within the RDA.

2. Isolated convenience stores shall be permitted only at locations that have a minimum support population of 1,500 persons within a one mile market area radius of the proposed convenience store. Minimum population support shall be calculated based on existing population residing within the market area at the time of initial application for development approval. Population shall be calculated at 2.5 persons per dwelling unit, unless the applicant can document (including methodology) a more accurate population figure.
3. Isolated convenience stores shall have frontage on, and direct access to, a paved collector or arterial roadway.
4. The maximum lot area shall be two acres.
5. The maximum gross leasable area shall be 4,000 square feet.
6. Isolated convenience stores shall be designed to be compatible with adjacent residential development, either through buffering or other design features which lessen incompatibilities between residential and non-residential uses. Parking lots, loading areas, dumpsters, utilities, air conditioning units, and signage, are examples of facilities which may require special design and buffering provisions. Isolated convenience stores shall not intrude into existing residential neighborhoods.
7. All legally established convenience stores in existence at the time of the Comprehensive Plan's initial effective date of May 1, 1991, and which are located within a residential district, are recognized as Isolated Convenience Stores. The development controls specified in subsections 2-7 shall apply to any proposed expansion of an existing isolated convenience store.
8. Applications for new isolated convenience stores in residential districts shall undergo a Level 4 Review (refer to Section 907). Expansions of existing isolated convenience stores shall require a Level 3 Review (refer to Section 906). In addition to the submittal requirements outlined in Chapter 9, applications shall include the following:
 - a. A copy of the Future Land Use Map for the subject property indicating the location of and driving distance to the nearest convenience store, RCC, CC, NAC, CAC, RAC, TCC, LCC, or CE district providing for the same convenience shopping needs, as applicable (Note: required for new isolated convenience stores only);
 - b. Aerial photographs and property appraiser ownership (plat) maps of the proposed project area, which identifies existing land uses within a one mile radius of the proposed convenience store; and,

- c. The number of existing dwelling units within a one mile radius of the proposed convenience store. The applicant may submit an optional market study used to determine population within this radius.

Convenience Stores, Village

Village Convenience Stores (VCS) shall be permitted in only Agricultural/Residential Rural (A/RR) and Residential Suburban (RS) residential land use categories, subject to County approval, and subject to meeting the following location and development criteria:

1. VCSs shall be located on a collector or arterial street, adjacent to a non-residential use(s), with preference given to locations at the intersection of such streets, and shall be located no closer to another convenience store, RCC, CC, NAC, CAC, RAC, TCC, LCC, or CE, providing for similar convenience-shopping needs as the proposed VCS, than the following distances along a public, vehicular right-of-way:
 - a. Two (2) miles within an SDA
 - b. Three (3) miles within an RDA
2. VCSs shall be permitted, subject to County Approval, at locations that have no less than a support population of 500 persons within a market-area radius of one (1) mile. Minimum population support shall be calculated on existing population residing within the market area at the time of initial application for development approval. Population shall be calculated at 2.5 persons per dwelling unit, unless the applicant can document (including methodology) a more accurate population figure.
3. Village convenience stores shall have frontage on, and direct access to, a paved collector or arterial roadway.
4. VCSs shall generally be located on parcels no larger than one (1) acre in size.
5. The maximum gross leasable area (GLA) shall be 3,000 square feet.
6. VCSs shall conform to the following development criteria:
 - a. Points of ingress and egress for VCSs shall be designed to minimize traffic hazards and decreases in highway capacity; provide adequate parking with safe internal traffic circulation; and provide safe bicycle and pedestrian access.
 - b. Buffering shall be provided where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air-conditioning units, signage, etc., are examples of facilities that may require special buffering provisions.

7. All legally established convenience stores in existence at the time of the Comprehensive Plan's initial effective date of May 1, 1991, and which are located within an A/RR or RS land use district, are recognized as Village Convenience Stores.
8. Applications for new Village Convenience Stores in residential districts shall undergo a Level 4 Review (refer to Section 907). Expansions of existing Village Convenience Stores shall require a Level 3 Review (refer to Section 906). In addition to the submittal requirements outlined in Chapter 9, applications shall include the following:
 - a. A copy of the Future Land Use Map for the subject property indicating the location and driving distance to the nearest convenience store, RCC, CC, NAC, CAC, RAC, TCC, LCC, or CE district providing for the same convenience shopping needs, as applicable (Note: required for new Village Convenience Stores only);
 - b. Aerial photographs and property appraiser ownership (plat) maps of the proposed project area, which identifies existing land uses within a one mile radius of the proposed convenience store; and
 - c. The number of existing dwelling units within a one mile radius of the proposed convenience store. The applicant may submit an optional market study to determine population within this radius.

Correctional Facility

In addition to the applicable district regulations these requirements apply to all new correctional facilities:

1. At a minimum, there shall be a visual buffer equal to a Type B buffer (see Section 720) provided between the facility and adjacent residential properties and public roads.
2. The minimum lot size shall be five acres and the lot shall have a minimum frontage of 200 feet.
3. The structures occupied by the facility residents shall be located a minimum of 2,000 feet from any residential district that is developed at a density of two dwelling units per acre or greater; 500 feet from any existing dwelling unit developed at a density of less than two dwelling units per acre and a minimum of 200 feet from any lot line.
4. All on-site parking shall be reflected on a binding site plan and no parking shall be allowed in any public right-of-way.

Cultural Facility (Revised 01/03/05 - Ord. 04-80)

In addition to the applicable district regulations, these requirements apply to all development in residential land uses. In addition to the submittal requirements outlined in Chapter 9, applications shall include the following:

1. All structures shall be constructed in character and scale with the neighborhood.
2. Hours of operation shall be limited on a case by case basis.
3. There shall be at a minimum 50 feet road frontage, and all access points shall be on a collector road or better if use generates 50 or more Average Annual Daily Trips (AADT). If the Cultural Facility generates more than 50 AADT based on the Institute of Traffic Engineers (ITE) Rate-Land Use Code, the applicant has the option to provide a detailed study demonstrating that a lower trip generation rate can be achieved. The methodology shall be subject to approval by the Polk Transportation Planning Organization (TPO) and follow the guidelines as set forth in Appendix AC@ of this Code.
4. The proposed parking facilities shall be setback at least 25 feet from adjacent residential property.

Dairy (Revised 01/30/03 - Ord. 03-14)

Dairies shall comply with all applicable standards and all of the following conditions:

1. All new dairy structures shall be a minimum of 100 feet from all property boundaries.
2. At a minimum, all new dairies shall install a Type C buffer (see Section 720) where adjacent to residential properties with at least one canopy tree every thirty feet on center and placed within the required setbacks.
3. No outside storage of equipment or materials shall be located within the front yard setback.
4. All new dairies shall be adjoining the right-of-way of an arterial, paved collector, or paved County maintained local road meeting or exceeding adopted Level-of-Service standards. Collector or local roads must be linked to an arterial road by a paved road meeting County standards.

Drive-thru Facilities

In addition to the applicable district regulations these requirements apply to all new development, the addition of drive-thru facilities to existing developments, and the relocation of a drive-thru facility:

1. Stacking lanes shall comply with the following standards:
 - a. Stacking lanes shall be a minimum of 12 feet in width.
 - b. At least one bypass lane, a minimum of ten feet in width, shall be provided at a drive-thru facility.
 - c. The minimum distance for stacking lanes as measured from the curb cut to the service window shall be 150 feet for a single stacking lane, or 80 feet per lane when there is more than one stacking lane.
 - d. Stacking lanes shall be designed so that they do not interfere with parking, pedestrian movements, on-site vehicle circulation, or off-site traffic flow.
 - e. All stacking lanes shall be clearly identified through the use of striping, landscaping, signs, or other means.
2. The minimum distance from a drive-thru facility to any residentially designated property shall be 50 feet measured at the narrowest point between the property line of the residential property and either the stacking lane, service window, or speaker box, whichever is closer. All speaker boxes shall be oriented away from adjoining residential property.
3. Drive-thru facilities located adjacent to residentially designated properties shall be required to provide a landscaped buffer equal to a Type C buffer (see Section 720) between all service windows/stacking lanes, and adjacent residential areas.

Duplex (Revised 04-04-02 - Ord. 02-17)

Applications for duplexes in the RCC-R, RCC, RL-3, and RL-4 residential districts shall undergo a Level 3 Review, refer to Section 906. In addition to all applicable regulations, the following conditions shall apply:

1. All duplexes shall comply with Chapter 8 requirements.
2. All duplexes shall comply with the following development standards:
 - a. All streets shall be publicly or privately maintained. Roads shall be designed and constructed in accordance with the standards for private roads in Chapters 7 and 8, and Appendix A (Technical Standards Manual).
 - b. The maximum density shall not exceed the applicable district standard in Table 2.2.

Emergency Shelter, Small (6 Residents or less) (Rev. 12/01/09 – Ord. 09-073)

The following shall apply to Emergency Shelter, Small containing six (6) residents or less

1. There shall be no exterior alterations which change the residential character of the structure.
2. A Small Emergency Shelter shall not be located within 1,000 feet of another Small Emergency Shelter. The distances shall be measured at the closest points from property line to property line.
3. Small Emergency Shelters shall be permitted one non illuminated sign mounted flush to the dwelling unit and not more than two square feet in area shall be allowed.
4. Such shelters, when required, shall be licensed by either the Department of Children and Families, Department of Elderly Affairs, Department of Juvenile Justice, Agency for Health Care Administration, Agency for Persons with Disabilities or other applicable state agency, department or division.

Emergency Shelter, Medium (7-14 Residents) (Rev. 12/01/09 – Ord. 09-073)

The following shall apply to Emergency Shelter, Medium containing 7-14 residents:

1. There shall be no exterior alterations which change the residential character of the structure. This provision does not apply to structures being utilized as a Medium Emergency Shelter in the INST-1 and INST-2 land use districts.
2. Medium Emergency Shelters shall be permitted one non illuminated sign mounted flush to the dwelling unit and not more than two square feet in area shall be allowed.
3. The applicant for a Medium Emergency Shelter shall clearly demonstrate that adequate forms of transportation are available to the residents of the facility (such as nearby public transit or a private transit system provided on site) as well as accommodations on site to support the travel of persons involved in providing services to the individuals residing on the premises (such as vehicle parking that does not change the residential appearance of the site).
4. The applicant for a Medium Emergency Shelter shall demonstrate that the dwelling is of adequate size and design to support the needs of the residents interned in the home. This shall include, but is not limited to, sleeping quarters, kitchen facilities, handicapped accessibility, and communal spaces.
5. Such shelters, when required, shall be licensed by either the Department of Children and Families, Department of Elderly Affairs, Department of Juvenile Justice, Agency for Health Care Administration, Agency for Persons with Disabilities or other applicable state agency, department or division.

Emergency Shelter, Large (15 or more Residents) (Rev. 12/01/09 – Ord. 09-073)

The following shall apply to an Emergency Shelter, Large consisting of 15 or more residents:

1. Large Emergency Shelters shall be designed and built to a comparable scale and intensity as surrounding residential structures, or shall provide additional setbacks and increased buffering to mitigate dissimilar scales.
2. Large Emergency Shelters shall have direct access to a collector or arterial roadway.
3. All facilities, including parking, shall be at a minimum of 25 feet from any side or rear lot line.
4. Where Large Emergency Shelters are developed in residential land use categories, the development density shall be comparable to the future land use density. To derive a comparable density, apply a ratio of 2.5 beds equals one dwelling unit. For Example, RL is five dwelling units per acre, this equates to 12.5 beds per acre. A four (4) acre parcel can accommodate a fifty (50) bed group living facility. These facilities shall require appropriate setbacks and buffering to mitigate dissimilar scales and to ensure compatibility to adjacent residential development per this Code and Policy 2.204-B2 of the Comprehensive Plan.
5. Where Large Emergency Shelters are developed in non-residential land use categories, the density shall be similar to RH (maximum 15 units per acre/ 37.5 beds per acre).
6. The applicant for a Large Emergency Shelter shall clearly demonstrate that adequate forms of transportation are available to the residents of the facility (such as nearby public transit or a private transit system provided on site) as well as accommodations on site to support the travel of persons involved in providing services to the individuals residing on the premises and visitors to the facility (such as vehicle parking that does not change the residential appearance of the site).
7. Such shelters, when required, shall be licensed by either the Department of Children and Families, Department of Elderly Affairs, Department of Juvenile Justice, Agency for Health Care Administration, Agency for Persons with Disabilities or other applicable state agency, department or division.

Family Farm, Density Exemption

A density exemption¹ for a family farm is allowed for a property containing a bona fide agricultural use subject to the following conditions:

¹ The granting of a family farm applies to density only and all other relevant provisions of this Code shall be met.

1. In addition to all applicable regulations the following conditions shall apply:
 - a. The maximum density shall be one dwelling unit per acre.
 - b. The minimum building site required for a family farm dwelling unit shall be one acre.
 - c. Family farm dwelling units shall be single-family detached homes, either conventional construction or mobile homes.
 - d. Building sites for family farm dwelling units shall meet the road frontage requirements in Section 822.
2. Dwelling units approved under the family farm density exemption shall be the permanent residence of immediate family members of the farm owner. Immediate family shall include parents, stepparents, grandparents, siblings, children, stepchildren, and grandchildren. The application shall include the names and relationship of the family member who will occupy the residence.
3. Properties approved for a family farm density exemption shall not be divided from the parent farm parcel.
4. All applications shall include a signed affidavit that the property is used for a bona fide agricultural purpose, and a current property tax statement showing "greenbelt" tax exemption for the property.

Family Homestead, Density Exemption (Revised 10/11/06 - Ord.06-64)

A density exemption² for a family homestead is allowed subject to the following requirements:

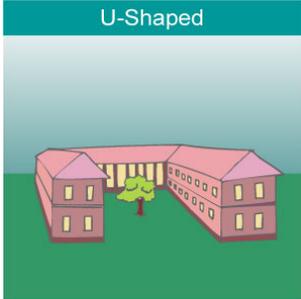
1. Said uses are only permitted in the A/RR and RS districts or as otherwise permitted in a Selected Area Plan.
2. Lots shall be for the use of immediate family members of the owner of the parent parcel only. Immediate family shall mean parents, stepparents, grandparents, siblings, children, stepchildren, and grandchildren. The family homestead provision may only be used once by each relative. The application shall provide the name and relationship of the family members.
3. All applicable district regulations in Table 2.2 shall apply to family homestead lots, except that the minimum lot size for family homestead lots within the A/RR and RS districts may be reduced to one acre.

² The granting of a family homestead applies to density only and all other relevant provisions of this Code shall be met.

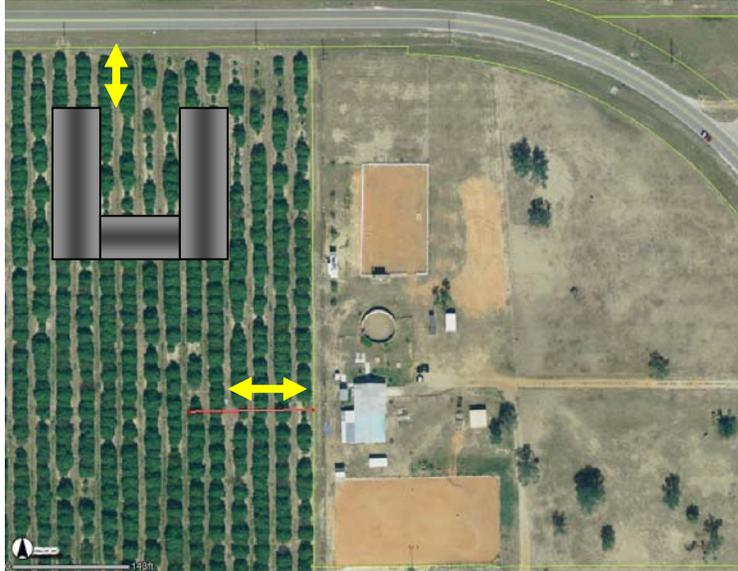
4. All lots shall meet the road frontage requirements of Section 705, but may be exempt from paving requirements. When possible, the parent parcel and all subparcels shall share one access driveway.
5. The division of lots for family homestead purposes shall be recorded by separate deeds before any building permit is issued. If two or more lots are divided from the parent parcel, the subdivision requirements of Chapter 8 shall apply.

Farm Worker Dormitory, Apartment Style (Revised 09/02/09 – Ord. 09-054; 01/30/03 - Ord. 03-14)

1. Apartment Style Farm Worker Dormitory developments greater than 48 workers shall be:
 - a. Designed in a courtyard “U-shaped” pattern where buildings may be adjoined by breezeway but no closer than 15 feet between the vertical walls of each building; and,
 - b. oriented so that the doorways to the units face an internal area of open space that is no less than three (3) times the total square footage of the residential units combined.



2. Apartment Style Farm Worker Dormitory developments shall not exceed 128 total workers or 16 workers per acre in the A/RR, PM, RS, RCC, and RCC-R without Planning Commission approval through a Level 3 Review.
3. An Apartment Style Farm Worker Apartment Style Dormitory may not be located in A/RR PM, or RS, within ½ mile of another farm worker apartment style dormitory without Planning Commission approval through a Level 3 Review.
4. A visual buffer equal to a Type B buffer (see Section 720) shall be provided between the Apartment Style Farm Worker Apartment Style Dormitory project and adjacent residential properties and public roads unless within an active mature grove that has trees surrounding the compound at a height of 8 feet and a depth of 100 feet (±4 rows).



5. All access drives serving Apartment Style Farm Worker Apartment Style Dormitory developments shall be maintained with a stabilized base (0.10 structural layer coefficient), a minimum of 20 feet wide.
6. Apartment Style Farm Worker Apartment Style Dormitory developments shall be maintained in a neat, orderly and safe manner so as not to endanger or jeopardize the health, safety, or general welfare of on-site and adjacent residents in compliance with all applicable regulations.
7. Prior to final development approval, the applicant shall demonstrate that the project complies with all state licensing requirements for such use.
8. Apartment Style Farm Worker Dormitory developments shall be designed to include indoor recreational facilities (per unit or consolidated in a day room) for resident workers.
9. Apartment Style Farm Worker Dormitory developments shall be designed to include outdoor recreational facilities for resident workers unless within two (2) miles of a public park facility.
10. Apartment Style Farm Worker Dormitory developments of greater than 48 workers shall have management personnel available at the facility at all times while workers are in residence. A management plan addressing such issues as first aid and direct contact to the employer shall also be required.
11. Apartment Style Farm Worker Dormitory developments shall be located within two (2) miles of a grocery or general mercantile or required to provide management-sponsored transportation to a grocery or general mercantile a minimum of two visits on working days and two scheduled round trips on non-working days.

12. Apartment Style Farm Worker Dormitory developments shall provide two scheduled round trips on non-working day(s) to laundry facilities if laundry facilities are not provided on-site.
13. Residual use of the Apartment Style Farm Worker Dormitory developments shall require a new Level 2 Review to establish that the development meets the requirements of the new use and all local, state, and federal standards and permitting.
14. Notice shall be provided to all property owners within 500 feet of the property for which an Apartment Style Farmworker Housing Facility is proposed. At a minimum the notice shall include a description of the facility, its project number and the date of the scheduled DRC meeting. Such notice shall be mailed 10 days prior to the DRC meeting.
15. An applicant or any substantially affected interest may appeal a final decision made by the Development Review Committee. Appeals are to be made to the Board of County Commissioners by filing a notice of appeal with the Growth Management Department within ten working days of the DRC's decision. Notice of the Board's hearing shall be provided pursuant to section 960 of this Code.

Farm Worker Dormitory, Barrack Style (Revised 09/02/09 – Ord. 09-054; 01/30/03 - Ord. 03-14)

Farm workers may be housed in any residential land use district in conformance with the standards for residential development. This category sets forth the standards for barrack style dormitories.

1. Barracks Style Dormitory developments are conditional uses subject to Planning Commission approval through a Level 3 Review in A/RR, RCC-R, RS and PM.
2. Intensity of the facility shall be at the Planning Commission's discretion in A/RR, RCC-R, RS and PM; however, the maximum intensity of Barracks Style Farm Worker Dormitory housing shall not exceed the limits established in the Comprehensive Plan for intensity within the district. For purposes of measurement, the LDC considers six (6) workers to equal one dwelling unit equivalent unless the facility meets Apartment Style Farmworker Dormitory standards.
3. As part of its review in A/RR, RCC-R, RS and PM, the Planning Commission shall consider the other design features required for Apartment Style Farm Worker Dormitories as potential conditions of approval. Additional consideration shall be given to proximity to potential employment sites and worker access to goods and services.
4. In BPC-2 and IND farm worker housing is not to exceed an intensity of thirty-two (32) workers per acre or the limitations established by the Department of Health for water and wastewater usage, whichever allowed intensity is the lesser and permits for Migrant Labor Camp or Residential Migrant Housing are obtained.

Flea Market/Enclosed (Revised 08/20/13 – Ord. 13-039; 06/08/04 Ord. 03-94)

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. All merchandise must be items otherwise permitted to be sold in the district where the property is located.
2. Only merchandise ordinarily used outdoors after purchase (such as outdoor play equipment or landscaping materials) may be displayed outdoors. Such merchandise to be displayed outdoors shall comprise no more than 25 percent of the total merchandise sold on site.
3. Produce may be sold outdoors provided a temporary use permit pursuant to Section 207 is obtained.
4. Fire Marshal's Office review and approval is required prior to opening.

Flea Market/Open (Revised 08/20/13 – Ord. 13-039; 06/08/04 Ord. 03-94)

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. At a minimum, fifty percent of the required parking spaces may be grass or other pervious material. All other parking shall be paved.
2. At a minimum, a Type C buffer (see Section 720) shall be provided between a flea market and all abutting residential districts.
3. All access points shall have at a minimum 50 feet of road frontage and be located on an Urban collector, Rural Major collector, or Arterial roadway unless contained within a Planned Development with access to an Urban collector, Rural Major collector, or Arterial roadway.
4. No building, loading area, or outdoor storage shall be located closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts a residential district.
5. All permanent and temporary sales structures shall be at a minimum of 100 feet from any side lot line, and a minimum of 100 feet from the rear lot line.

Fly-in Communities

In addition to all applicable regulations the following standards shall apply:

1. In approving a fly-in community, the compatibility with surrounding uses shall be considered a primary criterion.

2. Runway protection zones, defined as those portions of the runway approaching zones in which the zone height is 50 feet or less above the runway end elevation. All runway protection zones shall be contained within the fly-in community property and designated on the subdivision plat. No portion of any runway protection zone may be included in any residential lot. Runway protection zones shall be free of all structures and trees.
3. Aircraft taxiway easements shall be designed so that they do not cross a street or easement designed for pedestrians, bicycles, or vehicles.
4. Where adjacent to the perimeter of the fly-in community property, airfield facilities shall be fenced to prevent access to the airfield from adjacent roads and properties.
5. Accessory uses such as runways, landing strips, taxiways, hangers, fueling facilities, or offices are permitted within a fly-in community.
6. Residential lots that contain an aircraft hanger shall be a minimum 20,000 square feet and be located abutting a runway, taxiway, or taxiway easement.
7. Structures lying within a radius around a runway equal to one half of the length of the runway, shall achieve a Sound Level Reduction (SLR) of 25 decibels, exterior to interior (refer to Appendix 4 of the Polk County Airport Zoning Regulations, as amended, for recommended construction methods and materials lists). The noise zone area around the runway shall be designated on the subdivision plat.
8. Fly-in communities include airports that serve a residential community in which they are established and do not require an additional conditional use approval for an Airport, but shall comply with the conditions of Airports in Section 303.

Forestry, Specialized Operation

Forestry, specialized operations shall comply with all applicable standards and all of the following conditions:

1. Specialized forestry operation facilities shall be at a minimum of 100 feet from any lot line, and a minimum of 50 feet from the rear lot line.
2. Specialized forestry operations shall be adjoining the right-of-way of an arterial, paved collector, or paved County maintained local road meeting or exceeding adopted Level-of-Service standards. Collector or local roads shall be linked to an arterial road by a paved road meeting County standards.
3. Operations shall at minimum buffer adjacent residential properties with at least one canopy tree every 30 feet on center and placed within the required setbacks. Maintenance of each tree shall be done at the property owner's expense.

4. Hours of operation shall be limited on a case by case basis.
5. The storage of all raw materials shall not exceed the height restriction from table 2.2.

Funeral Home and Related Facilities (Revised 06/08/04 Ord. 03-94)

In addition to all applicable regulations the following standards shall apply:

1. At a minimum, a buffer equal to a Type B buffer (see Section 720) shall be provided between a funeral home and all abutting residential districts.
2. All access points shall have at a minimum 50 feet of road frontage and be located at an Urban Collector or Rural Major collector road meeting County standards.
3. There shall be no outdoor storage or displays of products, such as monuments, or building materials.
4. No building shall be located closer than 45 feet to any street line or closer than 40 feet to any lot which abuts residential district.
5. No off-street parking or loading space shall be located closer than 25 feet to any lot line which abuts a residential district.

Gas Stations and all Gasoline Sales (Revised 4/19/16 – Ord. 66-22)

In addition to all applicable regulations, the following standards shall apply:

1. A minimum of 30 feet of stacking lane is required between a curb cut and the nearest gasoline pump.
2. Gasoline pump islands and canopy supports shall be set back from the edge of the road right-of-way (R/W) or the road centerline (C/L), whichever results in the greater distance from the property line, based on the following table:

| Highway/Road Classification | Setback from R/W | Setback from C/L |
|-----------------------------|------------------|------------------|
| Principal Arterial | 25 feet | 85 feet |
| Minor Arterial | 25 feet | 85 feet |
| Urban Collector | 25 feet | 55 feet |
| Rural Major Collector | 25 feet | 55 feet |
| Rural Minor Collector | 25 feet | 55 feet |
| Local | 25 feet | 55 feet |

3. Interior side and interior rear setbacks shall be the same as required for the principal building. No part of any canopy may extend into the right-of-way.

4. Gasoline sales adjacent to residential property shall be limited to six pumps and five outdoor speakers.
5. Gas stations in INST-1 and INST-2 shall not be permitted to have retail or restaurant uses.

Golf Course (Added 12/02/12 – Ord. 12-030)

Golf Courses as defined in Chapter 10 shall comply with all applicable standards and all of the following conditions:

1. Lighted driving ranges shall be located d farthest from abutting residential areas.
2. Clubhouses shall be located farthest from off site residences, but may be close or abut roadways.
3. Additional recreation facilities shall meet the district requirements for the use as listed in Table 2.1 or respective tables in Chapter 4 for special districts.
4. Golf Courses located in the Green Swamp Area of Critical State Concern shall meet the requirements of POLICY 2.132-E16 of the Comprehensive Plan and Section 501.I of the Land Development Code,

Governmental Facility (Revised 03/19/08 – Ord. 08-005; 06/08/04 Ord. 03-94)

In addition to the applicable district regulations these requirements apply to all new development:

1. At a minimum, a visual buffer equal to a Type B buffer (see Section 720) shall be provided between the facility and adjacent residential properties and public roads.
2. All access points shall have at a minimum 50 feet of road frontage and be located on a local commercial or collector road meeting County standards.
3. All structures in residential districts shall be constructed in character with the adjacent neighborhood.
4. All structures in residential districts shall limit any on-site lighting in character with adjacent neighborhoods.

Group Home, Small (6 Residents or less) (Rev. 12/01/09 – Ord. 09-073)

The following shall apply to Group Home, Small containing six (6) residents or less

1. There shall be no exterior alterations which change the residential character of the structure.

2. A Small Group Home shall not be located within 1,000 feet of another Small Group Home. The distances shall be measured at the closest points from property line to property line.
3. Small Group Homes shall be permitted one non illuminated sign mounted flush to the dwelling unit and not more than two square feet in area shall be allowed.
4. Such homes, when required, shall be licensed by either the Department of Children and Families, Department of Elderly Affairs, Department of Juvenile Justice, Agency for Health Care Administration, Agency for Persons with Disabilities or other applicable state agency, department or division.

Group Home, Large (7-14 Residents) (Rev. 12/01/09 – Ord. 09-073)

The following shall apply to Group Home, Large containing 7-14 residents:

1. There shall be no exterior alterations which change the residential character of the structure. This provision does not apply to structures being utilized as a Large Group Home in the INST-1 and INST-2 land use districts.
2. Large Group Homes shall comply with the applicable separation distances as outlined in the Florida Statutes for each respective use. The distances shall be measured at the closest points from property line to property line.
3. Large Group Homes shall be permitted one non illuminated sign mounted flush to the dwelling unit and not more than two square feet in area shall be allowed.
4. The applicant for a Large Group Home shall clearly demonstrate that adequate forms of transportation are available to the residents of the facility (such as nearby public transit or a private transit system provided on site) as well as accommodations on site to support the travel of persons involved in providing services to the individuals residing on the premises (such as vehicle parking that does not change the residential appearance of the site).
5. The applicant for a Large Group Home shall demonstrate that the dwelling is of adequate size and design to support the needs of the residents interned in the home. This shall include, but is not limited to, sleeping quarters, kitchen facilities, handicapped accessibility, and communal spaces.
6. Such homes, when required, shall be licensed by either the Department of Children and Families, Department of Elderly Affairs, Department of Juvenile Justice, Agency for Health Care Administration, Agency for Persons with Disabilities or other applicable state agency, department or division.

Group Living Facility (15 or more Residents) (Rev. 12/01/09 – Ord. 09-073)

The following shall apply to Group Living Facilities consisting of 15 or more residents:

1. Group Living Facilities shall be designed and built to a comparable scale and intensity as surrounding residential structures, or shall provide additional setbacks and increased buffering to mitigate dissimilar scales.
2. Group Living Facilities shall have direct access to a collector or arterial roadway.
3. All facilities, including parking, shall be at a minimum of 25 feet from any side or rear lot line.
4. Group Living Facilities shall comply with the applicable separation distances as outlined in the Florida Statutes for each respective use. The distances shall be measured at the closest points from property line to property line.
5. Where Group Living Facilities are developed in residential land use categories, the development density shall be comparable to the future land use density. To derive a comparable density, apply a ratio of 2.5 beds equals one dwelling unit. For Example, RL is five dwelling units per acre, this equates to 12.5 beds per acre. A four (4) acre parcel can accommodate a fifty (50) bed group living facility. These facilities shall require appropriate setbacks and buffering to mitigate dissimilar scales and to ensure compatibility to adjacent residential development per this Code and Policy 2.204-B2 of the Comprehensive Plan.
6. Where Group Living Facilities are developed in non-residential land use categories, the density shall be similar to RH (maximum 15 units per acre/ 37.5 beds per acre).
7. The applicant for a Group Living Facility shall clearly demonstrate that adequate forms of transportation are available to the residents of the facility (such as nearby public transit or a private transit system provided on site) as well as accommodations on site to support the travel of persons involved in providing services to the individuals residing on the premises and visitors to the facility (such as vehicle parking that does not change the residential appearance of the site).
8. A Group Living Facility, which is co-located within a Nursing Home, shall be permitted as an ancillary and accessory use to the Nursing Home.
9. Such facilities, when required, shall be licensed by either the Department of Children and Families, Department of Elderly Affairs, Department of Juvenile Justice, Agency for Health Care Administration, Agency for Persons with Disabilities or other applicable state agency, department or division.

Hazardous Waste Transfer/Storage

This Section is intended to balance the need for commercial facilities to store hazardous wastes regulated by the Resource Conservation and Recovery Act (RCRA) against the need to protect the health, safety and welfare of the citizens and the environment of Polk County. It is not the purpose or intent of this Section to duplicate state regulations governing the operation and performance of transferring hazardous waste.

1. In addition to the applicable district regulations in Table 2.2, the following standards shall apply:
 - a. A minimum parcel size equal to 200 percent of the size of the proposed development envelope or five acres, whichever is greater, shall be provided for adequate setbacks, to avoid flood prone areas, and to allow proper stormwater management, building separation, internal buffers, and ingress/egress design.
 - b. The primary ingress/egress points of the facility shall be designed to create vehicular or rail access according to generally accepted engineering standards and practices.
 - c. All sites shall have at a minimum two paved entrance roads to the facility to ensure adequate emergency ingress/egress access.
2. Prior to development approval, an applicant shall demonstrate, via a determination by the Florida Department of Environmental Protection (DEP) Florida Capacity Assurance Plan or other appropriate submittals to the Federal Environmental Protection Agency (EPA), that sufficient commercial capacity does not exist within Florida for the types of hazardous waste transfer/storage proposed by the facility.

Hazardous Waste Treatment Facilities

This Section is intended to balance the need for commercial facilities to treat hazardous wastes regulated by the Resource Conservation and Recovery Act (RCRA) against the need to protect the health, safety and welfare of the citizens and the environment of Polk County. It is not the purpose and intent of this Section to duplicate state regulations governing the operation and performance of hazardous waste treatment facilities, but to provide for appropriate local siting requirements which take into account site suitability, land use compatibility, and adequate infrastructure. These standards apply to the siting, development, or expansion of hazardous waste treatment facilities.

1. Polk County shall prohibit the siting, development, or expansion of hazardous waste treatment facilities in the following locations:
 - a. Within 1,000 feet of surface waters of the State of Florida;

- b. Within 2,500 feet of an Outstanding Florida Water; Class I Waters of the State; lands acquired under the Save Our Rivers/Save Our Lakes, Conservation and Recreation, and Environmentally Endangered Lands Programs; areas designated as Recreation/Open Space and Conservation land in the Polk County Comprehensive Plan; and areas designated as Critical Wildlife Areas as provided for by Chapter 39-1, F.A.C.;
- c. Within one mile of a platted residential subdivision, hospital or school;
- d. Within five miles of an incorporated municipality;
- e. Within one mile of a potable or livestock water supply well. This does not pertain to development or use of on-site wells to support the treatment process or supply potable water, nor to off-site wells which the applicant elects to purchase and either use for its own purposes or properly abandon in accordance with applicable water management district regulations;
- f. Within the 100-year floodplain as defined by the Federal Emergency Management Agency (FEMA). Applicants shall be allowed to petition FEMA to revise the Flood Insurance Rate Maps and if a revision is granted and the 100-year floodplain is revised before issuance of a final permit, development will not be prohibited on that basis;
- g. On wetlands as defined by the Florida Department of Environmental Protection, the applicable Water Management District or the US Army Corps of Engineers, unless the applicant obtains a permit or variance, or is allowed to mitigate the wetlands, in accordance with the rules and regulations of each of the referenced agencies;
- h. On land where the recharge rate to the Floridan Aquifer exceeds four inches per year as determined by the applicable Water Management District;
- i. On land where the surface is less than two feet above the seasonal high groundwater level. Applicants shall be allowed to mitigate this criterion by supplying plans to import low permeability fill materials;
- j. On land where the soil percolation rate exceeds 20 inches per hour as determined by percolation test methods (ASTM Method D3385-75) performed on a site specific basis;
- k. On land where the Floridan Aquifer is present at depths of less than 50 feet below the surface of the land;
- l. Where the distance to an interstate highway or arterial road exceeds five road miles;

- m. On, or at the end of, a dead end road, or where there exists less than two paved access routes to/from residential properties within a one mile radius of the proposed site;
- n. Within non-attainment areas for particulate matter or ozone;
- o. Within five miles of PSD Class I areas, as designated by the Florida Department of Environmental Protection in 17-2.440 F.A.C.;
- p. Within 1,500 feet of lands containing endangered species listed by the US Fish and Wildlife Service or Florida Fish and Wildlife Conservation Commission where it is determined by that agency that the impact on the endangered species cannot be satisfactorily mitigated or where the permanent loss of critical habitat occurs;
- q. On lands possessing a known site of historical significance or a unique finding of archeological significance without having first mitigated the site to the satisfaction of the State Historical Preservation Officer;
- r. Where the Board of County Commissioners determines that the proposed use is inconsistent or incompatible with existing or planned contiguous land uses;
- s. Where more than 100 dwelling units exist within a one mile radius of the proposed site;
- t. Where the primary ingress/egress is to roadways with an existing or projected, upon build-out of all other approved developments, Level-of-Service "C" or lower as defined by the Florida Department of Transportation. Applicants shall be permitted to fund transportation improvements prior to operation of a proposed facility to mitigate this criterion;
- u. On land which will not be accessible by rail at the time of completion of construction of the facility;
- v. Where proposed ingress/egress points are located within one mile of an intersection, rail crossing, or stretch of roadway which ranks in the top 15 percentile of County accident frequency as measured by the number of annual accidents divided by the average daily vehicle traffic counts. Applicants shall be permitted to fund transportation improvements prior to the operation of the proposed facility to mitigate this criterion. However, if the facility is located such that there are no intersections of arterial or collector roads within one mile of the site, then this criteria shall apply to the closest intersections in each direction, proposed as primary transport routes to and from the facility;

- w. In areas where there are known sinkholes or where sinkhole probability is high; and
 - x. In the Green Swamp Area of Critical State Concern (GSACSC).
2. In addition to the applicable district regulations in Table 2.2, the following standards shall apply:
 - a. A minimum parcel size equal to 200 percent of the size of the proposed development envelope is required to provide for adequate setbacks, to avoid flood prone areas, and to allow proper stormwater management, building separation, internal buffers, and ingress/egress design.
 - b. The primary ingress/egress points of the facility shall be designed so as not to create vehicular or rail access safety hazards according to generally accepted engineering standards and practices. There shall be more than one paved entrance to the facility to ensure adequate emergency ingress/egress.
 3. No disposal of hazardous waste shall be permitted on the site.
 4. Prior to development approval, an applicant shall demonstrate, via a determination by the Florida Department of Environmental Protection (DEP) Florida Capacity Assurance Plan or other appropriate submittals to the Federal Environmental Protection Agency, that sufficient commercial capacity does not exist within Florida for the types of hazardous waste treatment proposed by the facility.

Heavy Machinery Equipment Sales and Service (Revised 09/02/09 – Ord. 09-055):

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. A buffer, at a minimum, equal to a Type C buffer (see Section 720) shall be provided between the equipment repair facility and all abutting residential districts. In addition to the Type C buffer, an opaque fence with a minimum height of eight feet shall be installed for the extent of the area being defined as the area for the outdoor storage and/or display.
2. All equipment repair shall be conducted within an enclosed structure.
3. No activity shall be conducted that produces noise, odors, dust, fumes, fire hazard, or other nuisance beyond the property lines.
4. Heavy Machinery Equipment Sales and Services establishments located within the PM Future Land Use District shall be related to the mining and processing of phosphate pursuant to Section 2.114 of the Comprehensive Plan.

5. When abutting a residential district or use, all equipment display and/or storage shall be at a minimum of 50 feet from the residential district or the residential property line.
6. No site shall be permitted to access a local road except for a local commercial road.
7. Heavy Machinery Equipment Sales and Services shall be prohibited on sites less than 21,780 square feet (1/2 acre) in size.
8. Equipment storage and display areas may be left unpaved provided they are surfaced and maintained to provide a durable, dust-free surface and provided adequate drainage facilities for disposal of all collected surface water. Surfacing materials may include, but are not limited to, pavement, gravel, lime rock, or pervious paving materials. Paved drive aisles shall be provided for internal circulation from the parking areas to public or private roadways.

Heliports and Helistops (Revised 01/03/05 - Ord. 04-80)

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. The edge of the primary surface shall not be closer than 100 feet from any adjacent residentially designated property.
2. No structures shall be located within the approach/departure corridor within an 8:1 slope (rise/run) from the primary surface to the principal structure setback line of adjoining properties.
3. An approach/departure corridor shall not contain any uses that could escalate an accident to major proportions. This includes, but shall not be limited to, schools, Religious Institutions, retail stores, lodging facilities, amusement and recreation facilities, hospitals and related health services, nor any use that involves the storage, distribution, or manufacturing of flammable, explosive, toxic or other hazardous materials.
4. In addition to the submittal requirements of Section 906 for a Level 3 Review, the following items shall be submitted with an application for a helistop or heliport:
 - a. The type, class, and subclass of the helistop or heliport proposed to be established;
 - b. A map showing the location of the proposed helistop or heliport, the proposed Primary surface, and the proposed approach/departure corridor;
 - c. A written statement by the applicant justifying the request, including the estimated number of monthly helicopter take-offs/landings to be conducted at the site; and

- d. Written documentation by the applicant that demonstrates how the proposed helistop or heliport complies with applicable FDOT and FAA standards and requirements.

Hotel/Motel

In addition to the applicable district regulations in Table 2.2, the following standards shall apply.

1. All hotels/motels shall support the surrounding facilities.
2. All structures shall not exceed fifteen percent of the existing BPC or IND land use.
3. All structures shall connect to water and sewer facilities.

Institutional Campground (Revised 01/03/05 - Ord. 04-80)

In addition to the applicable district regulations these requirements apply to all new development:

1. At a minimum, a visual buffer equal to a Type B buffer (see Section 720) shall be provided between the facility and adjacent residential properties and public roads.
2. The proposed parking facilities shall be setback at least 25 feet from adjacent residential property.
3. Off-street parking areas shall be surfaced and maintained to provide a durable, dust free surface and shall provide adequate drainage facilities for disposal of all collected surface water. Surfacing materials may include pavement, gravel, wood chips, pervious paving materials, or grass.
4. All activity shall be limited to operation from 6:00 a.m. to 10:00 p.m.
5. No activity shall be conducted that produces noise, odors, dust, fumes, fire hazard, or other nuisance beyond the property boundaries.
6. Any proposal for a religious institution in a location that will render a legal use nonconforming shall require a Level 3 Review.

Kennels, Boarding and Breeding (Revised 01/30/03 - Ord. 03-14)

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. All new structures shall be a minimum of 50 feet from any side or rear property boundary line.
2. At a minimum, a visual buffer equal to a Type C buffer (see Section 720) shall be provided between all new facilities and adjacent residential properties and public roads.

3. All kennel sites shall be, at a minimum, 40,000 square feet (0.92 acres).
4. All dogs more than four months of age shall be kept in pens designed and maintained for secure confinement. All sanitary facilities shall be approved by the health department. Kennels shall minimize adverse noise or odor impacts detectable off-site. Such features shall be noted on the site plan.

Lime Stabilization Facility (Revised 12/6/11 – Ord. 11-32)

All Lime Stabilization Facilities shall comply with all applicable standards and all of the following conditions:

1. All pumping, screening, and open air contact with the septic tank contents onsite shall be setback a minimum of 50 feet from all property lines. With the use of an odor screen or walled enclosures this setback may be reduced to 25 feet. The Planning Commission may waive or modify any of these setback requirements via a Level 3 Review application.
2. All proposed lime stabilization facilities shall provide a minimum 400 foot setback from adjacent and active (within the last 18 months) cropland with fresh produce or vegetables. In lieu of the stated setback, an applicant may:
 - a. Implement appropriate mitigation measures, e.g., tarping systems, physical barriers, fences, berms or ditches, to prevent potential impacts; or
 - b. Obtain a letter from current adjacent property owner(s) for the site of the active (within the last 18 months) cropland consenting to a reduction or waiver of the setback requirement. Proof of notification and consent must be provided to the Land Development Division.

An applicant shall provide written notification to the adjacent property owner(s) of any proposed mitigation measures. Proof of notification must be provided to the Land Development Division. Any reduction in this setback shall not supersede the setback requirements as set forth in Condition #1 above.

3. A minimum Type “B” Buffer, per Section 720 of this Code, shall be required along all interior property lines in HIC, BPC-2, and INST-2 districts.
4. A minimum Type “C” buffer, per Section 720 of this Code, shall be required along all interior property lines in A/RR, RS, and PM districts. If the site is within 500 feet of a platted residential subdivision or existing residential uses, a minimum six foot high opaque fence in accordance with Section 720 of this Code shall be incorporated into the Type “C” Buffer.
5. The parking or storage of one commercial vehicle onsite in A/RR, and RS shall be in accordance with Section 216 of the LDC. Properties of any size in the RS districts

will require Board of Adjustment (BOA) approval for the parking of a commercial vehicle overnight. Properties above five (5) acres in the A/RR districts are permitted to park one commercial vehicle overnight.

6. The business operations on a site located in the A/RR or RS districts shall meet the requirements of Section 206.E, Home Occupations.
7. Lime stabilization facilities shall not be permitted to impact wetlands in any instance and shall not be located in the floodplain in any instance.
8. There shall be no treatment/stabilization of industrial waste or hazardous waste.
9. Lime stabilization facilities with an existing Health Department permit in the Residential Low-1 (RL-1) land use district (including the RL-1X land use district), shall have until December 31, 2011, to apply for approval of a lime stabilization facility in accordance with this section subject to a Level 3 Review approval. After December 31, 2011, new lime stabilization facilities shall not be allowed within the RL-1 land use district.

Livestock Sale/Auction (Revised 01/30/03 - Ord. 03-14)

In addition to the applicable district regulations all new livestock sales and auctions shall require a Level 2 Review (refer to Section 905). Applications shall include the following:

1. At a minimum, a visual buffer equal to a Type C buffer (see Section 720) shall be provided between all new facilities and adjacent residential properties and public roads.
2. All access points shall have, at a minimum, 50 feet of road frontage and be located on, at a minimum, a collector road or higher facility.
3. No activities associated with this use shall be conducted within 100 feet of an adjacent residential property boundary.
4. No outdoor public address systems or speakers shall be used within 200 feet of any residential property line.

Lodges and Retreats, Private

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. A minimum 20 acres is required.
2. All access points shall be on a paved road.
3. No outdoor public address systems or speakers shall be used within 500 feet of any residential property line.

Manufacturing, Explosives/Volatile Material

This Section is intended to balance the need for manufacturing facilities for explosives and volatile materials against the need to protect the health, safety and welfare of the citizens and the environment of Polk County. It is not the purpose or intent of this Section to duplicate state regulations governing the operation and performance of facilities that handle explosive or volatile materials, but to provide for appropriate local siting requirements which take into account site suitability, land use compatibility, and adequate infrastructure. These standards apply to the siting, development, or expansion of explosive or volatile material manufacturing facilities.

1. Polk County shall prohibit the siting, development, or expansion of the manufacturing of explosive/volatile materials in the following locations:
 - a. Within 1,000 feet of surface waters of the State of Florida;
 - b. Within 2,500 feet of an Outstanding Florida Water; Class I Waters of the State; lands acquired under the Save Our Rivers/Save Our Lakes, Conservation and Recreation, and Environmentally Endangered Lands Programs; areas designated as Recreation/Open Space and Conservation land in the Polk County Comprehensive Plan; and areas designated as Critical Wildlife Areas as provided for by Chapter 39-1, F.A.C.;
 - c. Within one mile of a platted residential subdivision, hospital or school;
 - d. Within five miles of an incorporated municipality;
 - e. Within one mile of a potable or livestock water supply well. This does not pertain to development or use of on-site wells to support the treatment process or supply potable water, nor to off-site wells which the applicant elects to purchase and either use for its own purposes or properly abandon in accordance with applicable water management district regulations;
 - f. Within the 100-year floodplain as defined by the Federal Emergency Management Agency (FEMA). Applicants shall be allowed to petition FEMA to revise the Flood Insurance Rate Maps and if a revision is granted and the 100-year floodplain is revised before issuance of a final permit, development will not be prohibited on that basis;
 - g. On wetlands as defined by the Florida Department of Environmental Protection, the applicable Water Management District or the US Army Corps of Engineers, unless the applicant obtains a permit or variance, or is allowed to mitigate the wetlands, in accordance with the rules and regulations of each of the referenced agencies;
 - h. On land where the recharge rate to the Floridan Aquifer exceeds four inches per year as determined by the applicable Water Management District;

- i. On land where the surface is less than two feet above the seasonal high groundwater level. Applicants shall be allowed to mitigate this criterion by supplying plans to import low permeability fill materials;
- j. On land where the soil percolation rate exceeds 20 inches per hour as determined by percolation test methods (ASTM Method D3385-75) performed on a site-specific basis;
- k. On land where the Floridan Aquifer is present at depths of less than 50 feet below the surface of the land;
- l. Where the distance to an interstate highway or arterial road exceeds five road miles;
- m. On, or at the end of, a dead end road, or where there exists less than two paved access routes to/from residential properties within a one mile radius of the proposed site;
- n. Within non-attainment areas for particulate matter or ozone;
- o. Within five miles of PSD Class I areas, as designated by the Florida Department of Environmental Protection in 17-2.440 F.A.C.;
- p. Within 1,500 feet of lands containing endangered species listed by the US Fish and Wildlife Service or Florida Fish and Wildlife Conservation Commission where it is determined by that agency that the impact on the endangered species cannot be satisfactorily mitigated or where the permanent loss of critical habitat occurs;
- q. On lands possessing a known site of historical significance or a unique finding of archeological significance without having first mitigated the site to the satisfaction of the State Historical Preservation Officer;
- r. Where the Board of County Commissioners determines that the proposed use is inconsistent or incompatible with existing or planned contiguous land uses;
- s. Where more than 100 dwelling units exist within a one mile radius of the proposed site;
- t. Where the primary ingress/egress is to roadways with an existing or projected, upon build-out of all other approved developments, Level-of-Service "C" or lower as defined by the Florida Department of Transportation. Applicants shall be permitted to fund transportation improvements prior to operation of a proposed facility to mitigate this criterion;

- u. On land which will not be accessible by rail at the time of completion of construction of the facility;
- v. Where proposed ingress/egress points are located within one mile of an intersection, rail crossing, or stretch of roadway which ranks in the top 15 percentile of County accident frequency as measured by the number of annual accidents divided by the average daily vehicle traffic counts. Applicants shall be permitted to fund transportation improvements prior to the operation of the proposed facility to mitigate this criterion. However, if the facility is located such that there are no intersections of arterial or collector roads within one mile of the site, then this criteria shall apply to the closest intersections in each direction, proposed as primary transport routes to and from the facility;
- w. In areas where there are known sinkholes or where sinkhole probability is high; and
- x. In the Green Swamp Area of Critical State Concern (GSACSC).

Manufacturing, General (Revised 06/08/04 Ord. 03-94)

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. A buffer equal to a Type C buffer (see Section 720) shall be provided between a manufacturing facility and all abutting residential districts.
2. All access points shall have at a minimum 50 feet of road frontage and be located at a minimum on an Urban collector or Rural Major collector road or better unless contained within a planned industrial park with access to an Urban collector or Rural Major collector road or better.

Manufacturing, Light

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. A buffer equal to a Type C buffer (see Section 720) shall be provided between a manufacturing facility and all abutting residential districts.
2. All access points shall have at a minimum 50 feet of road frontage and be located at a minimum on an Urban collector or Rural Major collector road or better unless contained within a planned industrial park with access to an Urban collector or Rural Major collector road or better.
3. There shall be no external activity beyond loading and unloading of materials. All manufacturing shall be conducted within an enclosed structure.
4. All outdoor storage shall be screened from off-site view.

5. No activity shall be conducted that produces noise, odors, dust, fumes, fire hazard, or other nuisance beyond the property lines.

Manufacturing, Soil

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. Site must be a minimum of 100 acres in size;
2. At the time of initial application, a site must meet minimum distance requirements. No new facility shall be constructed in closer proximity to specified land uses or designated areas than the minimum distances as follows:
 - a. Within one-half mile of lands which are in residential use at a density in excess of two (2) units per acre;
 - b. Within one-half mile of a school or hospital;
 - c. Within 200 feet of any natural body of water; and
 - d. Within 1500 feet of any wellhead supplying a public water system of a public or private utility company.
3. There shall be a minimum setback from residential districts of 300 feet or greater for all areas where unfinished material are processed or stored;
4. Facility must be able to sequester all processed liquids on site either with a liner or other physical barrier;
5. The applicant shall submit a Facility Operation Plan that includes the following information:
 - a. General explanation of the types of wastes to be received;
 - b. Identification of the general sources of the waste to be received;
 - c. Regulatory permits required to operate all phases of the proposed facility;
 - d. Vehicle circulation on and off site;
 - e. Method(s) for mitigation of all odor, dust, and noise anticipated to be generated by the facility to include:
 - i. best management practices to address potential odor sources;
 - ii. the monitoring of odors at the project perimeter;

- iii. the identification of potential off-site odor receptors; and
 - iv. a response protocol for complaints and the resolution of substantiated complaints;
- f. Description of the treatment process(s) in map as well as narrative form;
 - g. Description and mitigation plan to address the facility’s interaction with all environmentally sensitive areas (flood hazard areas, wetlands, groundwater, etc.), any structures and the safety of residents”; and
 - h. Identification of the facility operator.
- 6. If the project is the substantiated source of objectionable off-site odors, the operator shall immediately take steps to resolve the odor event or curtail operations until the necessary course of action has been identified and implemented.
 - 7. Modifications to the Facility Operation Plan shall be considered a major modification requiring Level 4 approval subject to Section 907.

Marina (Revised 10/02/12 – Ord. 12-030)

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

- 1. All facilities shall be at a minimum of 15 feet from any side lot line, and a minimum of ten (10) feet from the rear lot line.
- 2. All facilities shall be adjoining the right-of-way of an arterial, paved collector, or paved County maintained local road meeting or exceeding adopted Level-of-Service standards (collector or local roads must be linked to an arterial road by a paved road meeting County standards).
- 3. All facilities shall provide a minimum Type A buffer (see Section 720) between all adjacent residential properties.
- 4. No repair, or outdoor storage of parts and equipment, shall be allowed in the front yard setback. All repairs and storage shall be screened from all adjacent properties with a minimum Type C buffer (see Section 720).
- 5. Use of a water body for competition, commercial entertainment, or instruction with motorized vehicles, such as boat tours, water-ski shows, or racing, shall require a minimum Level 3 Review if more than 50% of the water body shoreline abuts a residential district (A/RR is not considered a residential district).

Mining, Non-Phosphate (Revised 5/21/13 0 Ord. 13-018; 2/21/12 – Ord. 12-008; 5/20/09 – Ord. 09-023; 10/23/02 - Ord. 02-68; 7/29/02 - Ord. 02-52)

1. The following activities and uses shall be exempt from the conditions outlined in this Section:
 - a. Land regulated under the Polk County Ordinance 88-19, regulating Phosphate Mining;
 - b. Excavations for bona fide agricultural purposes, including aquiculture, where the overburden/excavated material is not taken off-site;
 - c. Land excavations not defined as a mining activity (see definitions, Chapter 10), including excavation of a temporary nature such as for graves, septic tanks, swimming pools, or installation of distribution or transmission lines for electric, fuels, natural gas, water, sewer, telephone, cable or other utilities in public rights-of-way or utility easements. All other necessary permits or authorizations shall be obtained;
 - d. Land excavations, other than borrow pits, by authorized units and agencies of government for roadway improvements, surface water management or mosquito control ditches and canals. This provision does not exempt such activities from any other County development regulations;
 - e. Excavations for the sole purpose of surface water management, as approved by Polk County; and
 - f. Mining excavation operations which will extract less than five acre/feet or 8,000 cubic yards of resource over the life of the mine. This exemption shall not apply to any mine site within 1,000 feet of another mine under the same ownership which has been granted an exemption under this provision.
2. The following mining operations shall be permitted upon issuance of an Operating Permit for a mine site:
 - a. The clearing of land or stripping and stockpiling of overburden necessary to reach a commercial deposit;
 - b. Extraction of a commercial deposit;
 - c. Washing, grading, and stock piling of a commercial deposit;
 - d. Diking, channel digging, pumping and production of drainage systems necessary to store, utilize, circulate, and control surface water;

- e. Accessory uses such as washing, storage, drying, grinding and shipping of mined materials, and all other subordinate accessory activities reasonably related to the mining process; and
 - f. Hauling of materials off-site.
3. The Polk County Codes Enforcement Division shall be responsible for inspecting the mine site annually for consistency with the approved Mine Plan. Inspection of the mined area reclamation is the responsibility of the Department of Environmental Protection as per Chapters 62C-36 and 62C-39, F.A.C. Compliance with Polk County's minimum reclamation standards found in this Section shall be demonstrated through the annual mine reports. This Section shall not limit the authority of the BoCC or any County agency to enforce or monitor compliance with other applicable statutes, ordinances, resolutions, regulations or permit conditions.
4. Prior to the start of a mining operation, the mine operator must apply for and receive:
- a. Approval of a Mine Plan pursuant to the application and submittal requirements of this Code. The Mine Plan will undergo a Level 3 Review, pursuant to Section 906 or a Level 4 Review pursuant to Section 907; and,
 - b. An Operating Permit Issued after the applicant receives approval by the Development Review Committee (DRC) of a final development plan.
5. A mine plan shall be approved by the Planning Commission or Board of County Commissioners depending on the level of review. The approved Mine Plan shall consist of three elements: an Operations Plan, a Reclamation Plan, and a Post Closure Plan. These plans shall be binding and sealed by a professional engineer or a professional geologist. In addition to the requirements listed in Section 906 or 907, depending on the level of review, an application for a Mine Operational Plan approval shall include the following information:
- a. Address and phone number of landowner and copies of proof of ownership;
 - b. Name, address, and phone number of mine operator and applicant if not the landowner;
 - c. Total acreage for each of the following:
 - i. The proposed mine,
 - ii. Anticipated pits,
 - iii. Waste storage areas,

- iv. Any lakes or water bodies existing or proposed, and
- v. Wetlands;
- d. A proposed schedule showing when mining will be finished, reclamation activities will commence, and the estimated life of the mine is to be issued to the County for review;
- e. Ownership of all property contiguous to and within 400 feet of the proposed mine site;
- f. Type of utilities on site, if any; dimensions and location of all existing and proposed buildings, parking, loading, fencing, berms, or other structures;
- g. The proposed days and hours of operation;
- h. Existing use of lands proposed to be mined and existing use of all contiguous lands;
- i. The average annual acreage expected to be mined;
- j. The proposed form of transportation of materials being mined;
- k. A plan view map, on aerial photograph of scale 1" = 400' or most recent County aerial photograph, showing the site;
- l. A topographic map showing the mine site;
- m. A map showing all flood hazard areas as depicted in the corresponding FEMA flood maps and any watercourse located within the mine site. For any mining activity that is to occur within a flood hazard area, or within 100 feet of a water course, provisions of Section 630, Flood Hazard Management and Floodplain Protection, shall apply;
- n. A Traffic Circulation Plan which will estimate current and project generated daily and peak hour traffic volume and direction, to the nearest arterial. This Plan shall include:
 - i. An outline of any new/proposed frontage or other road facilities or road improvements, and
 - ii. Expected impact on the Level-of-Service for County maintained roads;
- o. A stormwater management plan for the mine site, unless otherwise exempted, with measures to be taken to control stormwater. This shall include any measures to be taken for the detention, retention, or infiltration of water for

protection of water quality. The plan shall address each of the elements of the Stormwater Pollution Prevention Plan (SWP3) required by EPA for compliance with the National Pollution Discharge Elimination System (NPDES) permit, including the following:

- i. A description and location map of all watercourses, water bodies, and wetlands (wetlands as defined in Section 620), into which stormwater flows on and adjacent to the mine site;
 - ii. A statement describing and comparing the pre- and post-development environmental and hydrologic conditions of the site and adjacent areas, including:
 - (a) The direction, flow rate, volume, and quality of stormwater that will be conveyed from the site, and
 - (b) Impact to waters and wetlands;
 - iii. A plan for the control of erosion and sedimentation which describes in detail the type and location of control measures and provisions for their maintenance;
 - iv. A statement regarding the depth of operation with an indication that no sand mining shall occur below the confining layer of the aquifer;
 - p. For dry mining operations, a description of how and to what extent airborne particulates will be minimized during site preparation, during the mining operations and during reclamation activity. The plan shall also assess the need for more stringent management of airborne pollutants during times of drought/low rainfall;
 - q. A soils map for the mine site and for that property which is contiguous to the mine property, within 400 feet of the mine perimeter. Measures to control soil erosion in all phases of the mining operation, including site preparation, shall be provided;
 - r. Any existing or proposed locations of stored hazardous/toxic materials, chemicals or wastes; and
 - s. For limerock mining operations, estimates of the vibration and noise (dB(A)) levels at the property boundaries of the proposed mine site shall be provided.
6. A Reclamation Plan for the mine site shall contain the following information:
- a. A schedule of reclamation based on the proposed mine plan;
 - b. A description of the final product of reclamation including:

- i. The proposed landscape (type of plantings, scientific or common name of proposed plant species, planted and maturation height for all species proposed, number and location of plantings), including topographic features,
 - ii. Man-made structures, facilities or equipment to be left on site,
 - iii. The materials to be used to accomplish the reclamation including the type of soil proposed to be used for fill or final cover,
 - iv. The extent and location of on-site waste disposal, including locations of any junk, debris, cables or other structural or chemical items disposed of on-site. Plans shall reflect secondary containment for such chemicals, and
 - v. At least one cross section, depending on the size of the area to be mined and what is needed to accurately show reclamation activity showing areas to be filled, backfilled, or re-contoured. Estimated water elevation and depth shall be given for any surface water body proposed in the reclamation plan;
 - c. Documentation of methods to be used to control erosion both during and after reclamation;
 - d. Site plan maps, all at the same scale, showing pre-mining and conceptual reclamation, contours, water bodies, streams or canals and wetlands;
 - e. Site plan maps, all at the same scale, showing pre-mining and post-reclamation vegetation, using the Florida Land Use and Cover Classification System or Codes; and
 - f. A statement explaining how the proposed reclamation will be consistent with the Polk County Future Land Use Map Series designation for the site.
7. A Post-Closure plan shall contain the following:
- a. A proposed list of viable land use activities for the property after reclamation.
 - b. A description of land altering activity needed to achieve the list of land use activities, such as grading, planting, amendments to the land Use Map designation, paving, and access improvements, etc.
 - c. If desired by the applicant, a binding site plan for development may be approved consistent with the requirements of the Comprehensive plan and Land Development Code.

8. Operating Permits shall be submitted to the Polk County Land Development Division in accordance with the following requirements:
 - a. The Operating Permit may be applied for at the same time as submission of the Mine Plan for staff review, however, no Operating Permits shall be issued until the Mine Plan and final development plans have been approved by Polk County, and the applicant has submitted the required confirmation letter from the Florida Department of Environmental Protection;
 - b. Impacted utilities companies shall be provided confirming the protection, relocation or adjustment of their facilities;
 - c. Copies of each Federal, State, and Regional permit needed for the operation of the mine shall be submitted to the Polk County Land Development Division, certified by a professional engineer or a professional geologist;
 - d. Any mitigation plan or habitat mitigation plan required by the Florida Fish and Wildlife Conservation Commission shall be submitted to the Polk County Land Development Director prior to obtaining an Operating Permit; and
 - e. Prior to issuance of an Operating Permit, the applicant shall submit proof that they have notified the State Department of Environmental Protection in accordance with the Florida Statutes, Chapter 378. A letter of compliance from the Department of Environmental Protection which confirms that the applicant has met notification requirements in regard to Ch. 62C-36 (limestone mine reclamation) or Ch. 62C-39 (reclamation for solid resources other than phosphate, limestone, heavy minerals and Fuller's earth) may serve as the required proof of notification.
9. Amendments to Mine Plans shall follow the procedure for obtaining an Operating Permit.
10. Operating Permits shall authorize the mine operator to conduct mining operations in accordance with the approved Mine Plan and the following requirements:
 - a. Operating Permits shall remain valid as long as the mine operation is in compliance with conditions of the approved Mine Plan;
 - b. The Operating Permit authorizes the Polk County Codes Enforcement Division to conduct routine inspections at the mine site for compliance with the approved Mine Plan at least once a year during operating hours with at least 48 hours of notice to the operator (No advance notice is required to investigate a complaint); and

- c. Modifications to the approved Operating Permit, may only be made by an amendment to the Mine Plan.
11. An Operating Permit may be revoked for the operator's noncompliance with the approved Mine Plan, or failure to submit an annual progress report beyond any approved extensions for the report submittal. Such revocation may occur:
- a. Upon due notification of the owner/operator of the reasons for the determination of noncompliance;
 - b. After being provided a reasonable opportunity to correct any cited deficiency; or,
 - c. After cessation of mining activity for three years or more, the Planning Commission shall have the right to revoke an Operating Permit where it is necessary for the public health, safety, or welfare.

If revoked, an operator may file an application for a new Operating Permit according to the same criteria as for the original application. Additional conditions may be used to avoid future violations or deficiencies.

12. The mine operator shall be required to reclaim all land mined or disturbed by the operator's mining operations in accordance with State regulations (including Chapters 62C-36 and 62C-39, F.A.C.) and requirements of this ordinance.
13. An Annual Progress Report shall have a designated operator who shall file a written Annual Progress Report with Polk County, by February 15 of each calendar year, describing the progress of mining and reclamation for each mine site during the past year (If a mine does not operate for a full year, the operator shall still be required to file an Annual Progress Report stating that fact). The report shall be signed by the authorized mine operator. The Annual Progress Report shall be submitted using a report form obtained from Polk County Land Development Division. This report shall include at least the following:
- a. A map on an aerial photograph of scale 1" = 400' on most recent County aerial photograph, showing the areas previously mined during the life of the mine, the areas mined in the past year, and the areas reclaimed in the past year, showing acreage for all these areas;
 - b. A map showing the areas intended to be mined on the mine site during the upcoming year and showing the areas intended to be reclaimed during the upcoming year, giving acreage for those areas;
 - c. Total cumulative acreage mined and total reclaimed over the life of the mine, to date; and

- d. Copies of environmental violations (by federal, state and regional regulatory authorities) and any subsequent inspection reports shall be attached.

Failure to file the Annual Progress Report may be grounds for revocation of the Operating Permit. An extension of time for filing the Annual Progress Report may be granted by the DRC for reasonable cause. However, when an extension is granted, the submittal of the Annual Progress Report shall occur no later than April 16.

14. The operation and design standards for all non-phosphate mines shall at a minimum:

- a. List all points of access to the mine site and all access points shall be properly posted. The access point to the mine site shall meet the requirements of Chapter 7 of this Code. Transition lanes and clear sight distances will be addressed using the minimum standards in the FDOT Green Book. The additional right-of-way required to provide these minimums or to provide for clear recovery area minimums will be the responsibility of the applicant. NPDES Best Management Practices will be used to design and construct the access to the right-of-way;

- b. All mining activities shall comply with a 100 foot minimum setback from property lines and road right-of-way lines, including the following requirements:

- i. The following shall be prohibited in the 100 foot setback area from property and road right-of-way lines:

- (1) Mining of minerals, sand, peat, and other similar commercially mined materials;
- (2) Stockpiling of mined materials;
- (3) Mining buildings and structures; and
- (4) Other similar mining facilities and activities not normally allowed within the land use classification in which the mine is located.

- ii. Perimeter overburden storage berms shall be allowed within the 100 feet of setback area provided that:

- (1) The berm does not exceed 15 feet in height,
- (2) The toe of the berm is not located any closer than 25 feet from a property line or right-of-way line,

- (3) The berm is designed to serve as a buffer of mining activities from adjacent properties,
 - (4) The berm is re-vegetated within 60 days to control weather induced soil erosion, and in such a way as to lessen the visual impact of the berm,
 - (5) A service road on top of an overburden storage berm when necessary to allow for the occasional traversing of utility vehicles, and
 - (6) Excavation materials may be temporarily stored within 100 feet of a property line or right-of-way line, but no closer than 50 feet from said line, for a period not to exceed 60 days. Temporary stock piles stored closer than 100 feet to a property line or right-of-way line shall not exceed 25 feet in height;
- iii. Mining product stock piles that exceed 25 feet in height, the minimum setback for those stock piles shall be increased by one foot for each additional foot of height over 25 feet;
 - iv. A reduction up to 75 feet of the setback from road rights-of-way may be granted by the Planning Commission, upon the certification by a professional engineer that no structural degradation will occur to the right-of-way as a result of the mining activity and a 30 foot minimum setback from the edge of pavement or travel land, in the case of unpaved roads, is maintained;
 - v. A reduction up to 75 feet of the setback from property lines may be granted by the Planning Commission where the affected parcel is located within the Rural Development Area (RDA), the affected parcel does not include a residence, and meets at least one of the following:
 - (1) The parcel is vacant,
 - (2) The parcel is 10 acres or larger in size, or
 - (3) The parcel is recognized by the Property Appraiser as agricultural with a "greenbelt" tax exemption;
 - vi. Excavation within the setback area may occur for reclamation purposes to implement a County approved reclamation plan;
- c. All mining activities and facilities shall also be prohibited within:

- i. 200 feet from any platted or approved residential subdivision,
 - ii. 200 feet from any residential dwelling unit, or
 - d. Those mining activities and facilities prohibited shall also be prohibited within 50 feet from any public drainage easement or public utility easement unless written approval is obtained from the easement holder;
 - e. The setbacks established within this Code shall not apply to existing non-phosphate mines for which a conceptual mine plan has been approved by the County as of the date of the adoption of this Code; and
 - f. All traffic from any proposed haul route from the mine site may be on a local commercial, collector road (to include all types of rural and urban collectors) or arterial road, and the County shall determine if any transportation improvements are required at the primary access point to the mine site, such as an entrance apron, an intersection improvement or lane improvement. The applicant shall implement and maintain all required improvements in addition to other conditions to prevent damage to pavement, shoulders, curbs and sidewalks. No crossing of a County maintained roadway or right-of-way by draglines or other equipment not designed for use on such roads shall be permitted without the prior written approval from the County.
15. The following standards shall apply to control vibrations and noise associated with blasting in limerock mining operations:
- a. No lime-rock mining activity shall cause or create an impact vibration at any point on any perimeter of the mining site with a displacement in excess of the permitted impact vibration displacement for the frequencies as set forth in Table 3.1.

Table 3.1. Maximum Permitted Impact Vibration Displacement

| Frequency (cycles per second) | MI (in inches) |
|-------------------------------|----------------|
| 10 and below | .0016 |
| 10-20 | .0010 |
| 20-30 | .0006 |
| 30-40 | .0004 |
| 40 and over | .0002 |

- b. No lime-rock mining activity shall cause or create a noise level at any point beyond the boundary line of the mining site property which exceeds the maximum amounts as set forth in the following table, and as measured by a sound level meter:

Table 3.2. Maximum Permitted Sound Pressure Level

| Octave Band -- Cycles per Second/Freq. in Hz | In A-weighted Decibels/dB(A) |
|--|------------------------------|
| 20 to 75 | 79 |
| 75 to 150 | 74 |
| 150 to 300 | 66 |
| 300 to 600 | 59 |
| 600 to 1200 | 53 |
| 1200 to 2400 | 47 |
| 2400 to 4800 | 41 |
| Above 5000 | 39 |

- c. Any changes estimated in the vibration or noise levels for various phases of mining, as estimated in the approved Mine Plan, shall be reported in the Annual Mine Report to the County, or earlier, as necessary. If a complaint is reported to the County regarding noise vibrations from the mine operation, the mine operator or designee shall, at the written request of Polk County, measure the sound or vibration levels at the site perimeter at a given time and day scheduled in conjunction with the County and with all measurements witnessed by a County Code Compliance Officer.
16. In addition to all required Florida Department of Environmental Protection (DEP) reclamation standards, the following standards shall apply to all mining regulated by this ordinance:
- a. The reclaimed land shall be compatible with the land use designated for the area by the Polk County Comprehensive Plan.
 - b. The reclaimed mine site shall provide for a drainage pattern similar to the pre-mining drainage of the area as required by Chapter 6, regulating surface water management. However, it is recognized that new isolated drainage basins may be created through mining and reclamation.¹

¹ Mining activities in the Green Swamp area of Critical State Concern (GSACSC) shall be consistent with the *Principles for Guiding Development in the GSACSC* relative to protecting or improving normal surface water flow.

- c. The maximum slope of reclaimed land shall be 4:1, (run:rise), to normal water elevation (normal pool), and then 4:1 from normal pool to a water depth of five feet. In remote locations within the county where maximum development density is one dwelling per 10 acres or lower, an alternative shoreline slope plan may be submitted for reviewer and approval by the DRC. At a minimum, this plan shall include the following:
 - i. Narrative description which details how the alternative shoreline slope design provides adequate safety for livestock, pedestrians, and vehicles;
 - ii. Plan for securing the property.
 - iii. Construction plans or survey showing the shoreline cross-section with minimum and average shelf widths and slopes. The cross-section must also show seasonal high, seasonal low and normal water elevations, based on site specific biological indicators and/or site specific geotechnical data.

If approved, any conveyance of the lake or land adjacent to the shoreline shall include a notice as to the approved slope plan. the approval of an alternative slope plan shall not preclude compliance with more stringent standards imposed by the DEP in its reclamation regulation, Chapters 62C 36 and 62C 39 of the F.A.C.

- 17. The Planning Commission may waive or modify any of the setback requirements of this Code if it finds that said requirements are unnecessary to protect against an adverse impact at a particular mine site. An applicant requesting a waiver or modification shall make their request with their Mine Plan application.
- 18. Any non-mining operation in violation or penalty shall refer to Section 980 of this Code.

Mining, Phosphate

Phosphate mining activities shall comply with Polk County Ordinance 88-19, as amended.

Mobile Homes, Individual (Revised 7/29/02 - Ord. 02-52; 4/4/02 - Ord. 02-17; 12/08/03 Ord. 03-69)

Mobile homes shall be permitted in all of the following locations:

- 1. Within any registered mobile home park that has been approved by Polk County;
- 2. Within any platted residential subdivision that has been approved by Polk County as a mobile home subdivision;

3. Within any platted residential subdivision, or single platted phase within a multiple phased development, in which 50 percent or more of the developed lots contain mobile homes;
4. On any un-platted parcel in the A/RR district;
5. On any un-platted parcel that is five acres or larger in the RS district;
6. On any un-platted parcel where 50 percent or more of all contiguous residential lots or parcels are developed with mobile homes. Contiguous lots and parcels are those that share a common boundary, but not including those that intersect only at a corner point. Lots or parcels that are otherwise contiguous except for intervening local roads shall be considered contiguous for this calculation; and
7. On any residential lot or parcel where it is determined by the Planning Commission to be compatible with the established character of the surrounding area.

Mobile Home Parks and Subdivisions

1. A proposed mobile home park or mobile home subdivision shall be approved only if it is determined by the Planning Commission to be compatible with the established character and development trends of the surrounding area.
2. Mobile home subdivisions shall comply with Chapter 8. Mobile home subdivisions may, at the applicant's discretion, be designed in accordance with the standards for Cluster Design or Zero Lot Line Design.
3. The following development standards shall apply to all mobile home parks:
 - a. No entrance to or exit from a mobile home park shall discharge traffic onto any local residential street. Direct access from any lot to an abutting public street shall not be permitted.
 - b. The requirements in Chapter 7, Section 804, Section 811, Section 821, Section 823, Section 824, Section 830, and the applicable standards in Appendix A.
 - c. Recreation area equal to a minimum of 500 square feet per dwelling unit shall be provided, exclusive of perimeter buffer yards, easements, drainage retention areas, and preservation areas. Recreation areas shall be accessible to all residents within the park. In no case shall a recreation area be less than 10,000 square feet in area.
 - d. The maximum density of a mobile home park shall not exceed the applicable district standard in Table 2.2 (in the RS Future Land Use districts, lot sizes smaller than five acres may only be achieved through a Planned Development). Minimum lot sizes shall be as follows:

| Land Use District | Minimum Lot Size Square Feet |
|----------------------|---------------------------------|
| A/RR | 21,780 |
| RCC-R | 10,890 |
| RS | 21,780 |
| RS (SPD*) | 10,890 |

| Land Use District | Minimum Lot Size Square Feet |
|----------------------|---------------------------------|
| RL-1 | 8,000 |
| RL-2 | 5,000 |
| RL-3 | 4,500 |
| RL-4 | 4,000 |
| RM | 4,000 |
| RH | 4,000 |

- e. Minimum lot widths shall be 35 feet for single wide mobile home lots, and 50 feet for all other lots.
- f. The minimum setbacks for mobile homes from lot lines shall be as follows:

| <u>Lot line</u> | <u>Distance</u> |
|---|-----------------|
| Front, side, and rear setback from park streets | 15 feet |
| Interior side | 5 feet |
| Interior rear | 10 feet |

- g. Park management offices, coin operated laundry facilities, and other accessory park uses may be permitted subject to the same requirements as accessory uses as provided in Section 206 of this Code.
 - h. Areas must be designated for all appropriate utility service lines, including, but not limited to, water, sewer, gas, electric, telephone, and cable to provide access to serve each lot and make necessary repairs. Such easements may utilize street right-of-way, open space, and buffer areas as agreeable to the owner and the utility provider.
4. The operation of a mobile home park and the issuance of individual set-up permits within mobile home parks shall require registration of the park and issuance of an annual Operating Permit.
 5. The following street development standards shall apply to all mobile home parks:
 - a. All streets within a mobile home park shall be privately owned and maintained. Roads shall be designed and constructed in accordance with the standards for private roads in Chapter 7 and 8, and Appendix A (Technical Standards Manual).

- b. Access to mobile home parks shall be provided by an entrance road connected to a collector or arterial road.
- c. Entrance roads shall provide a minimum of 50 feet of right-of-way for the first 100 feet and provide not less than 20 feet of pavement with a 50 foot minimum turn-off apron.
- d. Access to individual lots shall be provided by local streets. Dead end streets shall be no longer than 1,000 feet and be constructed with a cul-de-sac having a minimum diameter of 60 feet.

Motor Freight Terminal

In addition to all applicable regulations, a Level 2 Review shall be required for any activity in the Phosphate Mining (PM) land use designation where the assembly or storage of semi-trailer trucks, including tractor or trailer units, shall be ancillary to an individual mine.

Multi-Family Development (Revised 04/19/16 – Ord. 16-022; 01/24/12 – Ord. 12-003; 03/19/08 – Ord. 08-004; 10/23/02 - Ord. 02-69; 01/03/05 - Ord. 04-80)

In addition to all applicable regulations the following standards shall apply:

- 1. Open space shall be provided at a minimum ratio of 500 square feet per dwelling unit. Open space areas may be used for recreation facilities, environmental preservation, drainage areas if they are approved by the County as usable recreation areas, and general open space (open space requirements are further provided in Section 750). At a minimum, 30 percent of the required open space shall be comprised of recreational open space.
- 2. The following uses are permitted as a component of, or accessory to, a multi-family development:
 - a. Clubhouses, common open space and/or common facilities;
 - b. Recreation facilities;
 - c. Child care centers;
 - d. Building management offices; and
 - e. Coin operated laundry facilities.
- 3. Accessory Uses within the L/R, RM and RH District that contain more than 100 dwelling units may incorporate retail uses, not to exceed 4,000 square feet of cumulative gross leasable area (GLA). In addition to the accessory uses listed in Subsection 2, these may include, but are not limited to:
 - a. Specialty shops selling items such as sundries, flowers, gifts, newspapers, and periodicals, and

- b. Personal service establishments, such as barber and beauty shops, laundry/dry cleaning establishments, and shoe repair shops,
 - c. Restaurants, cafes, lounges, convenience stores, food marts, and coffee shops.
4. Multi-family development within activity centers INST and BPC-1 shall:
- a. Provide a minimum of two sidewalk/bicycle connections between the residential and non-residential uses within an activity center shall be required,
 - b. Be approved only if it is determined not to impede the normal and orderly development of the activity center. Factors to be considered shall include, but may not be limited to the following:
 - i. Proposed multi-family projects shall be designed and developed to be an integrated part of the activity center in terms of location, size, scale, design, and configuration.
 - ii. Multi-family projects proposed in the BPC-1 district shall only be considered together with a non-residential development proposal as part of a mixed-use project under the control of one developer. Multi-family projects may not be established in a BPC-1 district until such time as 20 percent of that BPC-1 district is developed with non-residential uses.
 - iii. The maximum percentage of the total developable area of an activity center that can be developed with residential uses shall not exceed the following:

| <u>Land-Use District</u> | <u>Percentage</u> |
|------------------------------------|-------------------|
| Office Center (OC) | 20% |
| Neighborhood Activity Center (NAC) | 20% |
| Community Activity Center (CAC) | 30% |
| Regional Activity Center (RAC) | 30% |
| Business Park Center-1 (BPC-1) | 20% |

[NOTE: The total percentage shall be calculated based on the inclusion of all existing and approved residential development within the particular activity center. For purposes of this Section, approved developments are those that have a County approved site plan, construction (engineering) plan, or subdivision plat. Proposed or existing units located above commercial development shall not be included in the percentage calculation.]

- c. The location of residential units above non-residential uses shall be encouraged in activity centers by not considering such units in the calculation of the maximum residential percentages in subsection b(iii). Such units shall comply with the following design criteria:
 - i. Structures that contain both residential and non-residential uses may extend up to 30 percent of the building frontage into 20 percent of the front yard setback. No portion of the garage or carport may extend into the front setback. An unscreened open porch of similar material to the principal facade may extend, along the entire building frontage, into 20 percent of the front yard setback.
 - ii. The facade material for the residential portion of the structure shall match or be compatible with the facade material for the non-residential portion of the structure.
 - iii. Pedestrian access to the residential portion of the structure shall be provided from a public sidewalk, street right-of-way, or driveway to the front doorway of the dwelling unit via an improved surface separate from any access provided through the ground level commercial portion of the structure.
 - iv. The open space requirement in Subsection 1 may be reduced to 400 square feet per dwelling unit if the open space is contained in a village common, park/plaza, or other similar open areas bordered (either partially or completely) by structures.

- 5. Multi-family development within residential low density districts (RCC-R, RL-1, RL-2, RL-3, and RL-4) shall:
 - a. consist of structures comprised of no greater than four dwelling units attached,
 - b. consist of structures with two above ground level floors or less,
 - c. place all non residential accessory structures in center of the development and separated from property boundaries by residential structures within the development,
 - d. limit parking to either individual driveways or located in the rear yard where ample screening is provided,
 - e. position the doorways of at least 50% of the units towards the street,
 - f. resemble single family style development to the greatest extent possible,
 - g. limit fencing within the front setback to no greater than four feet in height,

- h. limit signage to no greater than one 20 square foot sign of less than 4 feet in height, and
 - i. the items above may be varied by the Planning Commission or the Board through the approval of a Conditional Use or Planned Development within the Transit Supportive Development Area.
6. Multi-family development within the Linear Commercial Corridor (LCC) districts shall:
- a. Only be permitted as a mixed-use development within the Transit Supportive Development Area (TSDA) Transit Centers and Corridors Overlay;
 - b. Develop no more than 25% of the site with units that are detached from non-residential structures; and,
 - c. Meet development densities prescribed in Table 2.104.1 of The Comprehensive Plan.

Nightclubs and Dance Halls (Revised 7/25/01 - Ord. 01/57)

Nightclubs and Dance halls shall be consistent with all standards in Section 224.

Nurseries and Greenhouses (Revised 01/30/03 - Ord. 03-14)

In residential districts (RL, RM, TH, RS, RCC-R), commercial nurseries and greenhouses shall comply with all applicable standards and all of the following conditions:

- 1. All activity shall be at a minimum of 25 feet from any side or rear property boundary.
- 2. Nursery and Greenhouse operations shall have right-of-way frontage on an arterial, collector, or County maintained local road meeting or exceeding adopted Level-of-Service standards. Collector or local roads must be linked to an arterial road by a paved road meeting County standards.

Nursing Home (Rev. 12/01/09 – Ord. 09-073;)06/08/04 Ord. 03-94)

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

- 1. No building shall be located closer than 45 feet to any street or closer than 60 feet to any lot line which abuts residential districts.
- 2. A Type A buffer (see Section 720) shall be provided, at a minimum, between a nursing home and all abutting residential districts.
- 3. There shall be at a minimum 50 feet of road frontage and all access points shall be on a collector road or better.

4. Adequate provisions shall be made for service vehicles with access to the building at a side or rear entrance, and without backing onto rights-of-way to exit the property.
5. All structures shall be built to a residential scale consistent with the surrounding neighborhood.
6. A Group Living Facility shall be considered an ancillary and accessory use to a Nursing Home.

Offices, Individual

1. Offices in RCC shall be concentrated at the center of the RCC cluster, with direct access to a collector or arterial intersection.
2. Offices shall not exceed 40 percent of the proposed developable area of the subject CC district. This total shall be calculated based upon the inclusion of all existing offices and those with approved and valid site plans, construction plans or subdivision plats within the subject CC district.
3. Offices shall not exceed 15 percent of the total developable area of the subject BPC district. The total shall be calculated based on the inclusion of all existing offices and those with approved and valid site plans, construction plans and plats.
4. Offices shall not exceed five percent of the total developable area of the subject HIC district. The total shall be calculated based on the inclusion of all existing offices and those with approved and valid site plans, construction plans and plats.
5. Offices shall be permitted only as infill development in LCC areas containing existing commercial/office uses. New offices and expansion of existing offices are prohibited.
6. Offices shall not exceed 15 percent of the total developable area of the subject IND district. The total shall be calculated based on the inclusion of all existing offices and those with approved and valid site plans, construction plans and plats.
7. Offices shall not exceed seven percent of the total developable area of the subject L/R district. The total shall be calculated based on the inclusion of all existing offices and those with approved and valid site plans, construction plans and plats.
8. Offices in PM shall be compatible with or related to the extraction and processing of phosphate. Offices shall be adjacent to a designated IND or BPC district, or infill development in an area containing similar uses, or within 1/4 mile of an existing phosphate processing facility.

Personal Services

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. All facilities shall be at a minimum of 15 feet from any side lot line, and a minimum of ten feet from the rear lot line.
2. All facilities shall be adjoining the right-of-way of an arterial, paved collector, or paved County maintained local road meeting or exceeding adopted Level-of-Service standards, collector or local roads must be linked to an arterial road by a paved road or roads to qualify.
3. All facilities shall buffer all adjacent residential properties.

Planned Development (Revised 5/20/09 – Ord. 09-023; 01/30/03 - Ord. 03-14; 7/29/02 - Ord. 02-52; 7/25/01 - Ord. 01-57)

The Polk County Land Development Code establishes the Planned Development process as a mechanism for increasing densities and intensities which may be permitted under certain circumstances or using innovative design techniques. Planned Development may also be used to gain project design flexibility and to attach conditions where warranted. Planned Development exist under different names in certain districts. Refer to the following Sections:

Section 303 - for ***Suburban Planned Developments*** in the Residential Suburban District.

Section 303 - for ***Residentially Based Mixed-Use Development*** for mixed-use development in residential districts.

Section 303 - for ***Residential Mixed-Use Development*** in the Agricultural/Residential Rural (A/RR) district for mixed-use developments and residential developments over 160 acres.

Section 303 - for ***Rural Residential Development*** in the Agricultural/Residential Rural (A/RR) for strictly residential developments of under 160 acres.

1. For purposes of this Code, Planned Development is:
 - a. Land to be planned as a whole;
 - b. Built in a single phase or a programmed series of phases;
 - c. To include uses and development substantially related to the character and purposes of the land use category;
 - d. Built according to plans, which identify streets, utilities, lots, building locations, access, open space, natural resources, and plans for other uses and improvements of land and buildings; and
 - e. To include a program to provide for operation and maintenance of such areas, facilities, and improvements for common use by the occupants of the Planned Development; but which will not be provided, operated or maintained at general public expense.

2. Unless required elsewhere in this Code, Planned Development is at the owner's option and requires the following:
 - a. Use of innovative design techniques and additional open space;
 - b. Conservation of natural resources;
 - c. Utilization of land economically and efficiently;
 - d. Efficient use of existing and programmed public services and facilities; and
 - e. Creation of attractive and functional development that is compatible with surrounding uses.
3. Planned Development shall retain the land use category assigned on the FLUMS and will be noted with the Planned Development application number on the FLUMS upon approval of the Preliminary Site Plan by the Board of County Commissioners according to the procedures outlined in this Code (Example: The FLUMS will reflect RS/PD5).
4. Planned Development may include the permitted and conditional uses shown on Table 2.1, 4.1, 4.3, 4.8, 4.12, or 4.14 depending upon the location of the parcel for the underlying land use district provided that compatibility with surrounding uses, development intensity and design scale can be demonstrated. The uses, conditions and performance standards provided in Table 2.1, 4.1, 4.3, 4.8, 4.12, 4.14 shall be considered minimum requirements for such uses included in Planned Development. Land Use districts and uses not shown shall be prohibited.
5. To deviate from the regular district requirements through Planned Development (PD), the following minimum standards shall apply:
 - a. The density prescribed in Table 3.4 shall be applied to all Planned Development. Table 3.3 provides the residential density bonuses available for residential and mixed use Planned Development projects. These densities indicate the maximum allowed and will be approved according to the quality of design and the ability of the applicant to demonstrate compatibility with surrounding uses and all other applicable Sections of this Code.

Table 3.3 Density Bonuses for Planned Development (PD) (Revised 10/23/02 - Ord. 02-70)

| 0 to 99.9 acres | | 100 acres or more | |
|---|----------|---|----------|
| 10-20 % open space ⁽¹⁾ | 1 point | 21-30 % open space ⁽¹⁾ | 1 point |
| 21-30 % open space ⁽¹⁾ | 2 points | 31-40 % open space ⁽¹⁾ | 2 points |
| 31-40 % open space ⁽¹⁾ | 3 points | 41-50 % open space ⁽¹⁾ | 3 points |
| 41-50 % open space ⁽¹⁾ | 4 points | 51-60 % open space ⁽¹⁾ | 4 points |
| Xeriscaping | 2 points | Xeriscaping | 2 points |
| Creation of wildlife habitat | 2 points | Creation of wildlife habitat | 2 points |
| Water reuse | 1 point | Water reuse | 1 point |
| Internal sidewalks (one side of road) | 2 points | Internal sidewalks (one side of road) | 2 points |
| Internal sidewalks (both sides of road) | 4 points | Internal sidewalks (both sides of road) | 4 points |
| Underground utilities | 2 points | Underground utilities | 2 points |
| Active recreation facility | 3 points | Active recreation facility | 3 points |
| Preserved nature trails | 4 points | Preserved nature trails | 4 points |
| Two Canopy trees per residential lot | 2 points | Two Canopy trees per residential lot | 2 points |
| Canopy streets (min. 40 feet on center) | 5 points | Canopy streets (40 min feet on center) | 5 points |
| Connection to centralized sewer | 5 points | Connection to centralized sewer | 5 points |
| 2 roadway access points to the development | 5 points | 2 roadway access points to the development | 5 points |
| 3 or more roadway access points to the development | 7 points | 3 or more roadway access points to the development | 7 points |
| Sidewalk connections to adjacent development | 3 points | Sidewalk connections to adjacent development | 3 points |
| PD located within 1 mile from public school | 2 points | PD located within 1 mile from public school | 2 points |
| PD located within 2 miles from public school ⁽²⁾ | 1 point | PD located within 2 miles from public school ⁽²⁾ | 1 point |
| PD located within 1 mile from fire station | 2 points | PD located within 1 mile from fire station | 2 points |
| PD located within 2 miles from fire station ⁽²⁾ | 1 point | PD located within 2 miles from fire station ⁽²⁾ | 1 point |
| PD located within 2 miles from activity center | 2 points | PD located within 2 miles from activity center | 2 points |
| Infill Development | 5 points | Infill Development | 5 points |
| ⁽¹⁾ Open Space shall comply with the definition in Chapter 10 and Section 750 whichever is more restrictive. | | | |
| ⁽²⁾ May not be used in conjunction with other location bonus points for the same facility. | | | |

Table 3.4 Planned Development (PD) Bonus Density Points

| RS | | RL | | RM | |
|-----------------|-----------------------|-----------------|-----------------------|-----------------|-----------------------|
| Points Achieved | Maximum Density du/ac | Points Achieved | Maximum Density du/ac | Points Achieved | Maximum Density du/ac |
| 5 | 2.1 | 5 | 4.1 | 5 | 5.5 |
| 7 | 2.2 | 7 | 4.2 | 7 | 6.0 |
| 9 | 2.3 | 9 | 4.3 | 9 | 6.5 |
| 11 | 2.4 | 11 | 4.4 | 11 | 7.0 |
| 13 | 2.5 | 13 | 4.5 | 13 | 7.5 |
| 15 | 2.6 | 15 | 4.6 | 15 | 8.0 |
| 17 | 2.7 | 17 | 4.7 | 17 | 8.5 |
| 20 | 2.8 | 20 | 4.8 | 20 | 9.0 |
| 22 | 2.9 | 22 | 4.9 | 22 | 9.5 |
| 25 | 3.0 | 25 | 5.0 | 25 | 10.0 |

6. Planned Development may be established in appropriate locations, with respect to intended function; in conformance with the goals, objectives, and policies of the Comprehensive Plan; compatible with the surrounding land uses and future land use districts; where they will not adversely impact facilities and services of the County; where they will not set a precedent for the introduction of an inappropriate use into an area; and so as not to encourage non-residential strip development along streets. The following standards shall be utilized in evaluating requests and establishing conditions for Planned Developments:
 - a. The site shall be suitable, or it shall be possible to make the site suitable for development in the manner proposed without negative impact to persons or property, on or off the property. Conditions of soil, ground water level, drainage and topography shall all be appropriate to both type and pattern of use intended. Erosion, flood hazard and damage to natural resources shall be avoided.
 - b. Planned Development shall be so located in relation to transportation systems, sanitary sewers, emergency services, schools, public safety, water lines, storm and surface drainage systems and other utilities systems and installations that services can be available at the time of request for Certificate of Concurrency.
 - c. Planned Development, where appropriate because of the size or intensity of the proposed project, shall be so located with respect to expressways, arterial and collector streets or mass transit facilities. Planned Development shall be

designed to provide access to and from its location without creating excessive traffic along minor streets in residential neighborhoods outside the Planned Development.

- d. Planned Development shall be located and designed so as to minimize the negative effects of external impacts resulting from factors such as traffic, noise, or lights. Project control shall be accomplished through such techniques as buffering, architectural design, site design, height limitations, and density or intensity limitations.
- e. Planned Development shall be responsive to the character of the area. When located in an area where land use types, intensities, or densities vary, Planned Development shall be designed in such a manner as to provide for gradual changes in intensity or density.
- f. All Planned Development proposing specific approval of requirements for development under standard district regulations shall be designed so as to be sensitive to the impacts of the specific approval requested.
- g. Planned Development shall include additional screening, buffering, transitional uses or other design features as necessary to adequately protect existing or probable uses of surrounding property; and shall provide functional and logical linkages to activity centers and circulation facilities on such adjacent property.
- h. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Accel/decel lanes or medians shall be required where existing or anticipated traffic flows indicate need.
- i. Streets, drives, parking and service areas shall provide safe and convenient access to all buildings and uses. Uses shall be grouped to minimize internal vehicular movements. Facilities and access routes for deliveries, servicing and maintenance shall be located and arranged to prevent interference with pedestrian traffic. All public and private streets shall address, at a minimum, the following design considerations:
 - i. Safe vehicular travel;
 - ii. The manner in which pedestrians, including the physically handicapped, can traverse the Planned Development;
 - iii. Structural stability of all construction materials;
 - iv. Utility distribution, power, sewer, cable, potable water and fire protection routing, location, and sizing;

- v. Horizontal and vertical sight distances;
 - vi. Traffic safety requirements;
 - vii. Emergency vehicle maneuverability and access; and
 - viii. Logical future extension of inter-neighborhood ties.
- j. Planned Development shall provide internal or external walkways where pedestrian circulation requires them. The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses, facilities and open spaces in a manner facilitating pedestrian movement between major origins and destinations, within and adjacent to the site, with a minimum of conflicts with vehicular traffic.
 - k. Planned Development shall be designed to preserve the natural features such as wetlands, wildlife and plant species. Project design shall address protection of well fields, flood plains, surface water, and archaeological and historic sites, as much as possible.
 - l. Density or intensity shall not exceed maximums established in the Comprehensive Plan. Planned Development densities/intensities shall be established after consideration of the Comprehensive Plan criteria and limits, neighborhood compatibility, transitions, and site design.
 - m. Height in a Planned Development shall be determined after review of the surrounding land uses to ensure that the proposed development will not create any external impacts that would adversely affect surrounding development, existing or proposed.
 - n. Fences, walls, or vegetative buffers shall be provided where appropriate to protect occupants from undesirable views, lighting, noise or other off-site influence, or to protect occupants of adjoining properties from similar adverse influences.
 - o. Yard and setback requirements shall promote general health, safety, welfare, design excellence and neighborhood compatibility in each Planned Development. All setbacks within a Planned Development shall be measured from property lines and shall be shown on the development plans in either graphic or tabular form.
 - p. All central refuse, trash, and garbage collection containers shall be screened from sight or located in such a manner so as not to be visible from any public area within or adjacent to the Planned Development.

- q. The provisions of the Planned Development approvals may be more restrictive, as necessary to meet the other standards contained in this Section but not less restrictive than required in Section 760.
 - r. Landscaping shall be equal to or exceed the standards stipulated under Section 720, Landscaping and Buffering.
 - s. Stormwater Management facilities shall adhere to the requirements of Section 740, Stormwater Management and the Technical Manual.
 - t. A Planned Development shall not be approved if it is inconsistent with the Comprehensive Plan.
7. Applications for residential Planned Development shall be reviewed and approved when compliant with the standards listed:
- a. The provisions of this Section; and
 - b. The provisions of the Comprehensive Plan;
 - c. The timing of development is consistent with the facilities and services provided as evidenced by:
 - i. The condition and capacity of the collector and arterial road network are adequate for the project;
 - ii. There are adequate urban services, including, but not limited to: police, fire, and EMS, to serve the project;
 - iii. The project will not result in considerable displacement of ongoing economically viable agricultural activities; and
 - d. The timing of development is consistent with development of the surrounding area.
8. Open Space for Planned Development shall comply with the following:
- a. Planned Development containing less than 100 acres shall devote at least ten percent of the gross developable project area to open space or as prescribed in Section 750 whichever is greater.
 - b. Planned Development containing 100 or more acres shall devote at least 20 percent of the gross developable project area to open space.
 - c. Open Space shall comply with the definition in Chapter 10 and Section 750 whichever is more restrictive.

9. Lot areas, setbacks, height, and other site and performance standards applicable to lots or parcels within a Planned Development shall be shown on the Preliminary (Level 3/4 Review) and Final Site Development Plans (Level 2 Review).
10. Applications for Planned Development shall be processed pursuant to Section 903F. The complete application forms, applicable attachments, supplemental data or studies, and the required plans shall be submitted with the required number of copies to the Land Development Division.
11. The Preliminary Development Plan and other applicable materials will be reviewed by the Development Review Committee and forwarded for a public hearing before the Planning Commission pursuant to a Level 3 Review pursuant to Section 906.
12. The Final Development Plan shall be prepared pursuant to the requirements of Section 905 and submitted to the Land Development Division with all applicable forms, supplemental materials and the required number of copies. The final Development Plan will be processed as a Level 2 Review pursuant to Section 905.
13. Minor modifications to an approved Final Development Plan may be processed pursuant to a Level 2 Review, Section 905. The applicant shall provide the required number of copies of the application forms, modified Final Development Plan and other required materials to the Land Development Division.
 - a. The staff shall process the application provided the proposed changes are:
 - i. In accordance with all applicable regulations in effect at the time of the action creating the Planned Development, as modified in the amending action;
 - ii. In accordance with all applicable regulations currently in effect; and
 - iii. In accordance with all the conditions and requirements specified in the Planned Development.

Power Generation Facilities, Certified

The location, construction, and operation of Certified Electric Power Generating Facilities shall conform to the following standards:

1. Siting/location criteria:
 - a. Certified Electric Power Generation Facilities shall be allowed in the PM districts only on lands where at least 50 percent of the entire proposed site of the facility is comprised of lands previously disturbed by phosphate mining activities.

resources) on the "Conceptual Electric Power Generation Facility Site Plan" submitted with the application.

- b. Prior to approval the applicant shall demonstrate that the Facility complies with all other applicable laws, rules, and regulations.
5. All Level 4 Reviews shall consider the attainment/non-attainment status of Polk County relation to Federal Environment Protection Agency attainment regulations.

Power Generation Facilities, Non-Certified

The location, construction, and operation of Non-Certified Electric Power Generating Facilities shall conform to the following standards:

1. Low Impact Non-Certified Electric Power Generating Facilities may be allowed where permitted under Table 2.1, Use Table. In addition, such facilities may be permitted, subject to approval by the Board of County Commissioners (Level 4 Review, Section 907), in those districts that allow the thermal host facility.
2. High Impact Non-Certified Electric Power Generating Facilities may be allowed where permitted under Table 2.1, Use Table. Those designated Industrial Land Uses surrounded by designated Phosphate Mining Land Use; or
3. Designated institutional and other industrial land use areas if:
 - a. It can be demonstrated that the project will result in significant public benefit; and
 - b. It is determined by the Board of County Commissioners that the project has low intrusive characteristics, similar to those of Low Impact Facilities.
4. Non-Certified Electric Power Generating Facilities shall protect environmentally sensitive areas through buffering and other mitigating techniques imposed pursuant to Sections 403.501 - 403.518, F.S.
5. Delivery and storage of the fuel source shall be conducted in such a manner as to not threaten the safety or health of Polk County residents.
6. The height and bulk associated with a Non-Certified Electric Power Generating Facility shall be compatible with other land uses in the area.
7. Approval shall be in accordance with a Level 4 Review and the following additional requirements:

- a. A detail of environmentally sensitive areas (e.g. wetlands, flood plains, aquifer recharge areas, scrub, habitat for threatened or endangered species, or other significant natural resources) on the "Conceptual Electric Power Generation Facility Site Plan" submitted with the application.
 - b. A narrative detailing the proposed use, the process of electrical power generation (if appropriate, the process of co-generation and interface with the thermal host industry); a listing of other state and federal permits received or in process detailing the dates, permit or case number, agency, contact person and phone number.
 - c. Prior to approval the applicant shall demonstrate that the Non-Certified Electric Power Generating Facility complies with all federal, state, and local laws, rules, and regulations pertaining to the siting, certification, permitting, and operation and maintenance of such facilities.
8. All Level 4 Reviews shall consider the attainment/non-attainment status of Polk County in relation to Federal Environmental Protection Agency attainment regulations.

Recreation, High Intensity (Revised 10/2/12 – Ord. 12-030; 5/20/09 – Ord. 09-023; 11/27/02 - Ord. 02-83)

All High Intensity Recreation Facilities shall comply with all applicable standards and all of the following conditions:

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. All outdoor lighting shall be directional and shall not directly radiate onto adjacent properties.
2. All structures and associated activities located in or adjacent to residential districts shall be limited to operation from 7:00 a.m. to 10:00 p.m.
3. All access points shall have at a minimum 50 feet of road frontage on a paved public road.
4. Buildings or structures used for or in connection with any such use shall be located at a minimum of fifty feet from adjoining property which is in a residential district.
5. Off street parking or loading spaces shall be located at a minimum of fifty feet from adjoining property which is in a residential district.
6. Any proposal for a recreational facility in a location that will render a legal use nonconforming shall require a Level 3 Review.
7. Food and retail sales shall be limited to concessions during events. Continual food or retail sales or services provided at High Intensity Recreation Facilities shall require a

Level 4 Review. During the Review the Board shall determine that the activity meets the following criteria:

- a. The activity is clearly subordinate and incidental to the primary recreational use; and,
 - b. The activity is directly related to the performance of the recreational activity.
8. Alcohol sales shall be limited to One, Two or Three Day Permits (ODP or SODP), no more than three (3) times per year per location (at the time of adoption, this license was referenced to Section 561.422 F.S).
 9. RV Camping shall be limited to 10% of the facility and restricted to stays of 30 days or less.
 10. The required number of parking spaces shall be determined by DRC during Level 2 Review using the following information provided by the applicant:
 - a. Average daily attendance,
 - b. Maximum peak event attendance; and,
 - c. Off-site parking alternatives.

Recreation, Passive (Added 10/02/12 – Ord. 12-030)

Passive Recreation Facilities shall comply with all applicable standards and all of the following conditions:

1. All activity shall be limited to operation from 6:00 a.m. to 10:00 p.m. excluding approved camping facilities.
2. Lighting may be provided for security and safety purposes only. All onsite lighting shall be directional and shall not radiate onto adjacent properties.
3. Any proposal for a recreational facility in a location that will render a legal use nonconforming shall require a Level 3 Review.
4. Non-automated vending and concessions shall be limited to special events sanctioned by the facility provider and approved through Level 1 Review.
5. In commercial and industrial districts passive recreation is only allowed when accessory to a commercial or industrial use.
6. The discharge of fire arms is prohibited.

Recreation, Low Intensity (Revised 10/02/12, Ord. 12-030)

Low Intensity Recreation Facilities shall comply with all applicable development standards and all of the following conditions:

1. No activity shall disturb any on-site wetlands.
2. All structures and associated activities located in or adjacent to residential districts shall be limited to operation from 7:00 a.m. to 8:00 p.m. unless approved by the Polk County Parks and Natural Resources Director for special events.
3. No lighting shall be provided for night-time events.
4. No event shall attract more than 250 people in attendance.
5. All outdoor safety lighting shall be directional and shall not directly radiate onto adjacent residential properties.
6. Buildings or structures used for or in connection with any such low-intensity use shall be located at a minimum of fifty feet from adjacent residential property lines.
7. Off street parking or loading spaces shall be located at a minimum of fifty feet from adjacent residential development.
8. Any proposal for a recreational facility in a location that will render a legal use nonconforming shall require a Level 3 Review.
9. Food and retail sales shall be limited to concessions during events sanctioned by the facility provider and approved through Level 1 Review.
10. Alcohol sales are prohibited.
11. The discharge of fire arms is prohibited.
12. Public address systems and loud speakers are prohibited.

Recreation, Vehicle Oriented (Added 10/02/12, Ord. 12-030)

Vehicle Oriented Recreation uses and facilities shall comply with all applicable standards and all of the following conditions:

1. All outdoor lighting shall be directional and shall not directly radiate onto adjacent properties.
2. All structures and associated activities located in or adjacent to residential districts shall be limited to operation from 7:00 a.m. to 11:00 p.m. Boat ramps may be approved for 24 hour use through Level 4 Review.

3. All access points shall have at a minimum 50 feet of road frontage on a paved public road.
4. Buildings or structures used for or in connection with any such use shall be located at a minimum of fifty feet from adjoining property which is in a residential district.
5. Off street parking or loading spaces shall be located at a minimum of fifty feet from adjoining property which is in a residential district. The Planning Commission may grant a variance if adequate screening and buffering is provided to mitigate adverse impacts upon adjoining residential properties.
6. Food and retail sales shall be limited to concessions during events. Continual food or retail sales or services provided at Vehicle Oriented Recreation Facilities shall require a Level 4 Review. During the Review the Board shall determine that the activity meets the following criteria:
 - a. The activity is clearly subordinate and incidental to the primary recreational use; and,
 - b. The activity is directly related to the performance of the recreational activity.
7. Alcohol sales shall be limited to One, Two or Three Day Permits (ODP or SODP), no more than three (3) times per year per location (at the time of adoption, this license was referenced to Section 561.422 F.S).
8. Use of a water body for competition, commercial entertainment, or instruction with motorized vehicles, such as boat tours, water-ski shows, or racing, shall require a minimum Level 3 Review if more than 50% of the water body shoreline abuts a residential district (A/RR is not considered a residential district).
9. RV Camping shall be limited to 10% of the facility and restricted to stays of 30 days or less.
10. Outdoor activity that may exceed 90dB at any residential property line shall be a Level 4 Review.
11. The required number of parking spaces shall be determined by DRC during Level 2 Review using the following information provided by the applicant:
 - a. Average daily attendance,
 - b. Maximum peak event attendance; and,
 - c. Off-site parking alternatives.

Recreation and Amusement, Intensive

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. At a minimum, a buffer equal to a Type B buffer (see Section 720) shall be provided between a High Intensity Recreation facility and all abutting residential districts.
2. All structures shall meet the principal structure setbacks of the district in which they are located.
3. All outdoor lighting shall be directional and shall not directly shine onto adjacent properties.
4. All structures located in residential districts shall be limited to operation from 7:00 a.m. to 10:00 p.m.
5. No off street parking or loading space shall be located at a minimum within fifty feet of any adjoining property which is in a residential district.

Recreation and Amusement, General (Revised 10/02/12, Ord. 12-030; 7/25/01 - Ord. 01-57)

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. All outdoor lighting shall be directional and shall not shine onto adjacent residential properties.
2. No off street parking or loading space shall be located at a minimum within fifty feet of any adjoining property which is in a residential district.
3. Outdoor use of internal combustion engines shall require a Level 3 Review unless a Level 4 Review is required for the district.
4. Alcohol sales shall meet the requirements of Section 224.
5. General occupancy or event attendance in excess of 500 people requires a Level 3 Review unless a Level 4 Review is required for the district.
6. General occupancy or attendance of greater than 1000 people shall be considered Intensive Recreation and Amusement.
7. Outdoor activity within 200 feet of a residential district shall require a Level 3 Review unless a Level 4 Review is required.
8. Outdoor activity that exceeds 90 dB at any property line shall be considered Intensive Recreation and Amusement.

9. Outdoor or indoor activity that exceeds 85 dB at any residential property line shall be prohibited.
10. Use of a water body for competition, commercial entertainment, or instruction with motorized vehicles, such as boat tours, water-ski shows, or racing, shall require a minimum Level 3 Review if more than 50% of the water body shoreline abuts a residential district (A/RR is not considered a residential district).
11. The required number of parking spaces shall be determined by DRC during Level 2 Review using the following information provided by the applicant:
 - a. Average daily attendance,
 - b. Maximum peak event attendance; and,
 - c. Off-site parking alternatives.

Recreation and Amusement- Intensive (Added 10/02/12, Ord. 12-030)

All Recreation and Amusement – Intensive uses shall comply with all applicable standards and all of the following conditions:

1. Alcohol sales shall meet the requirements of Section 224.
2. A facility exit strategy shall be reviewed and approved through Level 2 Review.
3. A separate access and dedicated drive aisle for emergency vehicles within 50 feet all facilities shall be included in the site design and approved by the Polk County Fire Marshal prior to application submittal.
4. The required number of parking spaces shall be determined by DRC during Level 2 Review using the following information provided by the applicant:
 - a. Average daily attendance,
 - b. Maximum peak event attendance; and,
 - c. Off-site parking alternatives.

Recreational Vehicle Parks

In addition to all applicable regulations the following standards shall apply:

1. All streets within a Recreational Vehicle Park shall be privately owned and maintained. Roads shall be designed and constructed in accordance with the standards for private roads in Chapters 7.
2. The maximum gross density within the L/R district may be as high as 10 units per acre depending upon the Development Area designation on the Future Land Use Map Series. Within all other districts permitting Recreational Vehicle Parks, the maximum gross density shall be 15 units per acre. For parks utilizing on-site septic systems, the maximum density shall be four units per acre.
3. The minimum lot area for each recreational vehicle shall be 2,500 square feet.
4. The minimum setbacks for recreational vehicles and accessory structures from lot lines shall be as follows:

| <u>Lot Line</u> | <u>Distance</u> |
|---|-----------------|
| Front, side, and rear setback from park streets | 10 feet |
| Interior Side | 5 feet |
| Interior Rear | 5 feet |

5. No entrance to or exit from a park shall discharge traffic onto any local residential street. Entrance streets shall provide a minimum of 50 feet of right-of-way for the first 100 feet, and if more than one entrance street is planned, shall be separated by a minimum distance of 300 feet, measured from centerline to centerline. Direct access from any lot to an abutting public street shall not be permitted.
6. Dead end park streets shall be a maximum length of 1,500 feet and shall provide a paved cul-de-sac with a diameter of not less than 80 feet.
7. Required improvements:
 - a. Each recreational vehicle space shall be provided with a hard surfaced area for the placement or parking of the recreational vehicle.
 - b. Each recreational vehicle space shall be equipped with an approved sewer and water connection and two electrical outlets. All plumbing and electrical work shall meet the requirements of applicable county and state regulations.
 - c. There shall be at least one paved off-street parking space designated for each recreational vehicle unit and provided on each lot.

- d. Recreation area equal to a minimum of 500 square feet per unit shall be provided exclusive of perimeter buffer yards, easements, drainage retention areas (unless approved by the County as useable recreation areas), and preservation areas. Recreation areas shall be accessible to all residents of the park. In no case shall a recreation area be less than 10,000 square feet in area.
 - e. Recreational vehicle parks shall provide at least one central service building containing the necessary sanitary and plumbing facilities for the use of persons using the park. Service buildings shall be located for convenient access to all lots. Such buildings shall be constructed in compliance with the Polk County Building Code and contain facilities as required by the Polk County Health Department.
8. Recreational vehicles shall not be permitted to have permanent additions attached to them such as carports, covered porches, family rooms and storage rooms. This is for traditional RVs and does not include park trailers.
 9. Park management offices, coin operated laundry facilities, vehicle storage areas, and other accessory park uses shall be permitted within a recreational vehicle park.
 10. A recreational vehicle lot shall be occupied by only one recreational vehicle, other vehicular accommodation or camping tent suitable for temporary habitation at any given time.
 11. The corners of each lot shall be permanently staked or otherwise permanently marked.
 12. Within the L/R district only, combination mobile home/recreational vehicle park development may be allowed within a single project. In such cases, the recreational vehicle portion of the project shall comprise more than 50 percent of the total approved lots. Mobile home and recreational vehicle portions of the project shall be clearly identified on the development plan. Combination parks shall meet all of the standards for recreational vehicle parks, except that the minimum lot area for mobile homes within combination parks shall be 4,000 square feet.
 13. The operation of a recreational vehicle park shall require registration of the park and issuance of an Operating Permit as follows:
 - a. An operating permit shall be issued upon registration of final "as built" plans following the construction of park facilities. An application for an Operating Permit shall undergo a Level 2 Review (refer to Section 904), and shall include the following additional information:
 - i. The name, address, and phone number of the park owner and the park manager;

- ii. A legal description of the park property;
 - iii. A complete set of plans of park as constructed; and
 - iv. The number and sizes of all lots.
- b. Operating Permits shall be renewed on an annual basis. Each park owner shall be required to obtain an Annual Operating Permit before October 1st of each year. These Permit renewals shall undergo a Level 1 Review (refer to Section 905).
 - c. In the event of sale or transfer of ownership of a park, an annual Operating Permit may be re-issued to the new operator, under the same conditions, requirements, and agreements as were applicable to the previous owner at the time of sale. Application for the re-issuance of an Annual Operating Permit shall be processed in the same manner as an operating permit renewal, and may be made prior to the sale or filed within 10 days after the closing date of the sale. Failure to comply with this Section shall cause a current operating permit to become invalid.

Religious Institutions (Revised 06/08/04 Ord. 03-94; 01/03/05 - Ord. 04-80)

In addition to the applicable district regulations Religious Institutions in Residential Districts shall meet the following requirements:

1. There shall be at a minimum 50 feet of road frontage, and all access points shall be on a collector road or better if any of the following conditions exist:
 - a. The use (including accessory uses) generates 50 or more Average Annual Daily Trips (AADT).
 - b. The overall Gross Floor Area (GFA) exceeds 5,400 square feet.
2. The proposed parking facilities shall be setback at least 25 feet from adjacent residential property.
3. Off-street parking areas shall be surfaced and maintained to provide a durable, dust free surface and shall provide adequate drainage facilities for disposal of all collected surface water. Surfacing materials may include pavement, gravel, wood chips, pervious paving materials, or grass.
4. Any proposal for a religious institution in a location that will render a legal use nonconforming shall require a Level 3 Review.

Research and Development (Revised 4/4/02 - Ord. 02-17)

In addition to the applicable district regulations these requirements apply to all new development:

1. Within existing BPC and IND land use districts
 - a. All proposed uses and structures shall support the surrounding facilities.
 - b. All structures shall not exceed fifteen percent of the existing BPC or IND land use.
2. All structures shall connect to water and sewer facilities.

Residential Infill Development (Revised 03/25/03 - Ord. 03-23)

A. General Applicability

1. Intent of Residential Infill Development
 - a. A Residential Infill Development is intended to recognize the surrounding pattern of development that is otherwise contrary to the density and dimensional requirements of the residential land use district in which a particular land tract is located.
 - b. Surrounding pattern of development shall consider the existing road layout, densities, lot sizes, and setbacks of parcels and developments that abut the subject site. When determining the surrounding pattern of development, the subject site shall not be considered.
 - c. Residential Infill Developments are intended to aid in the revitalization of existing communities by encouraging consistent and compatible redevelopment. These developments are also intended to promote reinvestment in established neighborhoods and cure blighted parcels.
 - d. A Residential Infill Development is not intended for the premature subdivision of land below the average lot sizes and in excess of densities found on surrounding parcels or tracts.
 - e. Infill developments are intended to be limited in size in order to promote the intended neighborhood character.
2. Tracts considered for residential infill development shall be limited to no greater than 80 gross net acres. Developments shall not be phased and/or incrementally expanded with the intent to circumvent the acreage limit.

3. A Residential Infill Development may be approved by the Development Review Committee (DRC) through a Level 2 Review if the applicant can demonstrate compliance with the general intent and development standards of this use. The applicant may appeal the decision to the Planning Commission as part of a Level 3 Review.

4. A Residential Infill Development may not be approved where large deficiencies in services are present. Where deficiencies exist, the applicant bears the burden to prove the benefits of the Residential Infill Development outweigh the deficiencies in services. Services shall include, but not be limited to, potable water, sewer, public parks, public schools, traffic capacity, and public roadways. Table 3.4.a lists minimum service standards. When such standards are not met, it shall be determined that service deficiencies exist within the general vicinity and a Residential Infill Development shall be mitigated prior to development approvals.

Table 3.4.a Minimum Service Standards for Residential Infill Developments
(Revised 6/2/15 – Ord. 15-031)

| | Residential Low (RL) | Residential Suburban (RS) |
|--|--|--|
| Sewer | Sewer services operate at less than 70% of capacity <i>and;</i> Residential Infill Development connects to sewer | N/A |
| Water | Water services operate at less than 70% of capacity <i>and;</i> Residential Infill Development connects to water services | Water services operate at less than 70% of capacity <i>and;</i> Residential Infill Development connects to water services |
| Fire | Located within 3 miles | Located within 3 miles |
| Police/Sheriff | Letter of support from policing agency | Letter of support from policing agency |
| EMS | Located within 5 miles | Located within 5 miles |
| Parks** | Located within 2 miles | Located within 2 miles |
| Schools* - Elementary | The zoned school shall be in operation at 100% of capacity | The zoned school shall be in operation at 100% of capacity |
| Schools* - Middle | The zoned school shall be in operation at 100% of capacity | The zoned school shall be in operation at 100% of capacity |
| Schools* - High | The zoned school shall be in operation at 100% of capacity | The zoned school shall be in operation at 100% of capacity |
| Roadways Level of Service | Roadways operate no less than AD@ within 1 miles | Roadways operate no less than AD@ within 2 miles |
| <p>** Provisions for parks' proximity shall not be considered when recreation open space is provided within the Residential Infill Development and/or when gross density is equal to or greater than 1 dwelling unit per acre. * Charter schools shall be considered when open to the general public.</p> | | |

B. General Development Standards for Residential Infill Developments.

1. Roadways and Sidewalks

- a. Roadways within the Residential Infill Subdivision shall be constructed to follow the existing roadway network found in the surrounding pattern of development. New roadways shall be required to connect to Astub outs@ that were originally constructed to connect new development with existing developments.
- b. Sidewalks shall be installed along one side of collector and/or arterial roadways when existing sidewalk infrastructure is located within 100 feet of the site. This sidewalk required may be waived where there is insufficient right-of-way along the roadway.

2. Lot Size and Density

- a. Density for a Residential Infill Development shall not exceed the maximum densities allowance for a Planned Development established in the Comprehensive Plan.
- b. Minimum lot sizes may be determined by the average lot size of surrounding parcels or at least 6,000 square feet, which ever is greater. The average lot size shall be calculated by the following:
 - i. The largest developable lot size and smallest developable lot size within 250 feet of the subject site shall be added together and subsequently divided by two. The subject site shall not be considered in the equation; OR
 - ii. The applicant shall designate two differing sides of the site to calculate the average lot size. The largest developable lot size and the smallest development lot size that are adjacent to the site on either two sides shall be added together and subsequently divided by two. Parcels that are separated from the site by greater than 80 feet of right-of-way shall not be considered to be adjacent; OR
 - iii. The applicant shall provide the lot size of the largest parcel that is adjacent to the site.

3. Dimensional Standards

- a. Required building setbacks and height limits for a Residential Infill Development may be either determined by the dimensional requirements established for the land use district in which the site is located or determined by the average setback and height of existing structures on adjacent sites.

4. Building Type
 - a. Building types within a Residential Infill Development may include such types that exist on any abutting property.
 - b. Individual mobile homes shall not be included in this standard; whereas, the criteria as highlighted in Chapter 3 Mobile Homes, Individual of this Code shall be used in determining whether mobiles are permitted within the Residential Infill Development.

Residentially Based Mixed-Use Development (Revised 01/03/05 - Ord. 04-80)

1. Lot areas, setbacks, height, and other site and performance standards applicable to lots or parcels within a Planned Development shall be shown on the Preliminary and Final Site Development Plans.
2. Mixed-use developments may be phased. In no instance shall the commercial/ office uses of a project be constructed prior to completion of at least 50 percent of the residential dwelling units.
3. Mixed-use developments shall provide a transportation system which integrates vehicular, pedestrian and bicycle modes. The system shall reduce automobile travel times and enhance the use of other modes of travel for routine trips between various land uses. A mixed-use development shall provide:
 - a. Two pedestrian/bicycle connections between the residential and non-residential components of the project;
 - b. Sidewalks on both sides of all collector and arterial roads within the project;
 - c. A network of internal roadways that increases the potential for local streets to handle vehicular movement between uses, thereby reducing the need for traffic generated by the project to use or cross collector and arterial streets; and
 - d. Transit components, facilities or contributions, where appropriate.
4. Mixed-use developments shall be designed to:
 - a. Establish pleasant, safe, inviting public spaces along streets through the use of visual amenities such as landscaping, streetscaping, public squares;
 - b. Include areas for specific public uses (such as community centers, Religious Institutions, cultural facilities, schools, government facilities, and public recreation areas) as an integral part of the project's design;

- c. Integrate the residential and non-residential uses within the project. If non-residential uses are located at the entrance or along the perimeter, the development shall provide design features which visually and functionally integrate the residential and non-residential uses; and
 - d. Provide for adequate buffering and transitioning between incompatible uses within the project, and between the mixed-use project and adjacent land uses.
5. If the commercial or office uses are intended to serve other customers than contained in the residential portion of the development, the applicant shall demonstrate that the proposed commercial or office uses meet the minimum population support, market area radius, and spacing criteria established in the Comprehensive Plan for the type of activity center that it most closely represents. Proposed commercial/office areas designed to serve customers outside of the mixed-use development may, in no instance, exceed the size of a Neighborhood Activity Center (NAC).

Residential Treatment Facility (Revised 06/08/04 Ord. 03-94)

- 1. All facilities shall be at a minimum of 35 feet from any side lot line, and a minimum of 25 feet from the rear lot line.
- 2. All facilities shall be adjoining a paved collector road meeting or exceeding adopted Level-of-Service standards.
- 3. A visual buffer at a minimum equal to Type B buffer (see Section 720) shall be provided between all treatment facilities and all adjacent residential properties.
- 4. Residential treatment facilities shall not be located within 3,500 feet from another treatment facility, measured from property line to property line.
- 5. All facilities located within 500 feet of any residential districts shall be constructed and maintained in a character consistent with the residential neighborhood in which it is located.
- 6. All facilities shall be staffed by at least one full time employee.

Restaurant, Drive-thru/Drive-in (Revised 06/08/04 Ord. 03-94)

In addition to all applicable regulations the following standards shall apply:

- 1. All facilities shall be at a minimum of 15 feet from any side lot line, and a minimum of ten feet from the rear lot line.
- 2. The minimum distance from a drive-thru restaurant facility to any residentially designated property shall be 50 feet measured at the narrowest point between the property line of the residential property and either the stacking lane, service window, or speaker box, whichever is closer.

3. All speaker boxes shall be oriented away from adjoining residential property.
4. Restaurant facilities located adjacent to residentially designated properties shall be required to provide a landscaped buffer equal to a Type C buffer (see Section 720) between all service windows/stacking lanes, and adjacent residential areas.
5. All facilities shall have at a minimum 50 feet of road frontage and be located at a minimum on an Urban collector or Rural Major collector road or better unless contained within a planned development with access to an Urban collector or Rural Major collector road or better.
6. All on-site garbage collection facilities shall be screened from any adjacent property.

Restaurant, Sit-down/Take-out (Revised 11/16/10 - Ord. 10-079; 4/4/02 - Ord. 02-17)

In addition to all applicable regulations the following standards shall apply:

1. Within existing BPC and IND land use districts:
 - a. All proposed uses and structures shall support the surrounding facilities.
 - b. All structures shall not exceed fifteen percent of the existing developed BPC or IND land use, and the restaurant is an accessory use that supports an existing BPC or IND use.
2. All structures shall connect to water and sewer facilities.
3. All on-site garbage collection facilities shall be screened from any adjacent property.
4. Within OC districts (including OCX), Restaurant, Sit-down/Take-out uses shall comprise no more than 20 percent of the overall district.

Retail (Revised 08/15/15 – Ord. 15-053; 4/4/02 - Ord. 02-17)

In addition to the applicable district regulations in Table 2.2, the following standards shall apply.

1. Within existing BPC and IND land use districts:
 - a. All proposed uses and structures shall support the surrounding facilities.
 - b. All structures shall not exceed fifteen percent of the existing developed BPC or IND land use, and the retail is an accessory use that supports the BPC or IND use.
2. All on-site garbage collection facilities shall be screened from any adjacent property.

3. All structures shall not exceed 10 percent of the existing developed OC land use district, and the retail is an accessory use that supports the OC land use.

Retail, Outdoor Sales/Display (Revised 08/19/15 – Ord. 15-053; 2/3/10 – Ord. 10-007)

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. All outdoor storage shall be at a minimum of 50 feet from any side lot line, and a minimum of 25 feet from the rear lot line.
2. Retail establishments shall be required to provide a landscaped buffer equal to a Type A buffer (see Section 720) and screening for all inventory not prepared for immediate sale or lease, merchandise transport vehicles, and any maintenance or refurbishment facility.
3. All outdoor storage shall not be located within 1,000 feet from other Outdoor Sales/Display Retail establishments, measured from property line to property line, unless there are no more than two (2) Outdoor Sales/Display Retail establishments within 2,000 feet measured from property line to property line along the same road frontage

Riding Academies (Revised 08/19/15 – Ord. 15-053; 01/30/03 - Ord. 03-14)

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. At a minimum all new riding academy structures shall be set back 25 feet from the property boundary line when abutting a residential district (RL, RM, RH, RS, RCC-R).
2. No signage or other exterior identification of retail sales shall be permitted. Incidental sales of supplies and equipment to patrons of the facility which are directly related to the facility operation shall be permitted.

Rural Mixed-Use Development

Consistent with the Planned Development requirements Rural Mixed-use Development (RMD) may contain single-family, duplex, and limited low intensity multi-family dwelling units at a gross density (on the entire site) of up to, and including, two dwelling units per acre and may contain non-residential development pursuant to the following requirements:

1. Contain 160 acres, or more;
2. Be served by public sanitary sewerage system and potable water supply, provided by the property owner or developer and meeting LOS standards established in this Plan;
3. Be adjacent to, or front on, a paved, public collector or arterial road;
4. Submit a binding site plan and undergo the Level 3 Review and approval process;

5. Reserve, via a conservation easement, site plan approval condition, or other similar land reservation mechanism, no less than 50 percent of the development site as the pre-existing agricultural land use, open space, or habitat protection; and
6. Provide for increased transportation internal capture by providing non-residential support uses meeting the general characteristics of a comparable Activity Center or Isolated Convenience Store, including, without limitation, minimum population support and market area radius criteria.
7. Restrict access from the development onto County and state roads to appropriate locations in order to address the maintenance of levels of service and public safety issues; and
8. Meet the provisions and intent of Residential Mixed Use Development.

Rural Residential Development (Revised 06/01/06 - Ord. 06-25)

1. Consistent with the Planned Development requirements a Rural Residential Development (RRD) may contain single-family dwelling units, duplexes, and limited low intensity multi-family dwellings at a sliding scale gross density (on the entire site) of one dwelling unit per 2.5 acres up to, and including, one dwelling unit per acre as determined by appropriate location criteria and shall, at a minimum:
 - a. Be served by public potable water supply, provided by the property owner or developer;
 - b. Submit a binding site plan and undergo the development review and approval process;
 - c. Reserve, via a conservation easement, site plan approval condition, or other similar land reservation mechanism, no less than 50 percent of the development site as the pre-existing agricultural land use, open space, or habitat protection; and
 - d. Not exceed 160 acres.
2. Densities may increase beyond one dwelling unit per 2.5 acres based on the following point system:
 - a. The site is within the following stated distance of a designated land use classification:

Table 3.5 Proximity To Existing Development

| Distance to Rural-Cluster Center, Business-Park Center, Linear Commercial Corridor, or a Municipality | Points |
|---|--------|
| 0.01 TO 0.50 MILE | 50 |
| 0.51 TO 1.00 MILE | 40 |
| 1.01 TO 1.50 MILES | 30 |
| 1.51 TO 2.00 MILES | 20 |

- b. 20 density bonus points are awarded to the development if the site is located within five (5) miles of a County operated fire station, or city operated fire station under contract to the County, having an Insurance Safety Organization (ISO) rating of six (6) or better as measured along the shortest driving distance to nearest point on the subject property and the facility or 10 density bonus points are awarded to the development if the site is located within five (5) miles of a County operated fire station, or city operated fire station under contract to the County, having an ISO rating of eight (8) or better.
- c. 20 density bonus points are awarded to the development if the site is located within five (5) miles of a County EMS facility as measured along the shortest driving distance to nearest point on the subject property and the facility or 10 density bonus points are awarded to the development if the site is located within eight (8) miles of a County EMS facility.
- d. 20 density bonus points are awarded to the development if the site is adjacent to an arterial roadway or 10 density bonus points are awarded to the development if the site is adjacent to a collector roadway or five (5) density bonus points are awarded to the development if the site is adjacent to a local roadway.
- e. 20 density bonus points are awarded to the development if all of it is connected to an existing public or franchised wastewater treatment system with planned capacity to serve the development.
- f. 10 density bonus points are awarded to the development if the site is located within two (2) miles of a public school and requires no bussing as verified by the school board.
- g. The following additional bonus points shall be awarded for reserving land in excess of the required 50 percent reservation:

| Table 3.6 Land Reservation Bonus | |
|---|---------------|
| Percent of Site Reserved | Points |
| 51% | 02 |
| 52% | 04 |
| 53% | 06 |
| 54% | 08 |
| 55% | 10 |
| 56% | 12 |
| 57% | 14 |
| 58% | 16 |
| 59% | 18 |
| 60% | 20 |
| 61% | 22 |
| 62% | 24 |
| 63% | 26 |
| 64% | 28 |
| 65% | 30 |
| 66% | 32 |
| 67% | 34 |
| 68% | 36 |
| 69% | 38 |
| 70% | 40 |

- h. Including one or more of the following items in a RRD development plan will add additional points to enable an overall greater development density, however, no more than 20 total points may be granted from Table 3.7.

| Table 3.7 Additional Density Bonus Points | |
|--|---------------|
| Item | Points |
| Placement of electric, telephone and cable TV utilities underground | 4 |
| Preservation of existing bona-fide agricultural activities through by maintaining a greenbelt exemption | 2 |
| Shared or common access driveways | 4 |
| Preservation of view sheds/scenic views through the siting of structures off of hilltops/ridge lines and preservation of trees on hills and/or ridge lines | 3 |
| Restrictions on lot clearing (for undeveloped land) to either: 50% of the lot, or, 25,000 SQ FT, whichever is less | 3 |
| Preservation/re-use of existing agricultural structures, fences, and natural vegetation | 4 |
| Provision of neighborhood parks, tot lots, recreation | 4 |
| Connected open space through either broad bands of open space (minimum 50' wide) and/or pedestrian/bicycle systems | 4 |
| Project-wide Master Landscape Plan including street trees, entrance features, bridges, street furniture, etc | 2 |

i. Residential rural development density application notes:

- (1) Density points shall only be awarded for only one item (the highest) in each Density Schedule Category (A-B). An RRD must achieve a minimum of 50 points.
- (2) Bonus points in Categories C-D shall only be awarded if the property first qualifies for density points under any of the items in Categories A-B.
- (3) In no case shall the density earned be greater than one dwelling unit to one acre.
- (4) When the application of density points to a particular parcel results in a portion or fraction of a dwelling unit, the permitted number of total dwelling units permitted on the site shall be increased to the next highest number of whole units when the portion is .50 or higher, and reduced to the lower whole number of units when the portion is .49 or lower

j. Rural Residential Development (RRD) Density Conversion Table:

Table 3.8 RRD Density Conversion Table

| Points | Maximum Density (DU/AC) | Minimum Acreage (AC/DU) | Points | Maximum Density (DU/AC) | Minimum Acreage (AC/DU) | Points | Maximum Density (DU/AC) | Minimum Acreage (AC/DU) |
|---------------|--------------------------------|--------------------------------|---------------|--------------------------------|--------------------------------|---------------|--------------------------------|--------------------------------|
| 50 | 0.4000 | 2.50 | 69 | 0.4796 | 2.09 | 88 | 0.7404 | 1.35 |
| 51 | 0.4037 | 2.48 | 70 | 0.4847 | 2.06 | 89 | 0.7553 | 1.32 |
| 52 | 0.4073 | 2.46 | 71 | 0.4898 | 2.04 | 90 | 0.7702 | 1.30 |
| 53 | 0.4110 | 2.43 | 72 | 0.4949 | 2.02 | 91 | 0.7851 | 1.27 |
| 54 | 0.4147 | 2.41 | 73 | 0.5000 | 2.00 | 92 | 0.8000 | 1.25 |
| 55 | 0.4183 | 2.29 | 74 | 0.5166 | 1.94 | 93 | 0.8250 | 1.21 |
| 56 | 0.4220 | 2.27 | 75 | 0.5332 | 51.88 | 94 | 0.8500 | 1.18 |
| 57 | 0.4257 | 2.25 | 76 | 0.5498 | 1.82 | 95 | 0.8750 | 1.14 |
| 58 | 0.4293 | 2.23 | 77 | 0.5664 | 1.77 | 96 | 0.9000 | 1.11 |
| 59 | 0.4330 | 2.21 | 78 | 0.5860 | 1.72 | 97 | 0.9250 | 1.08 |
| 60 | 0.4367 | 2.29 | 79 | 0.5996 | 1.67 | 98 | 0.9500 | 1.05 |
| 61 | 0.4403 | 2.27 | 80 | 0.6162 | 1.62 | 99 | 0.9750 | 1.03 |
| 62 | 0.4440 | 2.25 | 81 | 0.6328 | 1.58 | 100 | 1.0000 | 1.00 |
| 63 | 0.4491 | 2.23 | 82 | 0.6494 | 1.54 | | | |
| 64 | 0.4542 | 2.20 | 83 | 0.6666 | 1.50 | | | |
| 65 | 0.4593 | 2.18 | 84 | 0.6809 | 1.47 | | | |
| 66 | 0.4644 | 2.15 | 85 | 0.6958 | 1.44 | | | |
| 67 | 0.4695 | 2.13 | 86 | 0.7107 | 1.41 | | | |
| 68 | 0.4745 | 2.11 | 87 | 0.7256 | 1.38 | | | |

Salvage Yard (Revised 08/07/12 – Ord. 12-025; 04/04/02 - Ord. 02-18)

1. Salvage yards shall be prohibited on lots less than ten acres. The minimum lot size may be reduced to eight acres for property located within a Transit Corridor and Center Overlay (TCCO) District.
2. No scrap, machinery, junk, debris, vehicles, vehicle parts, or other materials may be stored closer than 15 feet from any property line. Said materials shall not be visible from public roadways or residential dwellings.
3. No junk or vehicles, including automobiles and trucks, shall be burned in or on any premises occupied as a salvage yard.
4. All salvage yards shall be maintained so as not to create environmental or health hazards that pose a threat to ground or surface water quality, air quality, wildlife, or humans. All fluids shall be drained from vehicles stored in any salvage yard.
5. Entrance gates shall be set back a minimum of 50 feet from any street right-of-way.
6. Salvage yards shall have direct and primary access to a paved collector or arterial road. Direct access from any local or residential street shall be prohibited.
7. In addition to the Type C buffering requirements of Section 720, all salvage yards shall provide a solid perimeter wall or fence (excluding sheet metal), which is interior to any required landscaping material, and which is a minimum of six feet and a maximum of 10 feet in height from the average grade of the property.
8. Prior to establishing or operating any salvage yard, the operator shall obtain an Operating Permit from the County in accordance with the following:
 - a. An application for an Operating Permit shall be required to undergo a Level 2 Review (refer to Section 905). Applications shall include the name, address, and phone number of the local salvage yard operator or agent.
 - b. A valid Operating Permit shall be prominently displayed in the office of the firm operating the salvage yard, and shall be renewed prior to January 1st of each year in operation. Operating permit renewals shall undergo a Level 1 Review (refer to Section 904).
 - c. In the event of sale or transfer of ownership of a salvage yard, an operating permit may be re-issued to the new operator, under the same conditions, requirements, and agreements as were applicable to the previous owner, at the time of sale. Application for the re-issuance of an annual operating permit may be made prior to the sale or filed within 10 days after the closing date of the sale. Failure to comply with this Section shall cause a current operating permit to become invalid.

- d. Provide documentation of Industrial permits from the Department of Environmental Protection.

School, Elementary (Revised 12/12/08 – Ord. 08-052; Rev. 12/28/01 - Ord. 01-92; Rev. 06/08/04 - Ord. 03-94)

All new, whether in an existing structure or new structure, elementary schools whether public, private or non-profit shall comply with the following standards:

1. They shall connect to central water and sewer;
2. No school shall have its primary access point crossing an active railroad;
3. All schools with enrollment above 249 students shall conform to the following access requirements and include:
 - a. Safe access for pedestrians and bicyclists. Five-foot sidewalks shall be provided along that portion of the school site which is adjacent to public roadways. Where feasible, school sites shall be connected to adjoining residential developments by sidewalks or paved multi-use trails in order to facilitate safe pedestrian movement.
 - b. Minimum of 50 feet road frontage
 - c. Access on a publicly maintained paved road with a site design that provides adequate vehicular access and internal circulation to serve buses and cars without traffic queuing on the public road. Two access points are preferred.
 - d. At least one Type III Intersection or better in accordance with Appendix A at its primary access point.
4. All required parking areas shall be paved, including faculty and staff. This provision shall not apply to temporary or overflow parking areas;
5. Any proposal for a school in a location that will render a legal use nonconforming shall require a Level 3 Review; and
6. All schools with enrollment above 249 students shall not be permitted in the Green Swamp Area of Critical State Concern Rural Special Protection Area.

School, Middle and High ((Revised 12/12/08 – Ord. 08-052; 12/28/01 - Ord. 01-92; 06/08/04 Ord. 03-94)

All new, whether in an existing structure or new structure, middle schools public, private or non-profit shall comply with the following standards:

1. They shall connect to central water and sewer;
2. No school shall have its primary access point crossing an active railroad;

3. All schools shall conform to the following access requirements and include:
 - a. Safe access for pedestrians and bicyclists. Five-foot sidewalks shall be provided along that portion of the school site which is adjacent to public roadways. Where feasible, school sites shall be connected to adjoining residential developments by sidewalks or paved multi-use trails in order to facilitate safe pedestrian movement.
 - b. A design that accommodates access by public bus transportation
 - c. Minimum of 50 feet road frontage
 - d. Access on a paved collector road or better with a site design that provides adequate vehicular access and internal circulation to serve buses and cars without traffic queuing on the public road. Two access points are preferred.
 - e. At least one Type III Intersection or better in accordance with Appendix A at its primary access point.
4. All required parking areas shall be paved, including faculty and staff. This provision shall not apply to temporary or overflow parking areas;
5. Any proposal for a school in a location that will render a legal use nonconforming shall require a Level 3 Review; and
6. No school shall be permitted in the Green Swamp Area of Critical State Concern Rural Special Protection Area.

School, High (Deleted 12/12/08 by Ordinance 08-052)

School, Leisure/Special Interest (Revised 08/05/2014 – Ord. 14-045;12/28/01 - Ord. 01-92)

In addition to the applicable district regulations these requirements apply to all new and existing developments proposing to add a leisure/Special Interest School:

1. In residential districts, leisure/special interest schools shall be accessory to multi-family developments limited to no illuminated signage and placed in a location subordinate and incidental to the development such as a clubhouse, community room, meeting place or recreational facility.
2. In residential districts, leisure/special interest schools shall be considered home occupations (See Section 206.E, Accessory Uses) if instruction is provided within an occupied residence and for no more than four (4) pupils at a time. Otherwise a Level 3 Review shall be required.
3. In non-commercial districts hours of operation shall be limited on a case by case basis.

4. There shall be at a minimum 50 feet road frontage, and all access points shall be on a collector road or better if use generates 50 or more Average Annual Daily Trips (AADT). If the Leisure/Special Interest School generates more than 50 AADT based on the Institute of Traffic Engineers (ITE) Rate-Land Use Code, the applicant has the option to provide a detailed study demonstrating that a lower trip generation rate can be achieved. The methodology shall be subject to approval by the Polk Transportation Planning Organization (TPO) and follow the guidelines as set forth in Appendix "C" of this Code.
5. All proposed parking facilities shall be setback at least 25 feet from adjacent residential property.
6. Overflow parking shall be provided if performances are given within the facility; however, design and composition may be based on the frequency of events, location and character of the surrounding area.

School, Technical/Vocational/Trade (Revised 04/13/05 – Ord. 05-01; 12/28/01 - Ord. 01-92)

In addition to the applicable district regulations, the following standards shall apply:

1. The classes shall be located where the applicable activity being taught is permitted. (e.g. a trade school with instruction in machinery repair shall only be allowed where machinery repair is permitted); and
2. Outdoor activity shall provide a minimum Type B Buffer between abutting residential districts.
3. Applicants for schools proposed in A/RR Districts Shall provide adequate and sufficient justification to demonstrate why a specific location is necessary as it pertains to the instruction provided.
4. Facilities incorporating uses that emit excessive noise, light, odor, dust, gas, or vibration shall be adequately buffered and setback from property lines in order to mitigate offsite disturbances or nuisance.

School, Training (Revised 04/13/05 – Ord. 05-01; 12/28/01 - Ord. 01-92)

In addition to the applicable district regulations, the following standards shall apply:

1. The classes shall be located where the applicable activity being taught is permitted (e.g. truck driving school shall be allowed in the districts where motor freight terminals are permitted); and
2. Outdoor activity shall provide a minimum Type B buffer between abutting residential districts.

3. Applicants for schools proposed in A/RR Districts Shall provide adequate and sufficient justification to demonstrate why a specific location is necessary as it pertains to the instruction provided.
4. Facilities incorporating uses that emit excessive noise, light, odor, dust, gas, or vibration shall be adequately buffered and setback from property lines in order to mitigate offsite disturbances or nuisance.

School, University/College (Revised 12/28/01 - Ord. 01-92; 06/08/04 Ord. 03-94)

In addition to the applicable district regulations, the following standards shall apply:

1. All universities/colleges shall connect to central water and sewer;
2. All universities/colleges shall have at least two access points;
3. No university/college shall have its primary access point crossing an active railroad;
4. There shall be at a minimum 50 feet of road frontage and all access points shall be on a collector road or better;
5. All universities/colleges shall have at least a Type III Intersection in accordance with Appendix A at its primary access point;
6. All parking areas shall be paved;
7. All accessory parking lots and playing fields shall be oriented in such a manner so as not to abut residential property. If this cannot be met, then those areas shall be buffered with either a solid fence or Type C buffer (see Section 720) that has 80 percent opacity within two years¹;
8. Any proposal for a university/college in a location that will render a legal use nonconforming shall require a Level 3 Review;
9. No school shall be permitted in the Green Swamp Area of Critical State Concern Rural Special Protection Area; and
10. All accessory uses shall meet the parking requirements that would be representative of them as a primary use as outlined in Section 708.

Seaplane Base

In addition to all applicable regulations seaplane bases shall comply with the following requirements:

¹ Accessory parking lots are parking lots significantly separated from the main parking lot but may be linked via a driveway aisle.

1. All aircraft/seaplane operation shall be limited to daylight hours.
2. All aircraft/seaplanes or any materials used for aircraft/seaplanes shall be store in a enclosed structure.
3. The storage of any fuel shall meet all local, state, and federal regulations. There shall be no storage of any bulk fuel tanks permitted on-site.
4. Any aircraft/seaplane kept on-site shall be operational and registered with any local, state, or federal agencies as deemed necessary through FAA regulations.

Self-Storage Facilities (Revised 10/07/04 - Ord. 04-58; 11/27/02 - Ord. 02-84)

In addition to all applicable regulations self-storage facilities shall comply with the following requirements:

1. Parking and travel aisle design shall be consistent with the following:
 - a. One-way travel aisles shall include one ten foot parking/loading lane and one 15 foot travel lane. Traffic direction and parking/loading lanes shall be indicated by either pavement marking or signage.
 - b. Two-way travel aisles shall include one ten-foot wide parking/loading lane and two 12-foot wide travel lanes.
 - c. Aisles not serving storage spaces shall not be required to provide parking/loading lanes.
2. Outdoor storage of cars, boats, or recreational vehicles, may be permitted as an accessory use to a self storage facility, except within the BPC-1 and LCC districts. Storage of boats, RVs, and other large items may be permitted in an NAC provided all the following are met:
 - a. The item shall be completely screened from off-site view.
 - b. Storage of large items shall be prohibited within 50 feet of residential uses and residential districts.
 - c. All storage shall be limited to a 15 foot maximum height.
3. Plumbing shall not be extended to individual storage spaces.
4. In addition to the regulations required above, self-storage facilities within an NAC shall comply with the following requirements:

- a. Self-storage facilities shall not exceed 50 percent of the gross land area within an NAC district.
 - b. If outdoor lighting is proposed within a self-storage facility, it shall be attached on structure walls at a height no higher than the beginning of the roofline. Rooftop lighting is permitted in order to illuminate the structure is attached to but shall be limited to five feet in height above the roofline of the structure. All lighting shall also be directed downward and inward to reduce the potential for off-site impacts.
 - c. Self-storage facilities shall not be permitted within 200 feet of an intersection consisting of collector or arterial roadways within an NAC.
 - d. Unless located within a building, access doors to individual storage units shall be screened from off-site and public rights-of-way view by landscaped walls or opaque fences. These walls and fences shall be located no closer to the property lines than five feet and shall provide a minimum Type AA@ Buffer.
5. Self-storage facilities located within a CE district adjacent to existing residential or land use designated on the land use map residential shall comply with the following additional requirements:
- a. At a minimum, a Type AB@ buffer shall be provided along all property lines adjacent to existing residential or designated residential.
 - b. Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m.
 - c. Self-storage facilities shall not exceed height allowing any portion of the facility to be visible (in the line of site) above the buffer at maturity provided along all property lines adjacent to existing residential or designated residential.
 - d. Self-storage facilities, to the best of ability, shall be designed to be architecturally compatible to all surrounding residential development.

Short-term Rental Units (Revised 5/20/09 – Ord. 09-023)

1. *Authorization and Location*

- a. The use of a dwelling unit as a short-term rental shall be a permitted use within those subdivisions listed in Table 3.3 and incorporated herein by reference. Except as provided in Subsection 5, Short-term rentals shall be permitted throughout the unincorporated Polk County as provided in Table 2.1. A Level 3 Review in accordance with Section 906 shall be obtained unless otherwise provided for in this Section.

- b. Any lot owner within an existing subdivision may apply on behalf of the entire subdivision subject to a Level 3 Review to allow short term rentals. In addition to any other required notice, notice shall be given by regular United States mail to each lot owner within the subdivision for which application is being made, each lot owner within any subdivision the boundaries of which are within 250' of the subdivision for which application is being made, and each lot owner within any subdivision the roads of which are used for access to the subdivision for which application is being made or which utilizes a common access road, security gate or other common facility with the subdivision for which application is being made. In determining whether or not to allow short-term rentals within an existing subdivision, the following factors shall be taken into consideration in conjunction with the factors enumerated in Section 906 as applicable:
 - i. The ratio of short-term rentals to total lots within the subdivision;
 - ii. Whether or not deed restrictions or similar instruments exist which permit or prohibit short-term rentals within the subdivision;
 - iii. The required setbacks between dwelling units within the subdivision;
 - iv. The steps that were taken to advise buyers that short-term rentals were either allowed or disallowed in the subdivision; and
 - v. Any other factor affecting the compatibility of short-term rentals with dwelling units not being utilized as short-term rentals.
- c. Except as non-conforming, as provided herein, short-term rentals may be authorized in less than an entire subdivision or Planned Development only if limited to a distinct phase or phases of the subdivision or Planned Development. In such a case, the applicant shall clearly specify the phase or phases in which short-term rentals are to be allowed and provide appropriate buffering between phases allowing short-term rentals and phases limited to permanent residential units. Individual dwelling units within a subdivision or Planned Development may not be utilized for short-term rental purposes unless the entire subdivision or Planned Development, or the phase thereof in which the dwelling unit is located, has received approval for short-term rentals.
- d. Dwelling units for which a building permit was issued or lots, whether improved or unimproved, for which a contract for sale and purchase was entered into or for which a closing was consummated within the nine months preceding 17, 1998, whether or not short-term rental activity had begun on such property as of 17, 1998, may be authorized for use as short-term rentals on a parcel-by-parcel basis through a direct BoCC review. Upon receipt of a

complete and sufficient application, a public hearing shall be scheduled directly before the Board of County Commissioners.

- e. For dwelling units located outside of subdivisions and Planned Developments, application for short-term rental authorization shall be made through a Level 3 Review on a dwelling-by-dwelling basis.
- f. Applications for modifications to Planned Developments to allow short-term rentals shall be processed as a Level 3 Review.
- g. Nothing herein shall be construed to affect the validity or to otherwise prevent the enforcement of deed restrictions or other similar instruments which either explicitly or implicitly prohibit short-term rentals within a subdivision or Planned Development.

2. *Notification*

- a. For subdivisions receiving plat approval subsequent to the effective date of this Code, whether part of a Planned Development or not, notice that short-term rentals will be allowed within the subdivision shall be provided as follows:
 - i. The plat for the subdivision shall contain a conspicuous note that short-term rentals are allowed within the subdivision. If short-term rentals are allowed in less than the whole subdivision, the plat shall indicate the phase or phases in which short-term rentals are allowed.
 - ii. The deed restrictions for the subdivision or instruments similar in function to deed restrictions shall indicate that short-term rentals are allowed within the subdivision and shall set forth the definition of Ashort-term rental@ contained herein. If the definition of Ashort-term rental@ contained herein is more permissive than what is allowed in the subdivision, a more restrictive definition of Ashort-term rental@ may be set forth. If short-term rentals are allowed in less than the whole subdivision, the deed restrictions shall identify where short-term rentals are allowed.
 - iii. A document to be entitled ANotice of Short-Term Rentals,@ as set forth, shall be recorded in the public records, separate from the deed restrictions or instruments similar in function for the subdivision. A copy of the recorded Notice shall be provided to the Polk County Land Development Division within ten days of approval of the subdivision plat by the Board of County Commissioners or prior to the sale of any lots within the subdivision, whichever occurs first. In addition, the Notice shall be posted in a conspicuous place in the sales office for the subdivision, if any, and be included in all sales literature for the subdivision. If the definition of Ashort-term rental@ contained herein is more permissive than what is allowed in the

subdivision, a more restrictive definition may be included in the Notice. In addition, if short-term rentals are allowed in less than the whole subdivision, the Notice may so indicate provided the Notice specifies the phase or phases in which short-term rentals are allowed.

The Notice shall be in no less than bold 14 point font and shall contain substantially the following language:

NOTICE OF SHORT-TERM RENTALS

(Name of subdivision)

(Name of applicant/owner)

IMPORTANT NOTICE TO PROSPECTIVE PURCHASERS:

Short-term rentals are allowed within [name of subdivision]. A short-term rental is defined by Polk County Ordinances as a dwelling unit which is made available more than three times a year for periods of fewer than 30 days or one calendar month at a time, whichever is less, for use, occupancy or possession by the public. Timeshares, vacation rentals and holiday rentals meeting this definition are examples of short-term rentals. If you have any questions concerning short-term rentals, you may call the Polk County Land Development Division at 863-534-6792 or contact your sales representative.

- b. For subdivisions platted prior to the effective date of this Code in which any lots remain unsold and in which short-term rentals are allowed, the applicant shall record a Notice of Short-Term Rentals as provided in this Section. A copy of the recorded Notice shall be provided to the Polk County Land Development Division within 60 days of the effective date of this Code. In addition, the Notice shall be posted in a conspicuous place in the sales office for the subdivision, if any, and be included in all sales literature for the subdivision.

- c. In addition to the notice required, prior to the execution of a contract for sale and purchase of a lot within a subdivision in which short-term rentals have been authorized as provided in this Code the seller of such lot, whether the applicant or a subsequent owner and whether the lot is improved or unimproved, shall provide written notice to any prospective purchaser that short-term rentals are allowed within the subdivision. The notice shall be in substantial conformance with the Notice of Short-Term Rentals set forth and shall contain a sworn statement signed and dated by the seller indicating that the seller has advised the prospective purchaser of the presence of short-term rentals in the subdivision along with a sworn statement signed and dated by the prospective purchaser indicating that the purchaser has been advised by the seller of the presence of short-term rentals in the subdivision. Both the seller and the prospective purchaser shall be given a signed copy of the notice.

3. *Licensing and Registration*

- a. A Polk County occupational tax receipt shall be obtained annually by each management company involved in managing one or more short-term rentals. Only one receipt need be obtained for each management company, regardless of the number of properties managed under said receipt. In addition, each short-term rental shall be registered on an annual basis with the Polk County Land Development Division or its successor in function. To qualify for registration, the owner of a short-term rental or the owner's agent shall submit a registration fee, to be established by resolution of the Board of County Commissioners, and the following information:
 - i. The name, telephone number and mailing address of the owner of the unit;
 - ii. The street address of the unit;
 - iii. The name, telephone number and mailing address of the management company managing the unit;
 - iv. A telephone number, pager number or any combination thereof at which a representative of the management company can be reached 24 hours a day (the number submitted shall be either a published local number or a toll free number); and
 - v. A copy of the license required under Chapter 509, Florida Statutes, for the management company managing the unit.
- b. It shall be the responsibility of both the owner of the unit and the management company for the unit to ensure that the information on file with the Land Development Division is both current and accurate.

4. Operational Requirements

- a. In addition to any other requirements contained herein, all short-term rentals, including those entitled to non-conforming status under Subsection 5, shall be operated in compliance with the following requirements:
 - i. Short-term rentals shall be operated in compliance with all applicable requirements for public lodging establishments under Chapter 509, Florida Statutes, and all other applicable local, state and federal regulations. Short-term rentals shall be licensed under Chapter 509, Florida Statutes, and a copy of said license shall be displayed on the back of the main entrance/exit door to the unit.
 - ii. A copy of the County occupational tax receipt for the management company managing the unit shall be displayed on the back of the main entrance/exit door to the unit.

- iii. Each management company operating within a subdivision shall post its 24 hour phone number on file with the Land Development Division in the clubhouse or another common building for the subdivision if space is made available in such building for posting notices or other public information.
- iv. Each short-term rental shall be provided with at least two covered, watertight trash containers. Trash from a unit may not be stored in such a manner that it becomes deposited on public property, the property of another or in such a manner that it otherwise becomes a nuisance.
- v. Loading and unloading of tour/charter buses, as well as the parking of tour/charter buses, shall not be allowed in the residential areas of a subdivision. For the purposes of this provision, any vehicle seating more than 15 adults shall be considered a bus. School buses and public buses are exempt from the provisions of this Section.
- vi. The intent for the availability of short-term rentals shall be noted on the plat and on any documents relating to any homeowners association in compliance with this Section.
- vii. Short-term rental units shall be responsible for all required hotel/motel taxes and fees.
- viii. Short-term rental status shall apply to the entire subdivision. A note shall be placed on the construction plans, plat and all sales documents indicating the proposed subdivision to be utilized as short-term rentals.
- ix. The applicant shall provide a vegetative buffer along all boundaries of the proposed project to separate the short-term rental units from single-family residential units not approved for short-term use. Short-term rental use shall be defined as a Class 3 use as outlined in Section 720 and shall conform with all buffer requirements of Section 720.
- x. A notice in substantial conformance with the following shall be given to each group which will be occupying a short-term rental at the time of execution of the rental contract for the unit. A representative of the group shall sign and date a statement on the notice indicating that he or she has read and understands the regulations set forth on the notice. The notice provided shall be in the language of the representative to sign the notice. The notice shall also be posted on the back of the main entrance/exit door to each unit. The notice shall be in bold print, in no less than 12 point font and contain substantially the following language:

NOTICE TO OCCUPANT

This unit is located within a residential community. Please be considerate of your neighbors. The following are some of the local laws and community restrictions that you should be aware of during your stay.

1. **Trash.** All trash shall be placed in a covered, watertight trash container. Trash may not be stored in such a manner that it becomes deposited on public property, the property of another or in such a manner that it otherwise becomes a nuisance. Trash shall be disposed of at least twice a week. Garbage collectors will pick up your trash on [management company shall verify days of collection and insert here]. To ensure that your trash is picked up, please place your trash containers by the road by 7:00 a.m. on these days. Once your trash has been picked up, you shall remove your containers from the roadside.
2. **Noise.** It is unlawful in Polk County to create noise at such a level or for such a duration that the noise unreasonably interferes with your neighbors' comfortable enjoyment of their property.
3. **Animals.** You may not allow your dogs to roam free outside of your unit. When outside, your dog shall either be leashed or under your direct control.
4. **Clothing.** You shall wear clothing while in public or in any other place where you are readily visible to the public or your neighbors. Females shall wear both a top and a bottom while males shall wear a bottom. G-strings and similar articles of clothing are insufficient for this purpose.

If you have any questions concerning these regulations, you may call [name of management company] at [list 24 hour phone number on file with Polk County Development Services].

Note: The notice may be modified when homeowner's association restrictions or restrictions imposed by the unit owner are more stringent than the listed regulations. In addition, restrictions may be added to the notice. Any restrictions varying from or added to the notice shall not infringe upon any civil rights guaranteed by the United States or Florida Constitutions.

- b. Both the management company and the owner of a short-term rental shall be responsible for compliance with and shall be held jointly and severally responsible for violations of this Subsection.

5. *Non-conforming Units*

- a. Dwelling units which were being utilized as short-term rentals on 17, 1998, or which were so utilized within the year preceding 17, 1998, may continue to be utilized as short-term rentals until 17, 2008 without the approval otherwise required under this Code, provided that, on or before September 17, 1998, appropriate documentation demonstrating such use was submitted to the Polk County Land Development Division and the unit was registered with the Land Development Division Thereafter, such dwelling units may no longer be utilized as short-term rentals unless the new approval is obtained. For the purposes of this Subsection, the following shall constitute appropriate documentation:
 - i. Copies of sales receipts reflecting use of the unit for short-term rental purposes during the applicable time period;

- ii. Copies of all licenses required for legal operation of the unit during the applicable time period; and
 - iii. Proof that all required taxes have been paid for the applicable time period.
- b. Submitting false information in conjunction with a non-conforming status application shall constitute a second degree misdemeanor, punishable by a fine of up to \$500 or by imprisonment in the county jail for up to 60 days, or by both such fine and imprisonment. Each application for which false information is submitted shall constitute a separate violation. In addition, any non-conforming status granted pursuant to this Section shall be revoked upon submission of competent substantial evidence that false information was submitted in connection with the application for such non-conforming status.
- c. The sale of a dwelling unit entitled to non-conforming status under this Section shall extinguish such dwelling unit's non-conforming status.
- d. Absent formal approval, the maximum occupancy limits for non-conforming short-term rentals under this Section shall be eight persons per unit in those instances when the side or rear yard setbacks for the subdivision in which the short-term rental is located are less than seven feet, and two persons per separate, enclosed bedroom plus two additional persons per unit, up to a maximum of 12 persons, for all other non-conforming units. Persons who stay overnight in a unit shall be considered occupants of the unit irrespective of whether or not they are listed as occupants on the rental contract for the unit.
- e. Non-conforming short-term rentals located within subdivisions which have not received formal approval for short-term rentals under Subsection 1 shall be limited to minimum guest stays of seven days at a time.
- f. Individual dwelling units located within subdivisions or Planned Development which do not qualify for non-conforming status under this Section may not be utilized as short-term rentals unless short-term rental authorization is obtained for the entire subdivision or Planned Development, or the phase thereof in which the dwelling unit is located.
- g. Dwelling units entitled to non-conforming status under this Section shall nonetheless comply with all other requirements of this Code.
- h. Nothing herein shall be construed to affect the validity or to otherwise prevent the enforcement of deed restrictions or other similar instruments which either explicitly or implicitly prohibit short-term rentals in a subdivision or Planned Development.

6. *Authority of Sheriff's Office*

- a. The Polk County Sheriff's Office is authorized to prepare incident reports concerning violations of this Section and to submit such reports to and testify before the Polk County Code Enforcement Board.

Table 3.5 Subdivisions in Northeast Polk County Approved for Short-Term Rental Units

| Subdivision | Phases | Number of Lots |
|--------------------------------|--|----------------|
| Polo Park | 1-B, 2, 3-A, 3-B | 455 |
| Lone Pine | 2, 3 | 46 |
| International Bass Lake Resort | 1 | 254 |
| Lakeside at Bass Lake | n/a | 145 |
| Davenport Lakes | 1, 2, 3, 5 | 218 |
| Loma Vista | 1, 2 | 154 |
| Loma Linda | 1, 2, 3 | 233 |
| Bently Oaks | n/a | 100 |
| Westridge | 1, 2, 3, 4 | 431 |
| Robbins Rest | n/a | 71 |
| Sunridge Woods | 1, 2, 3 | 384 |
| Oakpoint | n/a | 70 |
| Briargrove | & 1 st , 2 nd , 3 rd Additions | 238 |
| Thousand Oaks | 1, 2 | 147 |
| Pinewood Country Estates | 1, 2, 3, 4 | 85 |
| Bridgewater Crossing | 1, 2 | 223 |

Solar Electric-Power Generation Facility (12/6/11 – Ord. 11-033)

The location, construction, and operation of Solar Electric-Power Generating Facilities shall comply with the following standards:

1. Siting/location criteria:
 - a. Solar Electric-Power Generation Facilities shall be allowed in the A/RR, RS, RCC-R, HIC, BPC-1, BPC-2, IND, INST-1, INST-2 and PM land use districts subject to conditional use approval.
 - b. The minimum property size for a Solar Electric-Power Generation Facility shall be 10 acres.
 - c. All solar panels and associated equipment shall be setback a minimum of 50 feet from all property lines and shall comply with all applicable right-of-way setbacks.
 - d. The height of any solar panels and solar arrays shall not exceed the height limitation for the applicable land use district; otherwise, a variance may be applied for in accordance with Section 930 of this Code.
 - e. Visual impacts of the solar panels, solar arrays and any solar energy system shall be minimized in accordance with the following:
 - i. A Type A Landscape buffer shall be required along the frontage of all public rights-of-way. If this buffer is determined to affect the functionality of the solar arrays and system, the applicant may apply for a waiver to this requirement in accordance with Section 932 of this Code.
 - ii. Clearing of natural vegetation for the installation of a Solar Electric-Power Generation Facility shall be limited to that which is necessary for the construction, operation, and maintenance of the Facility and as otherwise prescribed by applicable state and federal laws, rules, and regulations.
2. Within the A/RR, BPC-1, BPC-2, and INST-1 districts, a Solar Electric-Power Generation facility shall require a Level 3 Review if any of the follow criteria are met:
 - a. The proposed facility will be located within one-quarter mile (1,320 feet) from a single-family residence or subdivision consisting of single-family lots;
 - b. The solar panels or any associated equipment is proposed to be closer than 50 feet to the property line.
3. Solar Electric-Power Generation Facilities shall comply with the Florida Electrical Power Plant Siting Act when determined to be a Certified Electric-Power Generation Facility pursuant to Florida Statues. Polk County shall, at its sole discretion, remain a party to the

Electrical Power Plant Siting Act certification process. Solar Electric-Power Generation Facilities that qualify as a Certified Facility shall require a Level 4 Review.

4. Prior to approval, the applicant shall demonstrate that the Facility complies with all other applicable state and federal laws, rules and regulations pertaining to electric-power generation facilities specific to solar power.

Solid Waste Management Facility

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. Consideration of an application for approval of a proposed solid waste management facility shall be in accordance with Chapter 9 of the LDC for a Level 4 Review and shall also include the review and consideration of the following additional information for compatibility review and consistency with the Comprehensive Plan and the LDC:
 - a. The haul routes from the nearest arterial roadway, and proposed points of access to the property;
 - b. The proposed date that construction will commence;
 - c. The volume of waste to be received, expressed in cubic yards or tons per day;
 - d. An explanation of the types of wastes to be received;
 - e. A statement specifying the hours of operation;
 - f. The source of the solid waste to be received;
 - g. The levels of odor, dust, and noise anticipated to be generated by the facility and proposed mitigation thereof;
 - h. The proposed landscape buffer and other buffering techniques planned to address compatibility and other impacts of the facility. At a minimum, the facility shall propose a landscape buffer consistent with the requirements of this Code, however, additional buffering may be required by the County as part of the approval process if the county finds such is necessary to address compatibility and other impacts of the facility. Additional buffering proposed by the applicant or required by the county may include, without limitation, increased landscaped buffers, setbacks, spatial separations, lakes, berms or any combination thereof; and
 - i. Height of all structures and other improvements.
2. The facility shall have direct access to a paved local commercial, collector or arterial roadway. No access to the site shall be from a local residential road.

3. Minimum setbacks for new solid waste management facilities shall be as follows:
 - a. Landfills: All structures, uses and excavation sites shall be a minimum of 1,000 feet from all property lines. The landfill footprint shall be a minimum of 2,500 feet from all property lines
 - b. Incinerators: Front, rear, and side yard setbacks shall be a minimum of 500 feet. When adjacent to residentially used or designated property, and Community Facilities as defined in the Comprehensive Plan, setbacks shall be a minimum of 1,000 feet
 - c. Materials recovery facilities, solid waste transfer stations, and volume reduction plants: Front, rear, and side yard setbacks from the excavation site shall be a minimum of 100 feet. When adjacent to residentially used or designated property, and Community Facilities as defined in the Comprehensive Plan, setbacks shall be a minimum of 500 feet.
 - d. Modification or expansion of existing facilities with a valid Level 3 or Level 4 Review approval as of the effective date of the ordinance creating these regulations, shall not be considered new solid waste management facilities and not be subject to the minimum setback requirements of subsection 3.
4. Prior to the start of construction activities, the applicant shall obtain the appropriate Level 2 review, building permit(s), and solid waste management facility siting permit.

Suburban Planned Developments (Revised 9/26/01 - Ord. 01-70)

The Future Land Use Element of the Polk County Comprehensive Plan establishes the Suburban Planned Development (SPD) District as a mechanism where increased densities and uses are allowed which may otherwise not be permitted in the RS land use district.

1. The Suburban Planned Development District is at the owner's option and requires:
 - a. Use of innovative design techniques and additional open space;
 - b. Conservation of natural resources;
 - c. Utilization of land economically and efficiently;
 - d. Efficient use of existing and programmed public services and facilities; and
 - e. Creation of functional development that is compatible with surrounding uses.
2. For purposes of this Code, a Suburban Planned Development is:
 - a. Land to be planned as a whole;

- b. Built in a single phase or a programmed series of phases;
 - c. To include uses and development substantially related to the character and purposes of the land use category; and
 - d. Built according to plans, which identify streets, utilities, lots, building locations, access, open space, natural resources, and plans for other uses and improvements of land and buildings; and
 - e. To include a program to provide for operation and maintenance of such areas, facilities, and improvements for common use by the occupants of the planned development district; but which will not be provided, operated or maintained at general public expense.
3. Suburban Planned Development (SPD) is a "permitted use" allowed within the Residential-Suburban (RS) land use classification, subject to:
- a. Receiving use approval and development approval, as specified within the County's Land Development Code; and
 - b. Meeting the use approval conditions, development criteria, and development conditions of this Section.
4. Applications for residential Planned Developments shall be reviewed and approved if compliant with the standards listed:
- a. The provisions of this Section;
 - b. The provisions of the Comprehensive Plan;
 - c. A proposed SPD project shall not be approved if it is determined to be premature. When evaluating proposed SPD projects the following factors shall indicate whether it is premature:
 - i. The condition and capacity of the collector and arterial road network are adequate for the project;
 - ii. There are adequate urban services, including, but not limited to: police, fire, and EMS, to serve the project;
 - iii. The project will not result in considerable displacement of ongoing economically viable agricultural activities; and
 - d. The timing of development is consistent with development of the surrounding area. Such timing shall be considered appropriate where the existing development of the surrounding area is:

- i. Forty percent developed (of developable area) within a one mile radius, for parcels containing 0 to 99.99 acres; or
 - ii. Sixty percent developed (of developable area) within a two mile radius, for parcels containing 100 or more acres.^{2 3}
- e. Open Space shall comply with the following:
 - i. SPD's containing 0 to 99.99 acres shall devote at least ten percent of the gross developable project area to open space.
 - ii. SPD's containing 100 or more acres shall devote at least 20 percent of the gross developable project area to open space.
 - iii. Open Space shall comply with the definition in Chapter 10 and Section 750 whichever is more restrictive.
 - iv. In cases where a parcel has been subdivided and sold after December 1, 1992, each sub-parcel of the original parent parcel would have to meet the same open space requirement percentage as required by the entire area of the parent parcel.
- f. SPDs may contain single-family and duplex units at a gross density (on the entire site) of up to, and including, three dwelling units per acre.
- g. All SPDs shall:
 - i. Be adjoining (touching) the right-of-way of an arterial, paved collector, or paved County maintained local road meeting or exceeding adopted Level-of-Service standards (collector or local roads shall be linked to an arterial road by a paved road meeting County standards)
 - ii. Restrict access from the development onto County and State roads to appropriate locations in order to address the maintenance of levels of service and public safety issues;

²For the purpose of this Section, existing development is the amount of area included within parcels which contain residential lots or parcels at densities of one du/ac or greater, to also include subdivisions with lots of at least one du/ac which have been built out at least 50 percent; non-residential structures (excluding agricultural related structures), roads, parks, and other similar

³For the purpose of this subsection, developable areas exclude those areas not suitable for development and resource protection areas where the Comprehensive Plan prohibits or discourages development, e.g. ancient scrub, wetlands, flood plains, lakes, streams, rivers, and other water bodies.

- iii. Be connected to an adjacent existing public or franchised water system which meets LOS standards established within this Plan;
 - iv. Be required to connect to the centralized sewer system within one year of it becoming available; and
 - v. Submit a binding site plan and undergo the County's development review and approval process.
 - vi. SPDs containing from 0 to 99.99 acres shall provide a minimum of ten percent open space.
 - vii. SPDs containing 100.00 or more acres shall provide a minimum of 20 percent open space.
- h. Land may not be developed as a SPD in an incremental fashion in order to avoid a stricter requirement of this Code.
 - i. The total area of any parcel existing as of December 1, 1992, shall be counted when computing the area for a proposed SPD.
 - j. The total area for proposed SPDs shall not exclude areas required to be dedicated to the public, by other County Ordinances, for road rights-of-way, utility easements, or other similar purposes, since those dedications would be required even if the land was to be platted under the permitted RS base density of one dwelling unit per five acres.
 - k. In cases where a property owner chooses to develop only a portion of his/her property at the time of initial development, which said portion is less than a SPD threshold, the following would apply:
 - i. The subject parcel would still have to meet the degree of surrounding existing development requirement.
 - ii. The property owner could defer providing the open space as required for SPDs of less than 100 acres or over 100 acres. However, at such time in the future, an additional portion of the parent parcel was to be developed as a SPD, thereby causing the total SPD developed area to exceed an open space threshold, that additional area SPD would be required to provide that open space for the original less than 100 acre SPD development, as well as the new additional SPD area.
- 5. In cases where a parcel over a SPD threshold of less than 100 acres or over 100 acres has been subdivided after December 1, 1993, and its various sub-parcels are now under that SPD threshold, the following would apply:
 - a.. Each sub-parcel of the parent parcel would still have to meet the degree of surrounding existing development requirement.

- b. Each sub-parcel of the parent parcel to be developed as a SPD would have to meet the same open space requirement percentage as required by the entire area of the parent parcel (for example: A ten acre sub-parcel of an 100 acre parent parcel would be required to provide 20 percent of that ten acres (two acres) as open space). Such open space provision would not be required where the development of the remaining parent parcel was impossible due to:
 - i. Dedication and acceptance of that land to the public for public purposes, or
 - ii. A legal instrument, acceptable to the County Attorney, being recorded which prohibits future development of the land, until such time as further development of the land is consistent with the County's Comprehensive Plan, and the County rescinds such legal instrument.

Transit, Commercial

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

- 1. A buffer at a minimum, equal to a Type C buffer (see Section 720) shall be provided between a transit facility and all abutting residential districts.
- 2. There shall be no outside activity other than loading and unloading of materials. All equipment repair shall be conducted within an enclosed structure.
- 3. All outdoor storage shall be screened from off-site view.
- 4. No activity shall be conducted that produces noise, odors, dust, fumes, fire hazard, or other nuisance beyond the property boundaries.

Transitional Area Districts (Rev. 4/19/16 – Ord. 16-021)

- 1. The Transitional Area District is a mechanism to recognize changing development trends while protecting existing uses.
- 2. Transitional Areas may be permitted within the following residential districts:
 - a. RS, except adjacent to a CE district
 - b. RL-1
 - c. RL-2
 - d. RL-3
 - e. RL-4

- f. RM
 - g. RH
3. Transitional Areas shall not be permitted within an Urban Enclave Area (UEA), nor within the Green Swamp Area of Critical State Concern (ACSC).
 4. Transitional Areas shall only be located on that portion of a vacant, undeveloped, residentially designated tract immediately adjacent to properties primarily developed as Utilities (as defined in Section 2.125-D of the Comprehensive Plan) or a NAC, CAC, RAC, BPC, HIC, TCC, LCC, CE (except in the SDA), or IND district. A Transitional Area development may not extend further than 660 feet from the boundary of the higher intensity district.
 5. Transitional Areas shall be contiguous to a more intensive use, and cannot be separated from that use by an arterial road or other natural or man made buffer which makes the Transitional Area unnecessary.
 6. Transitional Areas may not be established until such time as the adjacent intensive district is developed with a use for which transitioning is needed. A Transitional Area may be established concurrently with the adjacent intensive district when both areas are under the control of one developer.
 7. Transitional Areas shall not intrude into developed areas of existing residential neighborhoods; except where such Transitional Area is made part of a Redevelopment District Plan, as provided for in the Polk County Comprehensive Plan.
 8. Transitional Areas may contain the uses prescribed in Table 3.10.
 - a. Residential-Medium refers to residential development at net densities of between 5.1 and 10 du/ac. Residential-High refers to residential development at net densities between 10.1 and 15 du/ac.
 - b. Residential development may include single-family detached, duplexes/two-family attached, or multi-family/townhouse units. Mobile homes are not permitted in Transitional Areas.
 - c. If the proposed Transitional Area is also adjacent to property either used or designated for Residential-Low development, the highest residential use the Transitional Area can contain is Residential-Medium.

Table 3.10 Transitional Area Uses (Rev. 4/19/16 – Ord. 16-021)

| Land Use Within the Adjacent Intensive District ^{(3) (4)} | Maximum Uses Permitted Within The Transitional Area ⁽¹⁾ | | | |
|--|--|---------------------------------|--------|--------------|
| | Residential Medium ⁽²⁾ | Residential High ⁽²⁾ | Office | Self-Storage |
| Industrial (including BPC) | X | X | X | X |
| Commercial | X | X | X | X |
| Office | X | X | | |
| High Density Residential | X | | | |
| Utilities | | | X | X |

Footnotes:

(1) where X = permitted Transitional Use

(2) Residential uses shall be permitted next to intensive non-residential uses with proper buffering between the non-residential use and transitioning residential use. Residential densities - for this policy only - shall be based upon Anet@ densities (computed by dividing the total number of dwelling units on a site by only the area devoted solely to residential uses).

(3) When the adjacent residential use is Residential-Low, or lower, the highest residential use the Transitional Area can contain is Residential-Medium

(4) See policy 2.125-C1.a for intensive-use land use area categories.

9. All Transitional Areas shall comply with the following standards:
- a. Transitional Areas shall provide for buffering between the transitional use and adjacent uses in accordance with the requirements in Section 720.
 - b. A Transitional Area comprised of office uses shall generate no more than 40 trips per 1,000 square feet of building space per day. Uses which typically operate after Anormal business hours@ (i.e., after 6:00 p.m. daily or on Sundays) shall not be permitted.
 - c. Lot areas, setbacks, height, and other similar development regulations within the Transitional Area shall be proposed by the applicant; and upon review and approval by the County, incorporated into the Final Development Plans for the project.
 - d. Transitional Area development shall be compatible with the residential character of the surrounding area in terms of building design and scale, lighting, signage.
 - e. Self-Storage facilities are permitted at a 0.75 FAR when utilizing the Planned Development process within the Transit Supportive Development Area.

10. Approval of a Transitional Area shall be in accordance with the procedures outlined in Section 906 for a Level 4 Review, because approved sites for these developments are not specifically designated nor mapped on the Future Land Use Map Series (FLUMS) of the Polk County Comprehensive Plan. In addition to the submittal requirements for a Level 4 Review, as prescribed in Section 907 and Section 909, Final Development Plan, an application for a Transitional Area with a AVicinity Plan@ including the following elements:
 - a. The existing land uses surrounding the subject property;
 - b. The horizontal and vertical dimensions, density (residential), and floor area ratio (non-residential) of surrounding uses (Note: if the subject property is adjacent to a residential neighborhood which contains several single-family homes, the applicant may use average dimensions for the neighborhood);
 - c. The setbacks of surrounding uses; and
 - d. An elevation of the proposed transitional use showing the proposal in its community setting between the more intensive use and the adjacent residential area. This elevation shall show the proposed architectural style/facade treatment of the transitional use, and the proposed landscaping/buffering design for the site.

Utilities (Revised: 08/19/14 – Ord. 14-054; 12/1/10 - Ord. 10-082)

1. Class III utility facilities may be permitted within the Rural Development Area (RDA), as designated on the Future Land Use Map Series, only when such development:
 - a. Provides regional (multi-county) services;
 - b. Is determined by the County to be incompatible with urban uses;
 - c. Is necessary to service the existing needs of the immediate area in which it is proposed to locate.
2. Class III utility facilities may be permitted within a residential district only if the applicant demonstrates what efforts have been made to first site the facility within a non-residential district and why those sites were not chosen. At a minimum, alternative non-residential sites within one quarter of one mile from the selected site shall be considered.
3. Utilities shall be required to comply with the buffer requirements of Section 720 to the extent that such provisions do not conflict with other requirements for utilities which are mandated by local, state, or federal governments. In cases where other governmental requirements do conflict with the buffering provisions of this Code, a waiver to the buffering provisions may be granted (refer to Section 932), but only to the extent necessary to rectify the conflict. In such instances, the County may require

increases in the setback distances or other design features to offset decreases in buffering.

4. For electrical power substations and electrical power switching stations, the buffering requirements of Section 720 may also be modified through a waiver if necessary to minimize interference with overhead electrical power distribution or transmission lines and to ensure safe operational conditions.
5. Potable water treatment facilities and wastewater effluent disposal facilities shall adhere to setbacks as set forth in Florida Administrative Code (F.A.C.) requirements, Chapter 62-500 and Chapter 62-600 respectively.
6. Elevated potable water storage facilities shall be set back a distance equal to one times (1x) the height of the storage facility from any off-site FLUMS residential designation or the property line of any off-site existing residential use. Where such facilities are not adjacent to residential, the applicable district setback shall apply.
7. Wastewater treatment plants and associated facilities shall be sited according to the following required minimum setbacks:
 - a. Pumps/lift stations serving 3,000 Equivalent Residential Connections (ERCs) or more, shall be set back 20 feet from all property lines.
 - b. Wastewater treatment facilities, whether interim, package, or permanent, shall maintain a minimum setback of 100 feet from any off-site residential use or district, or any on-site platted lot or dwelling unit;
 - c. A wastewater treatment facilities on-site percolation ponds shall be set back from the site boundary a minimum of 20 feet with buffering or 50 feet without buffering, as required by state regulations.
8. Electrical power substations and electrical power switching stations shall be sited according to the following required minimum setbacks:
 - a. No setback adjacent to Phosphate Mining (PM) or Industrial (IND) uses or districts.
 - b. A 50 foot setback adjacent to other utility uses, BPC-1, BPC-2, HIC, LCC, and TCC districts.
 - c. A 100 foot setback adjacent to residential, institutional, recreational, commercial (other than listed in d.ii), agriculture, community facilities or preservation uses or districts.
 - d. These setbacks may be modified in accordance with the variance procedures and criteria as outlined in Sections 930 and 931 of this Code.

9. For purposes of public safety and welfare, all new Class III utilities (except transmission lines) and all new electrical power substations (both Class II and Class III), shall be protected by fencing or other appropriate protection to discourage entry by animals and unauthorized persons. Fencing shall be interior to any required vegetative buffering. The minimum height for enclosures shall be six feet from finished grade level. Fencing in or adjacent to residential uses or districts shall exclude barbed or razor wire fencing materials below the height of six feet.
10. All water, wastewater and reclaimed water systems shall be in accordance with Florida Administrative Code (F.A.C.) Chapters 62-500 and 62-600, Recommended Standards for Wastewater Facilities latest edition, Recommended Standards for Water Works latest edition, American Water Works Association, and Water Environment Federation recommendations and requirements.
11. The following are maximum average noise levels which shall be permitted at the utility sites perimeter on any given day, when a proposed utility locates as indicated.
 - a. Next to a residential use or residential district: 65 dB(A).
 - b. Next to a commercial, non-residential use or district: 70 dB(A).
 - c. Next to an industrial, non-residential district or use: 80 dB(A).
12. The applicant shall be required to monitor and report the observed noise levels (dB [A]) upon receipt of a written request to do so by the Director of the Polk County Code Enforcement Division.
13. Approval of utility facilities shall be in accordance with the type of Conditional Use identified on the Use table, Table 2.1 and the appropriate procedures outlined in Chapter 9. In addition to the submittal requirements of that Section, applications for Class III utilities shall include the following information:
 - a. For pipe or transmission line projects which require acquisition agreements or easements from more than one owner, and for which the exact route is not fixed at the time of application, the application shall include, in lieu of a legal description, a corridor route map depicting the planned alignment of the transmission line. This shall be accompanied by a narrative description of the diameter or kilowatt, length (in linear feet or miles) and type of line to be installed. The route map shall be depicted on a map scaled at 1:2,000 feet or the most recent USGS Quadrangle maps. The corridor map shall also show the proposed location and dimension of above ground facilities such as switching or substations, pumping stations, or valve and meter stations, as well as any landscaped buffer area for such above ground facilities. At least one map of the precise location of the final route of the pipe/transmission line and a written legal description shall be submitted to the County prior to construction of the pipe/transmission line.
 - b. Maximum capacity of the utility;

- c. A list of federal, state or regional permits or approvals needed, including regulation citations;
- d. Flow rate and volume of fuel or pounds per square inch (psi), as applicable;
- e. Material of which pipeline transmission lines will be constructed, and a diagram depicting a typical section of the pipeline;
- f. An explanation of the number, location, distance between and general operation of meter/valve stations and other safety mechanisms for pipelines;
- g. An explanation of the relationship of the proposed use with existing utilities or distribution systems;
- h. An explanation of land use compatibility which shall address potential impacts of the proposed use on adjacent properties/land uses including but not limited to noise, vibration, odor, thermal or explosive hazards, electrical power interference, electromagnetic field influence, and any potential for obstruction of regulated airspace by the height, emitted waves or other features of the proposed use;
- i. A description of emergency management and local coordination plans/procedures for natural gas, liquefied fuel, or petroleum product storage or transmission pipelines, and a Pollution Prevention Plan, including secondary containment and telephone numbers of individuals to be notified in the event of a spill;
- j. The average depth to which facilities will be buried below grade/surface, if applicable;
- k. An explanation of any plans for back-up/emergency electrical power generators, where and when they would be used for the proposed project;
- l. Proposals for electrical power substations shall include in the project narrative for the development application a discussion of whether a "low profile" (underground or surface height) design is feasible for the proposed facility. The feasibility analysis shall include consideration of at least the following factors: adjacent future and existing land uses, proposed voltage of the facility (kV), buffering options and their effectiveness, the extent that a low profile design would lower the height/visibility of the tall structures within the facility;

- m. An estimate of the proposed facility's proximity to County owned rights-of-way, to be shown on the site plan, accompanied by an explanation of any proposed use of County owned rights-of-way. If County owned rights-of-way will be encroached upon, the applicant shall be required to obtain a County Right-of-Way Use Permit prior to construction (refer to Section 707).

Vehicle Recovery Service/Agency (Revised 09/16/09 – Ord. 09-060)

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. All new vehicle recovery service/agencies or operations shall be adjoining the right-of-way of an arterial or paved collector road.
2. When abutting a residential district or use, all new facilities or temporary vehicle parking shall be located no closer than 25 feet from the residential district or the residential property line.
3. Vehicle recovery service/agencies shall be limited to the repossession of vehicles and each location or agency shall retain a Class “R” recovery agency license per Chapter 493, F.S.
4. No vehicles shall be stored on site for longer than 30 days.
5. There shall be no auto salvage operations conducted and there shall be no service or repair of vehicles on site.
6. Owner/operators of vehicle recovery service/agencies shall maintain records for all repossessed vehicles and be provided to the County upon request.
7. When abutting a residential district or use, an opaque fence with a minimum height of six feet shall be installed around the area being defined as the area for temporary parking or vehicle storage.
8. Any security lighting provided shall be directed away from and not radiate on adjacent properties.

Vehicle Repair (Revised 06/08/04 Ord. 03-94)

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. A buffer equal to a Type C buffer (see Section 720) shall be provided between the vehicle repair facility and all abutting residential districts. Also, additional trees equal to one tree per 30 feet shall be provided adjacent to residential areas.
2. All access points shall have at a minimum 50 feet of road frontage and be located at a minimum on an Urban collector or Rural Major collector road or better unless contained within a planned industrial park with access to an Urban collector or Rural Major collector road or better.

3. There shall be no external activity beyond loading and unloading of materials. All repair shall be conducted within an enclosed structure.
4. All outdoor storage shall be screened from off-site view.
5. No activity shall be conducted that produces noise, odors, dust, fumes, fire hazard, or other nuisance beyond the property lines.
6. All vehicle repair structures shall be set back 50 feet when abutting a residential or professional district.

Vehicle Sales and Leasing Establishments

In addition to all applicable regulations a vehicle sales/leasing establishment shall comply with the following requirements:

1. All sales buildings shall meet commercial building standards.
2. Except within the HIC district, all on-site service and repair operations shall be performed within enclosed structures, thereby limiting the extent of their external impacts upon adjacent and nearby properties.

Veterinary Service (Rev 8/15/07 – Ord. 07-44; 01/30/03 - Ord. 03-14)

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. All new veterinary service facilities shall be adjoining the right-of-way of an arterial or paved collector road.
2. All new facilities shall be located no closer than 25 feet from any property boundary adjacent to residential districts (RL, RM, RH, RS, RCC-R).
3. In Office Center (OC) districts, veterinary services shall be limited to stand-alone structures that are separated a minimum of 25 feet from the property lines as well as another structure on site.
4. In OC districts, veterinary services shall be limited to animals of less than 200 pounds of weight.
5. In OC districts, veterinary services shall require a Level 3 Review if any structure is within 120 feet of a residential structure.

Water Ski Schools/Instruction

In addition to the applicable district regulations in Table 2.3, the following standards shall apply:

1. The school shall be built and operated in accordance with the scale and character of the surrounding structures.
2. No repair, or outdoor storage of parts, or equipment, shall be allowed in the front yard setback. All repairs and storage shall occur in an enclosed structure, not visible off-site.
3. All water craft operations shall be limited to daylight hours.
4. The storage of any fuel shall meet all local, state, and federal regulations. There shall be no storage of any bulk fuel tanks permitted on-site.
5. Any water craft kept on-site shall be operational and registered as any local, state, or federal agencies shall require.
6. In conjunction with the Impact Assessment Statement any impacts to the shoreline and lake bottom shall be evaluated.