POLK COUNTY LAND DEVELOPMENT CODE

ARTICLE III

Polk County Planning Division

September 1, 2000

Table of Contents

CHAPTER 1 GENERAL PROVISIONS 1-1

Section 101 Title 1-1
Section 102 Authority 1-1
Section 103 Purpose and Intent 1-1
Section 104 Conflict With Comprehensive Plan 1-2
Section 105 Relationship to Other Regulations 1-2
Section 106 Repeals 1-3
Section 107 Rules of Interpretation 1-5
Section 108 Periodic Code Review 1-8
Section 109 Dedications and Exactions 1-8
Section 110 Applicability 1-14
Section 111 Vested Rights 1-15
Section 112 Reserved 1-20
Section 113 Development of Regional Impact (DRI) Relationship to this Code 1-20
Section 114 - 119 Reserved 1-21
Section 120 Non-conformities 1-21
Section 121 Eminent Domain Actions 1-30
Section 122 - 129 Reserved 1-31
Section 130 Administrative Fees 1-31
Section 131 Severability 1-31
Section 132 Effective Date and Amendments 1-31
Section 133 Use of Document Reserved 1-31

CHAPTER 2 LAND USE DISTRICTS AND REGULATIONS 2-1

Section 201 Relationship to Comprehensive Plan 2-1
Section 202 Development Areas 2-1
Section 203 Land Use Districts Established 2-2
Section 204 Standard Land Use Districts 2-2
Section 205 Use Tables for Standard Land Use Districts 2-6
Section 206 Accessory Uses 2-17
Section 207 Temporary Uses 2-28
Section 208 Density and Dimensional Regulations for Standard Districts 2-37
Section 209 Accessory Structures 2-37
Section 210 Fences and Walls Permitted and Regulated 2-39
Section 211 Pools and Screen Enclosures 2-40
Section 212 Reserved 2-41
Section 213 Dumpsters 2-41
Section 214 Distance Between Buildings 2-43
Section 215 Setbacks from Private Roads 2-43
Section 216 Commercial Vehicle Parking and Storage 2-43
Section 217 Distressed or Abandoned Vehicles 2-45
Section 218 Boats, Utility Trailers, Sports Vehicles and Recreational Vehicles 2-45

Section 219 **Setbacks for Residential Infill** 2-46
Section 220 **Compatibility Standards** 2-46
Section 221 **Principal Uses and Buildings** 2-48
Section 222 **Agricultural** 2-48
Section 223 **Property Maintenance** 2-50
Section 224 **Alcohol Sales** 2-52
Section 225 **Maintenance of Commercial, Office, and Industrial Structures and Premises** 2-54
Section 226 **Irrigation Systems** 2-57
Section 227 **Filling and Excavating Land** 2-57
Section 228 **Measurement of Set Backs** 2-63
Section 229 **Agritourism** 2-64
Section 230 **Specific Provisions Applicable to Non-Residential Districts and Uses** 2-67
Section 231 **Storage of Liquid Propane Tanks** 2-69

CHAPTER 3 CONDITIONAL USES 3-1

Section 301 **Purpose and Intent** 3-1
Section 302 **General Provisions** 3-1
Section 303 **Criteria for Conditional Uses** 3-2

CHAPTER 4 SPECIAL DISTRICTS 4-1

Section 401 **Selected Area Plan Districts, Established** 4-1
Section 401.01 **I-4 / NE Parkway Plan Districts** 4-5
Section 401.01.01 **Use Table for Interstate 4 Selected Area Plan Land Use Districts** 4-22
Section 401.02 **Ronald Reagan Parkway Plan District** 4-36
Section 401.03 **North US 27 Selected Area Plan** 4-49
Section 401.04 **US 98 Selected Area Plan** 4-66
Section 401.05 **State Road 559 Selected Area Plan** 4-112
Section 401.06 **The North Ridge Selected Area Plan** 4-126
Section 401.07 **The Brewster Selected Area Plan** 4-171
Section 401.08 **Southeast Polk Selected Area Plan** **4-182**
Section 402 **Development of Regional Impact and Pre-Development of Regional Impact** 4-229
Section 403 **Neighborhood Plans** 4-244
Section 403.01 **Wahneta Neighborhood Plan** 4-245

CHAPTER 5 GREEN SWAMP AREA OF CRITICAL STATE CONCERN 5-1

Section 501 **Purpose and Intent** 5-1
Section 502 **Planned Development in the Green Swamp ACSC** 5-10
Section 503 **Planned Development in the Green Swamp ACSC** 5-20
Section 504 **Ridge Special Protection Area (Ridge-SPA)** 5-22

Section 505 Polk City/Urban Growth Special Protection Area (PC-SPA) 5-23
Section 506 Rural Special Protection Area 5-25
Section 507 Resource Protection 5-27
Section 508 Special Procedure Requirements 5-34

CHAPTER 6 RESOURCE PROTECTION 6-1

Section 601 Purpose and Intent 6-1
Section 602 General Provisions 6-1
Section 603 - 609 Reserved 6-1
Section 610 Surface Water Protection 6-1
Section 611 - 619 Reserved 6-5
Section 620 Wetland Protection 6-5
Section 621 - 629 Reserved 6-8
Section 630 Flood Hazard Management and Flood Plain Protection 6-8
Sections 631 - 639 Reserved 6-24
Section 640 Density Transfer and Credits 6-25
Section 641 Airport Impact District (AID) 6-27
Section 642 Military Compatibility Zones **6-29**
Section 643 - 649 Reserved 6-32
Section 650 Aquifer Protection 6-32
Sections 651 - 659 Reserved 6-32
Section 660 Ecological Communities 6-32
Sections 661 - 669 Reserved 6-33
Section 670 Wellhead Protection 6-33
Sections 671 - 678 Reserved 6-40
Sections 679 Ridge Scenic Highway 6-40
Section 680 Historic Preservation Sites 6-59

CHAPTER 7 SITE DEVELOPMENT STANDARDS 7-1

Section 701 Purpose and Intent 7-1
Section 702 Connection to Centralized Water, Sewer, & Reuse Water Prov. 7-1
Section 703 Concurrency 7-8
Section 704 Commercial, Industrial & Multi-Family Construction Plans 7-39
Section 705 Access to County Transportation System 7-47
Section 706 Right of Way Use Permits 7-64
Section 707 Sidewalks 7-65
Section 708 Parking Space Requirements 7-68
Section 709 Parking Area Design 7-73
Section 710 Alternative Parking Strategies (APS) 7-78
Section 711 Clear Visibility Triangle 7-80
Section 712 - 714 Reserved 7-82
Section 715 Mobile Home Stairs and Skirting Requirements 7-82
Section 716 Used Mobile Homes 7-83
Section 717 - 719 Reserved 7-86
Section 720 Landscaping and Buffering 7-86

Section 721 Credit for Existing Trees 7-99
Sections 722 - 739 Reserved 7-101
Section 740 Storm Water Management 7-101
Sections 741 - 749 Reserved 7-106
Section 750 Open Space 7-106
Sections 751 - 752 Reserved 7-107
Section 753 Cluster Design Option 7-107
Section 754 Reserved 7-109
Section 755 Zero-Lot-Line Design 7-109
Sections 756 - 759 Reserved 7-109
Section 760 Signs 7-109
Section 761 Maximum Permissible Noise Levels by Land Use Designation 7-125

CHAPTER 8 SUBDIVISIONS 8-1

Section 801 Purpose and Intent 8-1
Section 802 Applicability 8-1
Section 803 General Provisions 8-2
Section 804 Construction Plans 8-2
Section 805 Reserved 8-10
Section 806 Final Plats 8-10
Section 807 Completion Guarantee 8-16
Section 808 Engineers Certification and Subdivider=s Guarantee 8-19
Section 809 Final Plat Approval and Recording 8-21
Section 810 Re-plats and Modifications 8-21
Section 811 Streets 8-22
Section 812 - 819 Reserved 8-23
Section 820 Subdivision Design Standards 8-23
Section 821 Access 8-23
Section 822 Minimum Road Frontage 8-25
Section 823 Right-of-Way Requirements 8-29
Section 824 Roadway Design 8-31
Sections 825 - 829 Reserved 8-35
Section 830 Uniform Street Address System 8-35

CHAPTER 9 DEVELOPMENT REVIEW PROCEDURES 9-1

Section 901 Applicability 9-1
Section 902 Development Approval 9-1
Section 903 Review Procedures 9-2
Section 904 Level 1 Review 9-7
Section 905 Level 2 Review 9-8
Section 906 Level 3 Review 9-11
Section 907 Level 4 Review 9-19
Section 908 Level 5 Review 9-23

Section 909 Reserved 9-25
Section 910 Impact Assessment Statements 9-25
Section 911 Operating Permits 9-29
Section 912 Code Amendments, Land Use District Modifications and Comprehensive Plan Amendments 9-30
Section 913 Fee Refund Requests and Withdrawal of Applications 9-31
Section 914 Transfer of Development Rights 9-33
Section 915 Development Agreements 9-34
Section 916 Reserved 9-39
Section 917 Administrative Determinations 9-40
Section 918 Administrative Decisions 9-40
Section 919 Administrative Interpretations 9-41
Section 920 Administrative Hearings by Planning Commission 9-41
Section 921 Procedures for Appealing Decisions of Citizen Boards 9-43
Sections 922 - 929 Reserved 9-45
Section 930 Variances & Special Exceptions 9-45
Section 931 Criteria for Granting Variances 9-47
Section 932 Waivers to Technical Standards 9-49
Section 933 Reapplication for Land Use Change 9-52
Sections 934 - 959 Reserved 9-52
Section 960 Public Notice 9-52
Sections 961 - 969 Reserved 9-57
Section 970 Agencies and Boards 9-57
Section 971 Department of Growth Management 9-57
Section 972 Development Review Committee 9-58
Section 973 Citizen Boards 9-60
Section 974 Planning Commission 9-63
Section 975 Reserved 9-64
Section 976 Board of Adjustment 9-64
Sections 977 - 979 Reserved 9-65
Section 980 Enforcement of Site Requirements 9-65
Section 981 Enforcement of Code Provisions 9-66

CHAPTER 10 DEFINITIONS 10-1

APPENDIX A POLK COUNTY TECHNICAL STANDARDS MANUAL A-1

Section A101 Purpose and Intent A-1
Section A102 Drainage Design Requirements A-1
Section A103 Road Design Requirements A-15
Section A201 Site Construction Standards A-24
Section A202 Clearing and Grubbing A-24
Section A203 Excavation A-25
Section A204 Soil Cement Standards A-27
Section A205 Limerock Base A-32

Section A206 Prime and Tack Coats for Base Courses A-34
Section A207 Asphaltic Concrete Surface Course A-36
Section A208 Portland Cement Concrete Pavement..... A-40
Section A209 Culverts and Storm Sewers..... A-44
Section A210 Inlets and Manholes..... A-47
Section A211 Underdrains..... A-49
Section A212 Sidewalks and Concrete Curb A-50
Section A213 Seeding and Mulching A-52
Section A214 Traffic Control A-53
Section A215 Restoration of Existing Right-of-Way..... A-53
Section A216 Utility Appurtenances in Roadways..... A-55
Section A301 Commercial, Industrial and Multi-Family A-72
Section A302 Purpose and Intent A-72
Section A303 Drainage Design Requirements A-72
Section A304 Road and Parking Area Design Requirements A-73
Section A401 Site Construction Standards for Non-Residential Development ... A-74
Section A402 Clearing and Grubbing A-74
Section A403 Excavation A-74
Section A404 Culverts and Storm Sewers A-75
Section A405 Inlets and Manholes A-75
Section A406 Inspection, Testing and Certification Requirements A-75

APPENDIX B POLK COUNTY RECOMMENDED SPECIES LIST.....B-1

Tree Species.....B-1
Shrub Species B-5
Ground Cover and Vines.....B-8

APPENDIX C POLK COUNTY TRAFFIC IMPACT STUDY METHODOLOGY AND PROCEDURES C-1

Minor Traffic Study.....C-2
Major Traffic Study.....C-3

APPENDIX D (ABROGATED 1/7/2014 BY Ord. 14-004) D-1

APPENDIX E PARCEL SPECIFIC FUTURE LAND USE DESIGNATION WITH CONDITIONS E-1

Section E101 Purpose and Intent E-1
Section E102 Applicability E-1
Section E103 Development in Established Parcel Specific Future Land Use with conditions (PSLUC).....E-1
Section E104 More Restrictive Provisions of LDC to Apply E-1

Section E105 Parcel Specific Comprehensive Plan Amendments (CPA) with Conditions E-2

Chapter 1

GENERAL PROVISIONS

CHAPTER 1 GENERAL PROVISIONS

Section 101 Title

This is the third Article of the Polk County "Integrated Development Management System." Article I is the "Polk County Comprehensive Plan." Article II is the "Polk County Capital Improvements Program" (CIP). This ordinance shall be known as Article III and shall be entitled and cited as the "Polk County Land Development Code" (LDC).

Section 102 Authority

This ordinance is enacted pursuant to the requirements and authority of:

> Chapter 163, Florida Statutes (F.S.), "Local Government Comprehensive Planning and Land Development Regulation Act" (Growth Management Act), and specifically Section 163.3202, F.S., "Land Development Regulations;"
>
> Rule 9J-24, Florida Administrative Code (F.A.C.), "Procedures and Criteria for the Review of Local Government Land Development Regulations;"
>
> Polk County Charter;
>
> Chapter 125, F.S. "County Government;" and
>
> Polk County Ordinance 92-36, "Polk County Comprehensive Plan."

Section 103 Purpose and Intent

The purpose of the Polk County Land Development Code is to establish regulations, standards, and review procedures for the "use" of land and the "development" of land and to encourage the utilization of lands as agriculture. It is the intent of this Code that the use and development of land comply with the requirements of those documents listed above and that the most appropriate use of land, water, and resources, consistent with the public interest be allowed. Furthermore, it is the intent of this Code to preserve, promote, and improve the public safety, health, comfort, good order, appearance, convenience, law enforcement, fire prevention, and general welfare of the citizens of Polk County; to facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other required services; and to conserve, develop, utilize, and protect natural resources. It is not the intent of this regulation to restrict, confine or otherwise limit the agricultural use of the land. In addition to improving the quality of life for Polk County citizens, it is the intent of this Code to provide a streamlined yet effective review and approval process while protecting the citizens of Polk County and respecting the rights of property owners.

Section 104 Conflict With Comprehensive Plan

In the event of a conflict between the Polk County Comprehensive Plan and this Code, the Comprehensive Plan shall control.

Section 105 Relationship to Other Regulations

A. ***Maps*** ***(Rev. 9/26/01 - Ord. 01-69; Rev. 12-08-03 Ord. 03-66)***

The following are hereby incorporated by reference and made a part of this Code as though fully set forth herein:

The "Comprehensive Plan Map Series" (Volume 2 of the Polk County Comprehensive Plan), including the "Future Land Use Parcel Level Detail Maps" (Volume 3), which designate the placement of land use categories established within the Future Land Use Element of the Comprehensive Plan and this Code. This map is also referred to as the "District Map."

The "Sub-District Map Series" (to establish Land Use Category Sub-Districts such as "RL-1," "RLB2," "RL-3," "RL-4," "BPC-1," "BPC-2," "INST-1," "INST-2," and RCC-R"). The Sub-district boundaries indicated on the Districts map are not subject to the amendment requirements of Chapter 163 F.S. so long as the Comprehensive Plan Future Land Use Map boundaries are not changed. Amendments to the Sub-District map Series shall adhere to the processes listed in Chapter 9 of the Land Development Code.

The "Sidewalk District Map" identifies areas within the unincorporated portion of the County where sidewalks are required of new development along the frontage of arterial and collector roads abutting the site under development. This map represents areas located within two miles of a public or charter school in the Urban Development Area (UDA), Urban Growth Area (UGA), and Suburban Development Area (SDA) depicted on the Development Areas Map of the Future Land Use Map Series of the Polk County Comprehensive Plan. It also includes the Rural Cluster Center (RCC) Future Land Use category as depicted on the "Comprehensive Plan Map Series" (Volume 2 of the Polk County Comprehensive Plan). The policies referencing the Sidewalk District Map are located in Section 707, Sidewalks, in Chapter 7, Development Standards, of the Polk County Land Development Code.

B. ***More Stringent Regulation Shall Apply***

Adherence to the regulations herein does not eliminate compliance with applicable Federal, State or other governmental authority regulations. If a conflict with those and this Code exists, the most stringent shall apply.

Section 106 Repeals

The ordinances listed in Table 1.1 are hereby repealed.

Table 1.1 Repealed Ordinances

Ordinance #	Ordinance Title
72-13	Mobile Home, RV, and Camping Standards Ordinance
75-4	Alcohol Beverage License
75-02	Lime Rock Mining Ordinance
75-19	Alcohol Beverage License
78-21	Regulation of Hours of Sale of Alcoholic Beverages
79-39	Subdivision Regulations
81-07	Sign Ordinance
82-19	Pool Barrier Ordinance
82-34	Sign Ordinance Amendment
83-01	Alcohol Beverage License
83-02	Zoning Ordinance
83-03	Sand Mining Ordinance
83-13	Minimum Road Frontage Ordinance
83-21	Nude Dancing Ordinance
83-30	Subdivision Regulation Amendment: Re: RC-2 & RC-5 Zoning
84-04	Subdivision Regulation Amendment: Re: RC-2 Road Sections
85-23	Property Maintenance and Disposal Yard Ordinance
86-40	Driveway Ordinance
87-05	Zoning Ordinance Amendment
87-06	Adult Use Ordinance
88-04	Surface Water Management Ordinance
89-47	Surface Water Protection Ordinance
90-09	Property Maintenance and Disposal Yard Ordinance Amendment
90-46	Zoning Ordinance Amendment: Re: Conditional Zoning
91-02	Vested Rights Ordinance
91-03	Development Agreement Ordinance
92-04	Subdivision Regulation Amendment: Re: Subdivision Definitions
92-05	Road Frontage Ordinance

Table 1.1 Repealed Ordinances

Ordinance #	Ordinance Title
92-06	Driveway Ordinance Amendment: Re: Commercial Access
92-08	Zoning Ordinance Amendment: Re: Plan Relationship
92-10	Concurrency Management Ordinance
93-02	Property Maintenance and Disposal Yard Ordinance Amendment
93-04	Concurrency Management Ordinance Amendment
93-05	Zoning Ordinance Amendment: Re: Non-Conformities
94-03	Subdivision Regulation Amendment: Re: Access Through Lots
94-35	Property Maintenance and Disposal Yard Ordinance Amendment
94-84	Pool Barrier Ordinance Amendment
98-31	Septic Tank Inspection in the Green Swamp

Table 1.1.1 Repealed Ordinances - Alphabetically Ordered

Ordinance #	Ordinance Title
87-06	Adult Use Ordinance
92-10	Concurrency Management Ordinance
93-04	Concurrency Management Ordinance Amendment
91-03	Development Agreement Ordinance
86-40	Driveway Ordinance
92-06	Driveway Ordinance Amendment: Re: Commercial Access
75-02	Lime Rock Mining Ordinance
83-13	Minimum Road Frontage Ordinance
72-13	Mobile Home, RV, and Camping Standards Ordinance
83-21	Nude Dancing Ordinance
82-19	Pool Barrier Ordinance
94-84	Pool Barrier Ordinance Amendment
85-23	Property Maintenance and Disposal Yard Ordinance
90-09	Property Maintenance and Disposal Yard Ordinance Amendment
93-02	Property Maintenance and Disposal Yard Ordinance Amendment
94-35	Property Maintenance and Disposal Yard Ordinance Amendment
92-05	Road Frontage Ordinance
83-03	Sand Mining Ordinance

Table 1.1.1 Repealed Ordinances - Alphabetically Ordered

Ordinance #	Ordinance Title
98-31	Septic Tank Inspection in the Green Swamp
81-07	Sign Ordinance
82-34	Sign Ordinance Amendment
79-39	Subdivision Regulations
83-30	Subdivision Regulation Amendment: Re: RC-2 & RC-5 Zoning
84-04	Subdivision Regulation Amendment: Re: RC-2 Road Sections
92-04	Subdivision Regulation Amendment: Re: Subdivision Definitions
94-03	Subdivision Regulation Amendment: Re: Access Through Lots
88-04	Surface Water Management Ordinance
89-47	Surface Water Protection Ordinance
83-02	Zoning Ordinance
87-05	Zoning Ordinance Amendment
90-46	Zoning Ordinance Amendment: Re: Conditional Zoning
92-08	Zoning Ordinance Amendment: Re: Plan Relationship
93-05	Zoning Ordinance Amendment: Re: Non-Conformities
91-02	Vested Rights Ordinance

Section 107 Rules of Interpretation

The interpretation and application of the provisions of this ordinance shall be construed in order that the true intent and meaning of the Board of County Commissioners (BoCC) may be fully carried out, and neither limits nor repeals any other powers granted the BoCC by other law. The interpretation and application of any provision of this ordinance shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

A. ***Delegation of Authority***

If a provision requires the County Manager or Director to act or perform some duty, it is construed to authorize delegation to professional level subordinates to perform the required act or duty, unless the terms of the provision specify otherwise.

B. ***Gender***

Words importing the masculine gender shall be construed to include the feminine and neuter.

C. ***Number***

A word importing the singular number only may extend and be applied to several persons and things as well as one person and thing. The use of the plural number may be deemed to include any single person or thing.

D. ***Shall and May***

The word "shall" is mandatory and the word "may" is permissive. The word "includes" or "including" shall not limit a term to the specific examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

E. ***State, County, Board, Plan, F.S., F.A.C.***

The word "State" means the State of Florida and its authorized agents. The word "County" means the County of Polk, Florida, and its authorized agents. The word "Board" means the Polk County Board of County Commissioners. The word "Plan" means the Polk County Comprehensive Plan. The initials "F.S." mean Florida Statutes, and “F.A.C.” means Florida Administrative Code.

F. ***Tense***

Words used in the past or present tense include the future as well as past or present.

G. ***Time, Day, Month, Year***

Unless stated otherwise within this Article, the computing of any period of time shall adhere to the following:

1. The day of the act or event from which a designated period begins to run shall not be included. For example, the day of receipt of an application or document, does not count as a day.

2. The word "day" shall mean:

    a. "Calendar days" unless specified as “working days.”

    b. "Working days" when so specified shall not include Saturday, Sunday, or county government observed holidays.

    c. In all cases it will not include days when normal county business is not conducted at the location or site where the subject product is being processed due to evacuation, emergencies, or acts of God.

3. The word "month" shall mean 30 calendar days.

4. The word "year" shall mean 365 days (366 days if a leap day occurs).

H. ***Boundaries***

Interpretations regarding boundaries of land use districts or other geographic districts shall be made in accordance with the following:

1. Boundaries shown as following, or approximately following, any road shall be construed as following the centerline of the road.

2. Boundaries or roadways shown as following, or approximately following, any platted lot line or other property line shall be construed as following such line.

3. Boundaries shown as following, or approximately following, section lines, half section lines, or quarter-section lines shall be construed as following such lines.

4. Boundaries shown as following, or approximately following, any meandering, natural area shall be construed as following such natural feature as verified by field inspection.

5. Boundaries in or adjacent to bodies of water.

    a. Where district boundaries appear to follow shorelines or center lines of bodies of water, they shall be construed as following such shore lines or center lines. In case of change in shore lines or course or extent of water, the boundaries shall be construed as moving with the change.

    b. Boundaries indicated as entering any body of water, but not continuing to intersect with other zoning boundaries or with the limits of jurisdiction of the County, shall be construed as extending in the direction in which they enter the body.

    c. Where distances are not specifically indicated, such distances shall be determined by the scale of the Future Land Use Maps Series (FLUMS).

6. Where a parcel or lot existing as of May 1, 1991, is divided into two or more areas, by a Development Area boundary line, or a land use classification boundary line, or sub-district boundary line, either of the following applies:

    a. The subject rules shall be applied to each section of property separately; or

    b. At the owner's discretion, rules governing that portion of the largest area of the parcel or lot shall be applicable to the entire property; and

    c. This interpretation shall not be applicable where it is determined to be a significant expansion of a Linear Commercial Corridor, Commercial Enclave, or Utility Enclave.

I. ***Internal Conflicts***

More specific provisions of this Code shall be followed in lieu of more general provisions that may be more lenient than, or in conflict with, the more specific provision. The specific shall control the general. Where differences of meaning or implication between the text of this Code and any caption, illustration, map, summary table, or illustrative table, the text shall supersede. Clarifications or interpretations may be requested through the Administrative Determination procedures in Section 917.

J. ***Sections and Headings***

All descriptive headings of sections within this ordinance are inserted for convenience of reference only and shall not affect the construction or interpretation thereof.

K. ***Article and Code***

This document and other adopted reference shall be known as the Polk County Land Development Code which is Article III of the Integrated Development Management System. Any reference to this Code, article or regulations shall be used inter-changeably.

L. ***Department*** ***(Revised 5/20/09 – Ord. 09-023)***

The terms Department and Director refer to the Growth Management Department and Growth Management Director, respectively. The terms shall include any department or agency which succeeds the Growth Management Department in the performance of this function.

M. ***Division*** ***(Revised 5/20/09 – Ord. 09-023)***

The term Division refers to the Land Development Division. The term shall include any division or agency which succeeds the Land Development Division in the performance of this function.

Section 108 Periodic Code Review

The Department of Community Services shall review the provisions of this Code at least twice each calendar year and evaluate said provisions in a report to the BoCC. The report and resulting Code amendments, if any, are intended to identify changed conditions or changes to public policy. After the first 24 months following the effective date of this Code the reporting period shall be at least one time per year. The report shall recommend amendments to this Code, if any.

Section 109 Dedications and Exactions

A. ***Purpose and Intent***

New development may impose substantial additional costs to provide off-site community services and Facilities which are needed to support the development, but cannot and should

not be financed through general revenues. It is the purpose of this Section, through the condition for land use approval, that the County impose conditions of development to ensure that costs created by the approval of a development does not place an undue burden or obligation on the County, whereby the burden or obligation would reduce or delay delivery of previously necessary community services, or delay capital investment in new infrastructure. Exactions are not intended, in themselves, to prohibit the future subdivision of land or deny development approval. Rather, they are intended to ensure that new development pays its "fair share" to expand the required capacity of public services or public Facilities.

B. ***Definition***

"Exactions" is the term applied to various dedications, conditions, fees, or charges for off-site improvements to public services and Facilities necessary to accommodate the impacts of development. Typical exactions include the provision of services and supporting facilities like water and sewer, recreation and open space, public resource access, road improvements, and flood control.

C. ***Dedications***

All dedications shall be used to meet the service needs originated by the development and used to assure that concerns of health, safety, and welfare are met. Dedications imposed through an exaction shall be agreed upon prior to Final Development Plan approval, and shall not be imposed after plat approval.

D. ***Dedication Acceptance***

1. No dedication shall be deemed complete until Final Development Order is granted.

2. The County may elect to make only a partial acceptance of lands dedicated; whereby obligations such as maintenance, facility provision, or some other agreed upon provision, remain with the interest residing with the development. Agreements to accept only partial dedications shall be finalized prior to final development approval, and shall not occur after plat approval.

3. The acceptance of the dedication further relieves the dedication from payment of ad valorem taxes on the dedicated land.

4. Completion of a mandatory dedication shall waive the right to subsequently litigate the respective exaction.

5. Title of ownership of the dedication shall be transferred to the County when:

    a. Compliance with all applicable standards are met; and

    b. The development is platted, or the Final Development Order approval for non-residential development is issued.

c. In the case of additional right-of-way along an existing public road, the right-of-way may be accepted after the issuance of the Final Development Order if it is deemed beneficial to the County by the County Engineer to accept the additional right-of-way prior to acceptance of the plat.

E. ***Revocation***

Prior to formal dedication acceptance, the County may elect not to accept a dedication after reconsideration of the limited need for the property and the loss of revenue and expense of upkeep that accompanies the acceptance. Revocation may also follow a change in community policy that alters the manner in which the needs originally identified by the development are to be met. Alternatively, where the dedication is a condition to final development approval, and subsequent to the dedication the County's Code is altered as to thwart the proposed and conditionally approved project, the interest with the development may revoke the earlier dedication. Although final development approval may be contingent upon a dedication, until formal acceptance is granted the grantor may revoke the offer of dedication by conveyance or other use of the property.

F. ***Abandonment and Vacation***

1. Once formal approval for dedication is granted, the County may elect to abandon or vacate the dedication. Abandonment or vacation may occur where it is consequently decided not to complete the facilities for which the dedication was required, or where the development for which the subdivision was approved is not developed. Such dedication abandonment or vacation is effectuated by a vacation or abandonment document amounting to a deed back to the applicant or development interest (may include individual lot owners). It is also possible that the dedication may be vacated by abandonment where the facility is never completed, the development is not approved and a substantial time passes, or where the improved facility is allowed to deteriorate and is unused for a lengthy period of time. The time period is to be determined by the Director of Community Services and shall be consistent with applicable development review requirements.

2. The County may elect to use its powers to vacate streets. Following street vacation, title to the property shall be divided and, upon acceptance, rests with the respective abutting landowners.

3. The applicant shall be precluded from revoking any dedication once lots are sold.

G. ***Reservations***

There shall be no areas without designations on a plat. Areas shall be designated lots, tracts and or right-of-way.

H. ***Coordination of Land Dedications***

Land dedications exacted for the creation of conditions favorable to the health, welfare and prosperity of the County shall be coordinated through the Director of Community Services to ensure that dedications will provide a maximum benefit to the County.

I. ***Dedication of Public Improvements and Facilities***

1. The dedication of Facilities in lieu of land, or in addition to the provision of land, shall be used to meet the service needs originated by the development and used to assure that concerns of health, safety, welfare, and morals are met. Facility dedications imposed through an exaction shall be finalized prior to final development approval and permit issuance, and shall not be imposed after plat approval. Unless otherwise authorized by the Director of Community Services, Facility dedications shall typically be on-site, or agreed upon adjacent land, and be used to meet the needs of the approved development.

2. Conveyance of ownership of the Facility shall be transferred to the County after final development approval and compliance with all applicable standards are met.

J. ***Exactions***

1. Exacted fees shall be used to meet the service needs originated by the development such as recreation, open space, streets, transit, flood control, sidewalks, water, and sewer facilities.

2. All provisions contained within this Section, unless otherwise indicated herein, shall be imposed prior to the approval of construction plans or other development order.

3. Exacted fees shall reflect the benefit bestowed on the development and shall be earmarked for the timely execution of capital facility expansion.

4. Exactions may be imposed by requiring payment of fees, utility connection fees, in lieu of a dedication, land dedications or donations, or converting existing facilities from private to public use.

5. Development standards and Level-of-Service standards, which are used to measure existing public services to determine if additional services or facilities are required, are identified within the following adopted Articles of Polk County:

    a. Polk County Comprehensive Plan -- Article I;

    b. Development Regulations -- Article III;

    c. Impact Fee Ordinance; and

    d. Polk County Utilities Code.

K. ***Relationship to Other Ordinances***

Exactions imposed due to County ordinances which are not contained in this Code shall be enacted pursuant to the requirements of the authorizing ordinance.

1. The following list identifies those areas in which exactions may be imposed and administered to ensure consistency with the Comprehensive Plan, and to confer development approval pursuant to Section 703 of this Code:

    a. Concept Development Plan approval,

    b. Final Development Order for commercial or residential development, and

    c. Any Polk County approval that includes a binding site plan to determine the impacts of the development.

2. The following list identifies those areas in which exactions may be imposed and administered to ensure consistency with the Comprehensive Plan, and to confer development approval pursuant to this Code:

    a. Access easements;

    b. Pedestrian ways and bike paths;

    c. Right-of-way requirements; and

    d. Drainage requirements.

3. The following list identifies those areas in which exactions may be imposed and administered to ensure consistency with the Comprehensive Plan and to confer development approval pursuant to the Polk County Comprehensive Impact Fee Ordinance:

    a. Emergency Medical Systems;

    b. Roads; and

    c. Correctional Facilities.

4. The following list identifies those areas in which exactions may be imposed and administered to ensure consistency with the Comprehensive Plan and to confer development approval pursuant to the Polk County Utilities Code:

    a. Utility systems;

    b. Capacity reservation;

c. Capacity maintenance of system;

d. Utility service provision;

e. Connection to system; and

f. Easements to support system.

5. Exactions will be imposed pursuant to the requirements and procedures set forth in this Code.

6. The following list identifies those areas in which exactions may be imposed and administered to ensure consistency with the Comprehensive Plan and to confer development approval pursuant to the Polk County Comprehensive Plan -- Article I:

a. Development policies; and

b. Public Facilities policies.

L. ***Rational Nexus, Reasonableness, Uniquely Attributable***

All provisions within this Code are intended to be reasonable requirements, imposed to off-set public service needs generated by approved development, and where appropriate, imposed to meet the express needs of those that will benefit from the service provided.

M. ***Refunds***

The applicant may obtain refunds of exactions that have been proven to exceed the cost of the fairly apportioned benefit of the regulated and approved development. The refund shall be returned and proportionately distributed to all interests in the approved development, which may include lot owners if applicable.

N. ***Credits***

The applicant may obtain credits on exactions that have been proven to exceed the value of the dedication of the fairly apportioned benefit of the regulated and approved development. The credit shall be returned and proportionately distributed to all interests in the approved development, which may include lot owners if applicable.

O. ***Incidental Benefits***

An increase in value to a dedication due to meeting the requirements of an exaction, shall be considered incidental to the purpose of the exaction. The incidental benefit shall not obligate the County to refund or credit the interested parties of the development without an agreement with the County prior to final development approval.

P. ***Inconsistent Provisions***

1. Notwithstanding any other ordinance or requirements of the Polk County Land Development Code to the contrary, the provisions of this Code establish the procedures to be followed in connection with assessing the public costs associated with the provision of services for the development of land.

2. Administrative approvals of a development application shall not negatively impact previously dedicated or reserved land for recreation, open spaces, or public service facility needs; or result in the misalignment of roads connecting to adjacent land included in an approved tentative plan or final plat; or increase capacity above the Level-of-Service capacity of an existing or funded facility.

Section 110 Applicability

A. ***Code Applicability***

The provisions of this Code shall be applicable throughout the unincorporated area of Polk County, Florida unless otherwise provided herein.

B. ***Development Shall Conform*** ***(Rev. 12/17/0 3 - Ord. 03-96)***

No building, structure, land or water shall hereafter be developed, redeveloped, used or occupied, and no building, structure, or part thereof shall hereafter be erected, reconstructed, constructed, moved, located, or structurally altered except in conformity with the regulations set out herein. All floating structures and buildings, as well as development, buildings and structures built over or in water, shall meet all the requirements of this Code and other applicable regulations.

1. A building permit shall be obtained prior to the construction of any structure.

2. Prior to the placement or re-location of a manufactured home on a lot, parcel, tract, or in mobile home park, within the unincorporated area of Polk County, a set-up permit is required. Such home shall not be parked, stored, placed on a foundation, or connected to utilities until a permit has been issued for the placement of the home.

C. ***Exceptions***

1. The provisions of this Code and any amendments hereto shall not affect the validity of any lawfully issued and unexpired building permit or mobile home set-up permit issued prior to the effective date of this Code.

2. All uses and structures legally existing on the effective date of this Code that are not in compliance with the provisions herein shall be considered non-conforming under the terms of this Code, except as otherwise provided. Said uses and structures may continue to exist but may not be intensified, expanded, enlarged or significantly altered as prescribed in Section 120.

Section 111 Vested Rights

A. ***Purpose and Intent***

It is the intent of this Section to provide a process to determine whether certain land development rights of property owners are vested with respect to the Polk County Comprehensive Plan, this Land Development Code, and the requirements for determination of the availability and adequacy of capacity of public facilities ("Concurrency").

B. ***Scope of this Section***

This Section does not address impact fees and any determination of vested rights pursuant to this Section shall have no effect upon impact fees or impact fee credits or the determination of impact fees or impact fee credits.

C. ***Vesting for Consistency with the Comprehensive Plan***

1. Pursuant to Section 163.3167(8), F.S., nothing in the Comprehensive Plan, including Comprehensive Plan Amendments, shall limit or modify the rights of any person to complete any project that has been authorized as a Development of Regional Impact (DRI) pursuant to Chapter 380, Florida Statutes, or who has been issued a final local development order and development has commenced and is continuing in good faith.

2. The purpose and intent of this Section is to grant persons the same rights as provided by the common law of Florida. Common law vesting is generally found to exist when an applicant proves, that the owner of the land within a proposed project or owner of a parcel of land, acting in good faith and reliance upon some act or omission of Polk County, has made a substantial change in position or has incurred such extensive obligations or expenses that it would be inequitable and unjust to destroy the right to develop or to continue development of the property.

D. ***Prior Permits***

Development specifically authorized with a valid, unexpired building construction permit or mobile home setup permit issued by Polk County is vested for the following:

1. Consistency with the Comprehensive Plan, if the permit was issued prior to the effective date of the Polk County Ordinance adopting the Comprehensive Plan or any Comprehensive Plan Amendments, respectively.

2. Concurrency, if the permit was issued prior to the effective date of the Polk County ordinance establishing the Concurrency Management System.

3. The Land Development Code, with respect to intensity and density, if the permit is issued prior to the effective date of this Code.

E. ***Subdivision Construction Plans***

1. Subdivisions with a valid, unexpired construction plan permit, issued prior to the effective date of the ordinance adopting the Comprehensive Plan or any amendment thereto, shall be vested for compliance with land use intensity and density established by the Comprehensive Plan or Comprehensive Plan Amendment respectively.

2. Subdivisions with a valid, unexpired construction plan permit, issued prior to the effective date of this Code shall be vested for any development standard which would apply to those construction plans.

F. ***Subdivision Plats***

1. Subdivision plats which have been recorded prior to the effective date of the ordinance adopting the Comprehensive Plan or any amendment thereto, shall be vested for compliance with land use intensity and density established by the Comprehensive Plan or Comprehensive Plan Amendment respectively.

2. Subdivision plats which have been recorded prior to the effective date of this Code shall be vested for any development standard which would apply to the subdivision.

G. ***Prior Variances***

Any variances granted by Polk County prior to the adoption of this Code for any development criteria or standard included within this Code, but not used or implemented, may be reinstated for a period not to exceed two years from the effective date of this Code. When the applicant submits an application for any subsequent approval, the prior variance will be reviewed to determine if the variance is still necessary. If it is determined that the prior variance is no longer necessary, the applicant shall amend the plans or apply for a new variance or waiver as provided in Chapter 9 of this Code.

H. ***Prior Conditional Approvals***

1. All previously approved Special Exceptions, Conditional Use Permits and Temporary Special Exceptions, unless developed, implemented, or used within the time frame set forth by the original approval are hereby rescinded. In the case of a Conditional Use Permit, or other approval with a time limit, the applicant shall apply for appropriate permits for implementation prior to the expiration of the approval. Conditional Use Permits needing additional approvals (Level 3 or Level 4) and all modifications to County approvals (Level 3 or Level 4) shall conform to the Comprehensive Plan, Concurrency, and this Code.

2. All sites with a previously approved Zone Change, approved with conditions, shall develop in conformance with the prior conditions or the requirements of this Code, whichever are more restrictive. Prior conditions may only be modified or removed by a Level 4 Review with Board of County Commissioner approval.

I. ***Planned Unit Developments (PUD)***

1. A PUD which had a valid, unexpired concept, tentative or final level of approval prior to the effective date of the ordinance adopting the Comprehensive Plan or Comprehensive Plan Amendment, respectively, shall be vested for permitted uses, density and intensity.

2. A PUD which has a valid, unexpired concept approval, including approvals which have been reinstated by the Board of County Commissioners, prior to the effective date of this Code shall be vested for permitted uses, density and intensity. Any future PUD approvals shall be processed in compliance with this Code.

3. A PUD which has a valid, unexpired tentative or final level of approval, including approvals which have been reinstated by the Board of County Commissioners, prior to the effective date of this Code shall be vested for consistency with respect to this Code with respect to permitted uses, land use density and intensity, and Planned Development requirements. Such vested rights shall be applied within the limits of the approvals and conditions of the PUD approval.

4. A property owner with a PUD which has an expired tentative or final level of approval may make an application for an extension of the approval, provided such an extension is consistent with the Comprehensive Plan. The Board of County Commissioners may grant an extension of the approval pursuant to Section 905. Such extensions may include conditions which specifically address the time limit of the extension and items or sections of this Code for which a development is vested. In no instances shall extensions exceed two years from the effective date of this Code.

5. All conditions of approval of a vested PUD shall remain in full force and effect.

6. A PUD reinstated prior to the adoption of this Code where no construction has occurred may be reinstated for a period not to exceed two years from the effective date of this Code.

7. A reinstatement or extension shall be a Level 2 Review as provided in Chapter 9 and placed on the BoCC=s regular agenda for final approval.

J. ***Developments of Regional Impact (DRI)***

A DRI shall be vested for intensity and density if any of the following exist:

1. Development with a valid, unexpired Development Order issued by Polk County pursuant to Section 380.06, F.S., prior to the effective date of the ordinance adopting the Comprehensive Plan or any Comprehensive Plan Amendment, respectively, is vested with respect to consistency with the Comprehensive Plan or Comprehensive Plan Amendment. Such vested rights shall be applied within the limits of the

approvals and conditions of the Development Order pursuant to Sections 380.06 and 163.3167, F. S.

2. Development with a valid, unexpired Development Order issued by Polk County pursuant to Section 380.06, F. S. prior to the effective date of this Code, is vested with respect to permitted uses, density and intensity. Such vested rights shall be applied within the limits of the approvals and conditions of the Development Order pursuant to Sections 380.06 and 163.3167, F. S.

3. A binding letter of vested rights has been issued by the Florida Department of Community Affairs (or State Planning Agency) for the development, and such rights are valid and have not expired.

K. ***Lots of Record***

Nothing in this Code shall prevent the use of a Lot of Record, as defined herein, provided the required setbacks can be met. Lots of Record shall be vested for consistency unless otherwise indicated in this Code.

L. ***Other Projects (Common Law Vesting or "Equitable Vesting")***

1. The Board of County Commissioners may determine that any other project is vested for consistency with the Comprehensive Plan or any Comprehensive Plan Amendment if there is proof that the following existed prior to the effective date of the ordinance which adopted the Comprehensive Plan or Comprehensive Plan Amendment, respectively.

   a. The applicant either owned the parcel of land proposed for development or had the right to purchase such parcel of land pursuant to an agreement or option to purchase entered into prior to the ordinance adopting the Comprehensive Plan or Comprehensive Plan Amendment, respectively;

   b. A final development order has been issued or Polk County has otherwise taken official action specifically with respect to development of the property;

   c. Extensive obligations or expenses (other than land purchase cost and payment of taxes) including, but not limited to, professional expenses related directly to the development, expenses associated with installation of utility infrastructure or public improvements, or expenses related to the dedication of land to a government entity, have been incurred or there has otherwise been a substantial change in position;

   d. Such obligations, expenses, and change in position were undertaken by the property owner in good faith reliance on the actions taken by Polk County; and

e. It would be inequitable, unjust, or fundamentally unfair to deny the property owner the opportunity to complete the project.

2. A written determination of vested rights shall include criteria, standards, thresholds and guidelines, as may be specifically applicable to the particular project, to assist in determining whether and when the project is no longer "continuing in good faith."

3. An application for a vested rights determination that does not satisfy the criteria for presumptive vested rights pursuant to this Section shall be approved if the applicant has demonstrated the following:

   a. That the applicant has presented facts indicating that it would be inequitable, unjust or fundamentally unfair to deny an application for vested rights where the applicant acquired ownership after the date of the adoption of the Plan, or to destroy rights acquired by the applicant;

   b. That the applicant has relied in good faith upon a valid, unexpired approval by Polk County indicating that the proposed development of the property is in compliance with, or is allowed within, the law and regulations administered by Polk County;

   c. That the applicant, in reliance upon a valid, unexpired approval by Polk County, has made a substantial change in position and has incurred extensive obligations or substantial expenditures prior to March 21, 1991, except for development which was re-zoned after January 1, 1990, in which case the applicant shall have made a substantial change in position and have incurred extensive obligations prior to July 1, 1991; and

   d. In making this determination, Polk County may consider a number of factors, including, but not limited to:

      i. Whether construction or other development activity, including the acquisition of development approvals has commenced and is continuing in good faith; or

      ii. Whether the expense or obligation incurred cannot be substantially saved by use and application of the plans, materials, studies, permits, approval and services acquired by such expense.

4. The following shall not be considered development expenditures or obligations:

   a. Expenditures for legal and other professional services that are not related to the approval, design, permitting or construction of improvements;

   b. Taxes paid; and

   c. Expenditures for initial acquisition of the land.

5. The vested status of a phased development project shall be determined with reference to each phase. In considering whether an individual phase is vested the following standards shall be considered:

   a. The level of regulatory approval for each phase;

   b. The expense, as defined by this Section, which has been incurred in connection with any or all phases of the development; and

   c. The extent of construction of infrastructure in each or any phase to support that phase and future phases.

M. ***Procedure for Vesting (Common Law Vesting or "Equitable Vesting")***

1. An application for a Common Law Vesting or "Equitable Vesting" Permit to determine vested rights shall be submitted to the Department on forms provided by the Department.

2. Such applications shall be submitted with copies of such valid, unexpired development permits and other evidence of vested rights.

3. The Department shall review the application for compliance with the criteria set forth in this Section. The staff shall have 30 days to review the application and prepare a report.

   a. If the Department determines that the applicant has satisfied the standards established in Section 111.L. then a Vested Rights Permit shall be issued within five working days. The Permit shall specify whether the development is vested for purposes of consistency, or land development regulations. If vested for more than one purpose the Department may issue a single Vested Rights Permit.

   b. If the Department determines that the development is not vested, the Department will notify the applicant by certified mail. An appeal of such decision shall be pursuant to Section 921.

Section 112 Reserved

Section 113 Development of Regional Impact (DRI) Relationship to this Code

Developments of Regional Impact approved by the BoCC shall, at a minimum, be consistent with Chapter 380, Florida Statutes. Projects meeting the definition of Developments of Regional Impact or amendments to Development of Regional Impact as provided in Florida Statutes shall be reviewed according to Chapter 380, F.S. and other applicable local ordinances. All zoning actions within a Development of Regional Impact shall be consistent with Code. At a minimum, all Development Orders and any amendments thereto shall include the following:

A. Phasing schedule by year, land use, trip ends generated, geographic area;

B. Public facilities and services to be provided by others;

C. Available capacity of public facilities and services;

D. A capital improvement plan for providing public facilities and services; and

E. In addition to the requirements of Section 380.0615(f), F.S. the Development Order shall also be recorded and a copy of the Development Order and Notice shall be forwarded to County.

Section 114 - 119 Reserved

Section 120 Non-conformities

A. ***Applicability***

This Section shall apply to all development that does not conform to the Polk County Comprehensive Plan or the development, design and improvement standards in this Code.

B. ***Classification (Rev. 2/21/12 – Ord. 12-006)***

1. Non-conformities shall be classified as:

   a. Lots;

   b. Uses of land without structures or with minor structures;

   c. Uses of major structures and premises;

   d. Structures; and

   e. Characteristics of use.

2. To be considered a non-conformity, it must have been in compliance with the requirements which were lawful when it was established, but would be prohibited, regulated or restricted by the enactment of the Comprehensive Plan, this Code or subsequent amendments. A non-conformity shall be established by one of the following modes:

   a. The non-conformity must have been legal non-conforming under previous regulations and continue to be designated non-conforming under the provisions of the Comprehensive Plan, this Code or subsequent amendments hereto.

b. The non-conformity must have been legal conforming under the previous regulations and the Comprehensive Plan, and made non-conforming by the provisions of this Code or subsequent amendments.

3. A non-conformity may also be created where lawful public taking or actions pursuant to a court order have the same effect as violation of this Code.

4. If a non-conforming lot is created by governmental acquisition, required set-backs shall be measured from the property line location prior to acquisition.

C. ***Cessation of Non-Conforming Use (Rev. 7/23/15 – Ord. 15-039; 2/21/12 – Ord. 12-006)***

1. A legal non-conforming use shall cease under the following circumstances:

   a. the establishment of a use conforming to the current land use district;
   b. the cessation of the non-conforming use for any reason for more than 24 consecutive months; or
   c. the designation of an Extended Rights Parcel for the non-conforming use pursuant to Section 120G.

   Thereafter, subsequent occupancy and use of the land, the building, and the structure shall conform to the regulations of the districts in which the property is located or the conditions of the Extended Rights Parcel. Cessation of use includes, but is not limited to, vacancy of the building or structure in which the non-conforming use was conducted, or discontinuance of the activities consistent with or required for the operation of such non-conforming use. The determination of cessation of use or change to a conforming use will be determined irrespective of whether or not an intention to cease or abandon the non-conforming use may exist.

2. Agricultural and Agricultural Support uses shall retain rights to their use for up to five (5) years after cessation.

D. ***Intent Concerning Non-Conformities (Rev. 2/21/12 – Ord. 12-006)***

It is the County's intent to encourage development consistent with the Comprehensive Plan and Land Development Code (LDC) while providing owners with reasonable use of their land. Therefore, it is in the best interest of the public to allow uses, structures, signs, lots and other situations that came into existence legally, in conformance with then applicable requirements, to continue to exist and be put to productive use, but to bring as many aspects of such situations into compliance with existing regulations as is reasonably possible in a manner consistent with the Comprehensive Plan and LDC. It is further the intent of this section to:

1. recognize the interests of owners in continuing to use their property;

2. promote the reuse and rehabilitation of existing buildings; and

3. prohibit the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

E. ***Documentation of Legal-Non Conformities*** ***(Rev. 2/21/12 – Ord. 12-006)***

Polk County's land development records are open to the public during normal business hours; staff can provide assistance in gathering information as to the status of a legal non-conforming use. In many cases, such documents will suffice for securing future permitting under the terms provided herein. Where a legal non-conformity is not clearly evident, a formal determination may be pursued in accordance with Section 917. The burden of demonstrating compliance with the land development requirements in place at the time a use was established shall rest solely with the applicant for a development decision.

F. ***Common Rights to All Legal Non-Conformities*** ***(Rev. 2/21/12 – Ord. 12-006)***

The following development rights apply to all legal non-conforming uses;

1. Repair and Maintenance

   a. Incidental repairs and normal maintenance necessary to keep a nonconforming structure in sound condition are permitted unless such repairs are otherwise expressly prohibited by County, State, or Federal Regulations.

   b. Nothing in this Section will be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.

   c. Building permits may be required and all repair and maintenance must be conducted in accordance with current building codes and the Florida Life Safety Code.

2. Alterations

   a. Interior alterations are permitted as long as they do not generate noise, odor, dust, or vibration that can be discerned from the exterior of the structure.

   b. External alterations and accessory structures

      i. Incidental appurtenances necessary to maintaining the function and market competitiveness of the use may be added to structures so long as they meet district setbacks and do not extend more than five (5) feet from the front (road side) of the structure, three (3) feet from the side or ten (10) feet of the rear. These may be approved through a Level 1 Review in accordance with current building codes and the Florida Life Safety Code.

ii. Accessory structures necessary to maintaining the function and market competitiveness of the use may be added to the site of a legally non-conforming use so long as they:

(1) are not located within 50 feet or less of the property line.

(2) do not generate noise, odor, dust, or vibration. The addition of these structures shall be counted towards the cumulative expansion percentage in Section120.E.

(3) Building permits are required for accessory structures and must be conducted in accordance with current building codes and the Florida Life Safety Code.

iii. Fencing is permitted provided it meets the terms of Section 210.

iv. Any alterations that will bring existing structures into greater compliance with the development standards of Chapters 6 and 7 or dimensional standards of the district are permitted in accordance with current building codes and the Florida Life Safety Code.

3. Reconstruction

In the event of calamity or the owner's own accord a legally non-conforming structure is significantly damaged or demolished, it may be replaced within its original foundation or footprint provided that a building permit is issued prior to 24 months from the date of demolition or calamity and construction meets applicable development standards in Chapter 6 and 7 of the Land Development Code as well as any applicable building or environmental health codes. Once a building permit for reconstruction is issued, the terms of the standard building permit life shall apply. If the building permit is to lapse or otherwise be revoked after the 24 month period has expired, rights to replace the structure shall be null and void.

4. Deferment of Cessation

In the event that a legally non-conforming use is rendered inactive and not allowed to resume activity for a period of more than 24 months due to criminal investigation, litigation, government mandated environmental cleanup, or similar development impediment, the rights to the non-conforming use may be retained until such external matters are resolved. Once the impending action no longer restricts use of the property or the government entity has approved the property for use, the owner or occupant shall have 60 days in which to resume activity of the non-conforming use.

5. Change in Ownership or Tenancy

Nonconformity status runs with the land and is not affected by changes of tenancy, ownership, or management.

6. Districts Where Single-Family Residential Is Not Permitted

A legally established vacant lot intended for residential purposes may be developed for a single family use regardless of the land use district provided all prior development approval conditions can be met.

G. ***Extended Rights Parcels*** ***(Rev.7/23/15 – Ord. 15-039; 2/21/12 – Ord. 12-006)***

As an alternative to pursuing an amendment to the Future Land Use Map for a district that is consistent with the legal non-conforming use of a property, an extension of the legal non-conforming rights may be granted pursuant to this section. A legal non-conforming use may be recognized as conforming as part of an Extended Rights Parcel subject to its approval as a Level 3 conditional use. Consistent with Section 120D., this process will allow certain non-conforming uses to continue in a productive manner unless and until such use has ceased.

1. Evaluation Criteria

The Planning Commission shall evaluate the extension of legal non-conforming use rights as an Extended Rights Parcel with consideration of the following criteria:

a. Substantiation that the subject use is a legal non-conforming use;

b. Site improvements, e.g., buildings or structures, were made to support the legal non-conforming use;

c. The extent to which the non-conformity is conforming with the surrounding uses;

d. The availability of infrastructure and community services to support the non-conforming use;

e Compatibility with neighboring properties and their land uses;

f. The impacts of the historical uses on the surrounding area;

g. The applicant's future plans for the property relative to the character of the surrounding area; and,

h. The need or potential for site or infrastructure improvements that may result from extension of the use.

2. Granting of Extended Rights Parcel

a. Through the Level 3 Review process, the Planning Commission may grant permanent recognition to a non-conforming use after consideration of the

Evaluation Criteria set forth above. Such an approval shall be recognized as a conforming use regardless of its district provided the applicant adheres to the conditions under which it is granted. The decision to grant or deny permanent recognition may be appealed to the Board of County Commissioners in accordance with Section 921.

b. The approval of an Extended Rights Parcel shall include a description of the conditional use and its density or intensity along with any conditions of approval.

3. Cessation of Extended Rights Parcel

The recognition of an Extended Rights Parcel shall cease upon the establishment of a different use conforming to the current land use district.

H. *Recognition of a Former Legal Non-Conforming Use as an Extended Rights Parcel (Added 7/13/15 – Ord. 15-039)*

A former legal non-conforming use that has ceased, pursuant to Section 120C.1.b. may be recognized as conforming as part of an Extended Rights Parcel subject to its approval as a Level 4 conditional use. The BoCC may grant permanent recognition to a former legal non-conforming use after consideration of the following criteria:

a. Substantiation that the subject use was a legal non-conforming use;

b. Site improvements, e.g., buildings or structures, were made to support the former legal non-conforming use;

c. The extent to which the non-conformity is conforming with the surrounding uses;

d. The availability of infrastructure and community services to support the non-conforming use;

e. Compatibility with neighboring properties and their land uses;

f. The impacts of the historical uses on the surrounding area;

g. The applicant's future plans for the property relative to the character of the surrounding area; and

h. The need or potential for site or infrastructure improvements that may result from extension of the use.

The approved conditional use shall be recognized as a conforming use regardless of its district provided the applicant adheres to the conditions of approval. The Extended Rights Parcel approval shall cease upon the establishment of a different use conforming to the current land use district.

I. ***Expansion of Residential Uses*** ***(Rev. 2/21/12 – Ord. 12-006)***

Non-conforming residential development may not be intensified, enlarged, or expanded except as provided in this Section.

1. One and Two Family Residential including Mobile Homes

a. Expansion – Expansion of a single family, duplex, or mobile home development may not exceed the maximum density limits of the Future Land Use Map district. In districts where a minimum density is required and the legally non-conforming development does not meet the minimum density, additional units may be developed even if the resulting density remains below the minimum provided that all other required development standards are met. Individual residential units may be expanded provided such units meet district setback, height limits, and the standards in Chapter 6 of the Code.

b. Planned Approval Status – Planned Development and Planned Unit Developments that have constructed a portion or phase may be expanded consistent with the provisions in Section 906.E & F of this Code and the Future Land Use Map district densities. In the event that the development does not meet the minimum density of the district, additional units may be developed even if the resulting density remains below the minimum provided that all other required development standards are met and the PD or PUD is modified or abrogated.

c. Multiple Units (on one lot) – Properties with more than one detached dwelling unit may be permitted to add additional units if the Future Land Use Map district allows such density; however,

i. the land for which the additional units are placed shall be consistent with Section 221.A and Chapter 8 of this code; and,

ii. the residual parent parcel shall meet the minimum lot size standards.

d. Accessory Uses – On any property where a legally non-conforming single family, duplex, or mobile home is located, accessory structures and uses customary to a residence may be permitted as well. Such uses and structures include, but are not limited to, swimming pools, sheds, and home occupations.

f. Individual Unit Expansion – Whether single-family, two-family or mobile home, an individual unit may be expanded so long as it does not change the unit type or violate the development standards of the district including, but not limited to setbacks, height limits, and flood zone requirements.

2. Multifamily

a. Onsite Expansion – Expansion of a multifamily development or structure may not exceed the maximum density limits of the Future Land Use Map district. In districts where a minimum density is required and the legally non-conforming development does not meet the minimum density, additional units may be developed even if the resulting density remains below the minimum provided that all other required development standards are met.

b. Land Expansion – The addition of land to support addition or expansion of structures both primary and accessory for a legally non-conforming multifamily use shall require a Comprehensive Plan Amendment to a district allowing such density of development.

c. Planned Approval Status – Planned Development and Planned Unit Developments that have constructed a portion or phase may be expanded consistent with the provisions in Section 906.E & F of this Code and the Future Land Use Map district densities. In the event that the development does not meet the minimum density of the district, additional units may be developed even if the resulting density remains below the minimum provided that all other required development standards are met and the PD or PUD is modified or abrogated.

d. Accessory Uses – On any property where a legally non-conforming multifamily structure is located, accessory structures customary to a multifamily residential development may be permitted as well. Such structures include, but are not limited to, community swimming pools, automated laundry facilities, and clubhouses. However, if such structures extend offsite, a Level 3 Review shall be required. The Planning Commission shall use the criteria set forth in Section 120.I to evaluate the merits of the expansion.

f. Individual Unit Expansion – An individual unit within a multifamily structure may be expanded so long as it does not violate the development standards of the district including, but not limited to setbacks, height limits, and flood zone requirements.

J. ***Expansion of Non-residential Development*** ***(Rev. 2/21/12 – Ord. 12-006)***

1. Onsite Expansion – Legal non-conforming non-residential establishments may expand under the following parameters:

a. The addition or expansion of structures, impervious surface, or outdoor storage or display areas less than 20% (cumulatively) of the total amount existing onsite since the September 1, 2000, effective date of the Land Development Code may be approved administratively through Level 2 Review.

b. The total or cumulative addition or expansion of structures, impervious surface, or outdoor storage or display areas of more than 20% of the total amount existing onsite since the September 1, 2000, effective date of the Land Development Code may be approved by the Planning Commission through a through Level 3 Review as a conditional use. The Planning Commission shall consider the evaluation criteria listed in Section 120.I.1.c to follow.

c. Evaluation Criteria

The Planning Commission shall evaluate the expansion of legal non-conforming use rights with consideration of the following criteria:

i. The degree to which the non-conformity can become more conforming;

ii. The extent of a government's obligation or liabilities including, but not limited to, infrastructure improvement, infrastructure maintenance, and public safety;

iii. The potential impact that the expansion may pose to neighboring properties;

iv. The extent of the use's longevity (i.e. how long has it been there and how long is it to continue at its location);

v. The applicant's future plans for the property relative to the County's plans; and,

vi. The improved development standards or infrastructure that may result from expansion of the use.

2. Land Expansion – The addition of land to support an addition or expansion of structures, storage, or activity of a legally non-conforming use shall require a Level 4 Review. The Planning Commission shall make recommendation and the Board shall render a decision based on the criteria set forth in Section 120.I.1.c. Land expansions are allowed for the purpose of meeting local, state or federal requirements that do not expand or introduce activities, vertical structures, or storage area onto the property addition. Such development including drainage structures, stormwater ponds and wastewater lift stations may be approved administratively through Level 2 Review.

3. Effect of Approval – Legally non-conforming uses, once approved for expansion by the Planning Commission or the Board of County Commissioners, are considered Conditional Uses and may be modified consistent with the provisions in Section 906.E & F of this Code provided that such expansion is consistent with the Future Land Use Map district floor-area-ratio (FAR) requirements or limitations. If final approval of the legally non-conforming use expansion was granted by the Board of

County Commissioners either through Level 4 Review or De Novo appeal, expansion of such use beyond a minor modification (see Section 906.E) shall require Board of County Commissioner approval through a Level 4 Review. This shall apply to all non-conforming use expansions approved through a public hearing process since the adoption of the first zoning ordinance (11/4/70).

4. Addition of Permitted Uses – The addition of uses otherwise permitted by right in the Future Land Use Map district, as well as uses that are conditional through administrative approval (C1 or C2 in Table 2.1 et.al.), may be approved onsite of a legally non-conforming use without jeopardizing the development entitlements of the property.

Section 121 Eminent Domain Actions

A. ***Purpose and Intent***

It is the intent of this Section to establish a fair procedure by which the County may grant waivers and variances to development, sign and technical regulations, to provide relief to owners of land affected by government condemnation of land where non-conformities are created. Further, it is the intent of this Section to establish procedures which will reduce the cost of government acquisitions of real property needed for public improvements.

B. ***Waivers***

If, as a result of a governmental taking, either by negotiation or condemnation, existing lots, parcels, or structures become non-conforming with the provisions of this Code, the following provisions shall apply:

1. Existing building or site characteristics which become non-conforming or increase in non-conformity as a result of a taking, including but not limited to minimum lot size, setbacks, open space, off-street parking, landscape requirements, signs, drainage and retention, shall be required to meet Code requirements to the greatest extent possible, to the satisfaction of the Director. Any further expansion or enlargement thereof shall be in accordance with all applicable Code requirements.

2. In granting any waiver to Code requirements, the Director shall:

   a. Determine that the requested waiver will not adversely affect visual, safety, aesthetic or environmental concerns of neighboring properties;

   b. Determine that the requested waiver shall not adversely affect the safety of pedestrians or operators of motor vehicles; and

   c. Preserve required off-street parking requirements to the greatest extent practicable. The reconfiguration, reduction, or removal of landscape or open space requirements may be considered to preserve off-street parking.

3. Any alterations, repairs or rehabilitation work necessitated by a governmental or public agency acquisition or condemnation or real property may be made to any existing structure, building, electrical, gas, mechanical or plumbing system without requiring the entire building, structure, plumbing, electrical, mechanical or gas system to comply with all the current requirements provided that the work conforms to the requirements of the technical codes for new construction. The Building Official shall determine the extent to which the existing system shall be made to conform to the requirements of the technical codes for new construction.

4. The condemning authority or the property owner may apply for waivers or variances necessary to replace the structure or site improvements affected by the eminent domain action.

5. Nothing in this Section precludes the owner or the condemning authority from applying for a variance to the appropriate board where a waiver is denied or is not applicable.

Section 122-129 Reserved

Section 130 Administrative Fees

The County may adopt, by resolution, administrative fees necessary to implement this Code. Such fees may include, but are not limited to: application fees, review fees, inspection fees, and appeal fees.

Section 131 Severability

If any section, paragraph, sentence, clause, or phrase of this ordinance shall, for any reason, be held to be unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance, which shall continue in full force and effect.

Section 132 Effective Date and Amendments

This ordinance shall be effective on September 1, 2000.

Section 133 Use of Document Reserved

Chapter 2

LAND USE DISTRICTS AND REGULATIONS

CHAPTER 2 LAND USE DISTRICTS AND REGULATIONS

Section 201 Relationship to Comprehensive Plan

The Polk County Land Development Code (LDC) regulates the development and use of land as set forth in the goals, objectives, and policies of the Polk County Comprehensive Plan. The Polk County Comprehensive Plan contains the Future Land Use Element (FLUE), including the Future Land Use Map Series (FLUMS) which establish and identify Development Areas, Special Area Plan Districts, Resource Protection Overlay Districts and Land Use Districts. Development Areas are referred to in this Code to determine density and public facilities needs in certain areas. Resource Protection Overlay Districts are outlined in Chapters 5 and 6 of this Code and further regulate use and development of land in environmentally sensitive areas. The land use categories established in the Plan regulate maximum density, intensity, and general policies for development. The names of the land use categories in the Plan and the Land Use Districts in this Code are the same.

Section 202 Development Areas

Five Development Areas are designated and mapped on the FLUMS. Development occurring in any of the Development Areas shall conform to the criteria specified.

A. ***Urban Development Areas (UDA)***

The purpose of UDA's is to serve as a foundation from which a future urban pattern is established, and to provide areas for development at urban densities and intensities. UDA's are areas within the County that, at a minimum, are currently served, or are programmed within the applicable Comprehensive Plan Capital Improvement Program to be served within the next ten years by County owned, municipal, or County franchised central sanitary sewage and potable water systems. UDA's are also supported by, or programmed to be supported by, other services typically found to accompany urban development such as public safety services, an urban road network, and developed parks.

B. ***Urban Growth Areas (UGA)***

The purpose of UGA's is to serve as a foundation from which a future urban pattern is established, and to provide future areas for development at urban densities and intensities. UGA's are areas within the County that, at a minimum, are currently served, or are programmed within the applicable Comprehensive Plan Capital Improvement Program to be served within years 10 through 20 of the Comprehensive Plan's planning period. UGA's are also supported by, or programmed to be supported by, other services typically found to accompany urban development such as public safety services, an urban road network, and developed parks.

C. ***Suburban Development Areas (SDA)***

The purpose of SDA's is to provide for areas of suburban-intensity growth. SDA's are those areas within the County that are not located within a UDA or UGA and have developed predominantly in a suburban residential pattern with County-owned, municipal or County-franchised potable water systems, but generally without centralized sewer facilities.

D. ***Utility Enclave Areas (UEA)***

The purpose of UEA's is to recognize existing isolated areas of urban development that contain centralized water and sewer systems. UEA's are those areas within the County that are not located within a UDA, UGA, or SDA and have developed at urban or suburban densities with County owned, municipal or County-franchised potable water systems, and small scale public or County franchised centralized sewer facilities, or private sewer systems with capacities in excess of 400,000 GPD.

E. ***Rural Development Areas (RDA)***

The purpose of RDA's is to provide areas for rural activities such as agricultural uses, mining activities, and rural residential development. RDA's include those areas of the County that are not located within a UDA, UGA, SDA, or UEA.

Section 203 Land Use Districts Established

The unincorporated County is divided into land use districts in order to implement the policies of the Polk County Comprehensive Plan. Polk County is hereby divided into said districts, the boundaries and designations of which are shown on a series of maps entitled AFuture Land Use Map Series (FLUMS).@

The standard land use districts are established and listed in Section 204. Selected Area Plan (SAP) land use districts are established in Chapter 4 and the Green Swamp land use districts are established in Chapter 5. The use table and density/dimensional regulations for the Land Use Standard Districts are prescribed in this Chapter. The use tables and density/dimensional regulations for the SAP and Green Swamp districts are in Chapters 4 and 5, respectively. The SAP and Green Swamp land use districts are denoted on the FLUMS maps with an AX.@

Section 204 Standard Land Use Districts

A. ***Agricultural/Residential Districts*** ***(Revised 5/6/09 – Ord.09-018)***

The purpose and intent of the standard land use districts are prescribed. Specific uses and dimensional/density regulations are outlined in the Tables in Sections 205 and 208.

1. Rural (A/RR): The purpose of the A/RR district is to provide lands for the continuation of productive agricultural uses and to provide for very low density residential development within unincorporated rural areas. The A/RR district permits agricultural activities, agricultural support facilities, multi-family dwelling units, farm labor housing, group living facilities, and community facilities.

2. Rural Cluster Center - Residential (RCC-R): The purpose of the RCC-R district is to recognize and protect residential neighborhoods within unincorporated communities designated RCC on the Future Land Use Map Series of the Comprehensive Plan. The RCC-R district permits low density residential development with minimum lot sizes of 20,000 square feet, group living facilities, and community facilities.

3. Residential Suburban (RS): The purpose of the RS district is to provide areas for suburban-density residential development to promote the proper transition of land from rural to urban uses. The RS district permits single-family dwelling units, family care homes, agricultural support uses, and community facilities.

4. Residential Low-1 (RL-1): The purpose of the RL-1 district is to provide areas for the low density residential needs of residents in urban areas who desire areas with larger sized lots, a minimum of 40,000 square feet.

5. Residential Low-2 (RL-2): The purpose of the RL-2 district is to provide areas for the low density residential needs of residents in urban areas who desire areas with smaller lots than the RL-1 districts, a minimum of 15,000 square feet.

6. Residential Low-3 (RL-3): The purpose of the RL-3 district is to provide areas for the low density residential needs of residents in urban areas who desire areas with smaller lots, a minimum of 10,000 square feet.

7. Residential Low-4 (RL-4): The purpose of the RL-4 district is to provide areas for the low density residential needs of residents in urban areas who desire areas with smaller lots, a minimum of 6,000 square feet.

8. Residential Medium (RM): The purpose of the RM district is to provide areas for medium density residential development within urban areas. The RM district permits single-family dwelling units, duplex units, multi-family units, group living facilities, and community facilities.

9. Residential High (RH): The purpose of the RH district is to provide areas for high-density residential development within urban areas. The RH district permits single-family dwelling units, duplex units, multi-family units, group living facilities, and community facilities. Multi-family structures may contain non-residential uses to provide retail and personal services for residents.

B. ***Non-residential Districts/Activity Centers*** ***(Revised 7/25/01 - Ord. 01-57)***

1. Rural Cluster Center (RCC): The purpose of the RCC district is to provide locations in the rural area for the placement of retail and service establishments to accommodate the daily shopping needs of rural residents. The RCC district permits commercial and office uses at an intensity and scale necessary to provide the immediate rural population with retail and personal services, agricultural support uses, and community facilities.

2. Convenience Center (CC): The purpose of the CC district is to provide for the convenience shopping needs of residents within an immediate surrounding area. The CC district permits non-residential uses such as offices, convenience stores, gas stations, dry cleaners and community facilities.

3. Neighborhood Activity Center (NAC): The purpose of the NAC district is to provide for the daily shopping needs of residents within neighborhoods surrounding the center. The NAC district non-residential uses such as offices, grocery stores, drug stores banks and community facilities.

4. Community Activity Center (CAC): The purpose of the CAC district is to provide for shopping needs of residents living within a surrounding community. The CAC district permits special residential development, non-residential uses such as offices, department stores, supermarkets, restaurants and community facilities.

5. Regional Activity Center (RAC): The purpose of the RAC district is to provide for the regional shopping needs of residents. The RAC district permits special residential development, regional shopping centers, other regional attractors and community facilities.

6. Office Center (OC): The purpose of the OC district is to provide areas for small offices. The OC district permits professional offices and some retail uses. All development within the OC requires a Level 3 Review.

C. ***Other Standard Land Use Districts*** ***(Revised: 3/18/14 – Ord. 14-015; 7/29/02 - Ord. 02-51)***

1. Linear Commercial Corridor (LCC): The purpose of the LCC district is to recognize existing linear concentrations of commercial, office, institutional, and industrial uses along roadways.

2. Business Park Center-1 (BPC-1): The purpose of the BPC-1 district is to provide areas for office and business park development. The BPC-1 district permits office, research and development parks, distribution centers and wholesaling activities. Some retail uses are also permitted to support the businesses and activities within the Business Park Center.

3. Business Park Center-2 (BPC-2): The purpose of the BPC-2 district is to provide areas for light-industrial activities. The BPC-2 district permits light manufacturing, fabrication, assembly, distribution and wholesaling activities, and some retail uses to support the businesses and activities within the Business Park Center.

4. Commercial Enclave (CE): The purpose of the CE district is to recognize existing concentrations of commercial and office uses located outside of Activity Centers and Linear Commercial Corridors, whose future development or redevelopment is consistent with the Polk County Comprehensive Plan.

5. High-Impact Commercial Center (HIC): The purpose of the HIC district is to provide areas for non-retail businesses and service establishments that may generate substantial truck traffic, noise, odor, and visual impacts to adjacent properties. The HIC district permits a range of non-residential service establishments and general retail uses to support the businesses and activities.

6. Industrial (IND): The purpose of the IND district is to provide areas for general manufacturing, processing, and distribution of goods. General commercial uses necessary to support the industrial area are also permitted.

7. Phosphate Mining (PM): The purpose of the PM district is to provide areas for phosphate mining operations, phosphate mining support facilities, and other uses that are compatible with and related to phosphate mining and its allied uses.

8. Leisure/Recreation (L/R): The purpose of the L/R district is to provide for facilities and areas oriented primarily towards providing recreation-related services for residents and short-term visitors.

9. Institutional-1 (INST-1): the purpose of the INST-1 district is to provide for the use and development of lands for private and public service structures with minimal external impacts such as elementary and middle schools, government facilities, cultural facilities, hospitals, and Class I and Class II utilities.

10. Institutional-2 (INST-2): the purpose of the INST-2 district is to provide for the use and development of lands for private and public service structures which are characterized primarily by outdoor activities such as high schools, government vehicle maintenance facilities, Class III utilities, solid waste management facilities, and prisons.

11. Recreation and Open Space (ROS): The purpose of the ROS district is to provide for the use and development of lands and areas which are accessible to the public, and which are oriented towards providing recreational activities and services for County residents and visitors.

12. Preservation Areas (PRESV): The purpose of the PRESV district is to provide for the preservation of public or privately owned preservation areas, either obtained for long-term protective purposes, containing sensitive and unique vegetative or animal habitats, or publicly accessible property intended for long-term open space purposes.

13. Tourism-Commercial Center (TCC): The purpose of the TCC district is to provide areas for tourism activities, recreation, and tourist-related commercial establishments. The TCC district permits commercial amusement activities, lodging facilities, service stations, restaurants, gift shops and ancillary non-residential uses to the tourism industry.

Section 205 Use Tables for Standard Land Use Districts

The permitted and conditional uses for the standard land use districts are prescribed in Table 2.1. Additional review levels may be required as specified in Section 903.

The following are the Footnotes for use with Table 2.1 *Use Table for Standard Land Use Districts*:

A. ***Prohibited Uses***

The use of land or structures not expressly listed in the Use Tables in Sections 205, Chapter 4 (SAP's) or Chapter 5 (ACSC) as permitted or conditional are prohibited.

B. ***Selected Area Plans (SAP) and Neighborhood Plans*** ***(Revised 1/6/2010 – Ord. 10-002)***

Uses proposed within any of the SAPs or Neighborhood Plans are identified in the respective Use Tables in Chapter 4 and shall be adhered to accordingly. Land uses not shown are prohibited

C. ***Green Swamp Area of Critical State Concern (ACSC)*** ***(Revised 1/6/2010 – Ord. 10-002)***

Uses proposed within any of the SAPs or Neighborhood Plans are identified in the respective Use Tables in Chapter 4 and shall be adhered to accordingly. Land uses not shown are prohibited

D. ***Other Regulations***

Uses listed as permitted may be established only after meeting all applicable regulations of Polk County and other governmental agencies.

E. ***Conditional Uses***

Uses listed as conditional may be established only after compliance with the specific conditions and procedures outlined in Chapter 3, Conditional Uses, and all applicable codes of Polk County and other governmental agencies.

C1 Conditional uses which are reviewed at the staff level through an existing permit procedure. The review process is a Level 1 Review.

C2 Conditional uses which are reviewed by the staff but involve multiple issues or departments. The review process is a 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 a Level 3 Review, 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 a Level 4 Review.

F. ***Accessory and Temporary Uses***

Accessory and Temporary Uses are defined in Chapter 10 and regulated in Sections 206 and 207 of this Chapter.

G. ***Infill and Compatibility***

All uses are subject to Infill and Compatibility requirements outlined in Sections 220 and 221.

H. ***Pre-Development of Regional Impact and Development of Regional Impact***

Pre-Development of Regional Impact and Development of Regional Impact land use designations shall be consistent with Chapter 4 of the Land Development Regulations (Section 402).

I. ***Resulting Nonconformity***

Any proposed use that will render a legal use nonconforming shall require a Level 3 Review.

Table 2.1 for Standard Land Use Districts (For revision history, please see last row of table.)

	A/RR	RCC-R	RS	RL-1	RL-2	RL-3	RL-4	RM	RH	RCC	CC	CE	LCC	NAC	CAC	RAC	OC	TCC	HIC	BPC-1	BPC-2	IND	PM	L/R	INST1	INST2	ROS	PRESV
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																												
Residential Uses																												
Duplex, Two-family Attached		C3	C3			C3	C3	P	P	C3																		
Family Farm	C1		C1																				C1					
Fly-in Community	C3		C3																									
Group Home, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1	C1	C1																			
Group Home, Large (7-14 residents)	C3	C3	C3					C1	C1																C1	C1		
Group Living Facility (15 or more residents)	C3	C3	C3	C3	C3	C3	C3	C3	C2																C2	C2		
Farm Worker Dormitory, Apartment Style	C2	C2	C2							C2													C2					
Farm Worker Dormitory, Barrack Style	C3	C3	C3							C3											C2	C2	C3					
Manufac turing, Soil																						C4						
Mobile Home Park & Subdivision	C3	C3	C4	C4	C4	C4	C4	C3	C3																			
Mobile Homes, Individual	C1	C1	C1	C1	C1	C1	C1	C1	C1																			
Multi-family		C3		C3	C3	C3	C3	P	P	C3			C3	C3	C2	C2	C3	C2		C3				C2	C3	C3		
Residential Infill Development			C2	C2	C2	C2	C2																					
Rural Residential Development (RRD)	C3		C3																									
Short-Term Rental Unit				C3	C3	C3	C3	C3	C3									P						P				
Single-family Detached Home & Subdivision	P	P	P	P	P	P	P	P	C2																			
Suburban Planned Development			C3																									
Mixed Uses																												
Planned Development	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3
Residentially Based Mixed Development (RBMD)	C3		C3	C3	C3	C3	C3	C3																				
Rural Mixed Development (RMD)	C3		C3																									
Transitional Area Development			C3	C3	C3	C3	C3	C3			C3	C3	C3	C3	C3	C3		C3	C3	C3	C3							
All Other Uses																												
Adult Day Care Center (7 or more clients)	C3	C3	C3	C3	C3	C3	C3	C3	C2																C2	C2		
Adult Use													C1		C1	C1		C1										
Agricultural Support, Off-Site	C3	C3	C3	C3						P		P	P				C3		P	C3	P	P	C3					
Airport	C4															C4				C4	C4	C4	C4			C4		
Alcohol Package Sales										C1	C1	C1	C1	C1	C1	C1		C1	C1	C1	C1	C1		C1				
Animal Farm, Intensive	P		C1	C1						P										C3	P	P	P					
Bars, Lounges, and Taverns												C3	C3	C3	C1	C1		C1	C1	C1	C1	C1		C1				
Bed and Breakfast	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2																		
Breeding, Boarding, and Rehabilitation Facility, Wild or Exotic	C3									C3											C2	C2	C3					
Car Wash, Full Service													C2		P	P		P										
Car Wash, Incidental										C2	C2	C2	C2	C2	P	P		P										

Table 2.1 for Standard Land Use Districts (For revision history, please see last row of table.)

	A/RR	RCC-R	RS	RL-1	RL-2	RL-3	RL-4	RM	RH	RCC	CC	CE	LCC	NAC	CAC	RAC	OC	TCC	HIC	BPC-1	BPC-2	IND	PM	L/R	INST1	INST2	ROS	PRESV
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																												
Car Wash, Self Service													C2		P	P		P										
Cemetery	C2	C3	C3							C3	C3	C3	C3	C3	C2	C2		C3	C2						C2	C2		
Childcare Center	C3	C3	C3	C3	C3	C3	C3	C3	C3	P	P	C2	P	P	P	P	C3	P	C1					C2	P	P		
Clinics & Medical Offices										C2	C2	C2	P	C2	P	P	P	P							C2	C2		
Commercial Vehicle Parking										C3		C2	C2		C2	C2		C2	P	C2	P	P						
Communication Towers, Guyed and Lattice	C2		C3												C3	C3			C3	C3	C2	C2	C2		C2	C2	C3	C3
Communication Tower, Monopole	C2		C3							C3			C3		C2	C2		C2	C2	C2	C2	C2	C2	C3	C2	C2	C3	C3
Community Center	C3	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	
Construction Aggregate Processing																						C3						
Construction Aggregate Storage																						C3						
Convenience Stores, Isolated	C2	C2	C2							C2									C2	C2	C2	C2	C2	C2				
Correctional Facility	C4																									C4		
Cultural Facility	C3	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	
Emergency Shelter, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1	C1	C1																			
Emergency Shelter, Medium (7-14 residents)	C3	C3	C3					C1	C1																C1	C1		
Emergency Shelter, Large (15 or more residents)	C3	C3	C3	C3	C3	C3	C3	C3	C2																C2	C2		
Fish Camp																								P				
Farming General	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Financial Institution										P	P	C2	C2	P	P	P	C2	P	C2	C2	C2	C2						
Financial Institution, Drive Through										C2	C2	C2	C2	C2	C2	C2	C3	C2	C2	C2	C2	C2						
Flea Market/Enclosed															C1	C1			C1									
Flea Market/Open															C4	C3			C1									
Funeral Home & Related Facilities										C2	C2	C3	C2		C2	P			P									
Gas Station										C2	C2	C2	C2	P	P	P		P	P	C2	C2	C2			C3	C2		
Golf Course	C1	C1	C1	C1	C1	C1	C1	C3	C3	C3								C1		C1	C1	C1		C1	C1	C1	C1	C2
Government Facility	C3	C3	C3	C3	C3	C3	C3	C3	C3	P	P	P	P	P	P	P	C3	P	P	P	P	P	C3	C3	P	P	C3	
Gypsum Stack																							C4					
Hazardous Waste Transfer, Storage																						C4	C4					
Hazardous Waste Treatment Facilities																							C4					
Heavy Machinery Equipment Sales and Services																			C2		C2	P	C2					
Heliports	C2												C3		C2	C2		C2	C2	C2	C2	C2	C2		C2	C2		
Helistops	C2	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C3	C3	C2	C3	C3	C2	C2	C2	C2	C2	C3	C2	C2	C2	
Hospitals										P					P	P	C3								C3	C2		
Hotels and Motels												C3	C2		P	P		P		C2	C2	C2		C2				
Institutional Campground	C3		C3																					P	P	P		

Table 2.1 for Standard Land Use Districts (For revision history, please see last row of table.)

	A/RR	RCC-R	RS	RL-1	RL-2	RL-3	RL-4	RM	RH	RCC	CC	CE	LCC	NAC	CAC	RAC	OC	TCC	HIC	BPC-1	BPC-2	IND	PM	L/R	INST1	INST2	ROS	PRESV
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																												
Kennels, Boarding and Breeding	P		C3							C2		P	P		C1	P		C1	P		C2	P	P					
Lime Stabilization Facility	C3		C3							C3		C3	C3						C3	C3	C3	C3	C3		C3	C3		
Livestock Sale, Auction	P		C1	C1						P									C2		C2	P	P					
Lodges and Retreats, Private	C3									P		C2	P						P					P	P	P		
Manufacturing, Explosives/ Volatile Material																						P	C2					
Manufacturing, General																						P	C2					
Manufacturing, Light																				C2	P	P	C2					
Marinas and Related Facilities	C3									C3		C1	C1	C1	C1	C1		C1						C1				
Mining, Non-phosphate	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	
Mining, Phosphate																							C4					
Motor Freight Terminal												C3	C3						P		P	P	C2					
Nightclubs and Dance Halls												C3	C3		C3	C1		C1						C3				
Nurseries, Retail										P	P	C2	P	P	P	P			P	C2	C2	C2						
Nurseries and Greenhouses	P	C1	C1	C1						P	P	C2	P	P	P					P	P	P	P					
Nursing Home								C2	C2	C2		C2	C2		C2	C2									C2	C2		
Office										C2	C2	C2	P	C2	P	P	P	P	C2	P	P	P			C2	C2		
Office Park													P				C2			P	P				C2	C2		
Personal Service										C2	C2	C1	P	C2	P	P	C2	P	C2	P	P	P		C2				
Power Plants Non-Certified, Low																			C4	C4	C4	C4	C4			C2		
Power Plants, Non-Certified, High																					C4	C4	C4			C3		
Power Generation, Certified																							C4					
Printing & Publishing													C2				C2		P	P	P	P						
Railroad Yard																			C3			C3	C3					
Recreation, Passive	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1
Recreation, High Intensity	C3	C3	C3	C3	C3	C3	C3	C3	C3									C1					C3	C1	C1	C1	C1	C3
Recreation, Low Intensity	C2	C2	C2	C2	C2	C2	C2	C2	C2									C1					C2	C1	C1	C1	C1	C3
Recreation & Amusement General										C2	C2	C2	C2	C2	C2	C2		C2	C2`					C2				
Recreation & Amusement Intensive																C3		C2	C3					C4				
Recreation, Vehicle Oriented	C3	C3	C3	C3	C3	C3	C3	C3	C3									C2						C2	C2	C2	C2	
Recreational Vehicle Park																		P						C2				
Religious Institution	C3	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	
Research & Development																P	C3		P	P	P	P	C2		C2	C2		
Residential Treatment Facility	C4									C4		C4	C4		C4	C4									C4	C4		
Restaurant, Drive-thru/Drive-in										C2	C2	C3	C2	C2	C2	c2		C2	C2	C2	C2	C2		C2				
Restaurant, Sit-down/Take-out										C2	C2	C2	P	P	P	P		P	P	C2	C2	C2		P				
Retail, 10,000 – 34,999 sq. ft.										C3	C3	C2	P	P	P	P	C3	P	P	C2	C2	C2		C2				
Retail, 35,000 - 64,999 sq. ft													P	P	P	P		P	P	C2	C2	C2						

Table 2.1 for Standard Land Use Districts (For revision history, please see last row of table.)

	A/RR	RCC-R	RS	RL-1	RL-2	RL-3	RL-4	RM	RH	RCC	CC	CE	LCC	NAC	CAC	RAC	OC	TCC	HIC	BPC-1	BPC-2	IND	PM	L/R	INST1	INST2	ROS	PRESV
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																												
Retail, More than 65,000 sq. ft.													C3	C3	P	P		C2	C2	C3	C3	C3						
Retail, Home Sales Offsite												C3	C2			P			P									
Retail, Less than 10,000 sq. ft.										P	P	P	P	P	P	P	C3	P	P	C2	C2	C2		C2				
Retail, Outdoor Sales/Display												C3	C2		C3	C3		C3	P		P							
Riding Academies	C1		C1	C3						P													C1	P			C1	
Salvage Yard																						C3						
School, Elementary	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2															P	C2		
School, Middle		C3	C3	C2	C2	C2	C2	C2	C2	C3															P	C2		
School, High		C3	C3	C3	C3	C3	C3	C2	C2																C3	P		
School, Leisure/Special Interest	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	P	P	C3	P	P	C2	C2	C3	C3	P	P	P	P	
School, Technical/Vocational/Trade & Training	C3									C3	C3	C3	C3	C3	C2	C2	C2	C2	P	C2	C2	P	C2		C3	P		
School, University/College		C3					C3	C3	C3	C3				C3	C3	C3		C3	C3	C2	C2	C3			C3	P		
Seaplane Base	C3	C3	C3																			C3		C3	C3	C3		
Self-storage Facility										C3		C2	C2	C2	C2	C2			C2	C2	C2	C2						
Solid Waste Management Facility																										C4		
Studio, Production										P		P	P			P	P		P	P	P	P			P	P		
Solar Electric-Power Generation Facility	C2	C3	C3																C2	C2	C2	C2	C2		C2	C2		
Transit, Commercial													C3			P			C2		P	P				C2		
Transit, Facility										P		P	P	P	P	P		P	P	P	P	P			P	P		
Truck Stop																P			P									
Utilities, Class I	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities, Class II	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	P	P	P	P	P	P	C1	P	P	P	P	P	P	P	P	P	P	
Utilities, Class III	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C3	C3	C3	C3	
Vehicle Recovery Service/Agency										C2		C2	C2						C2		C2	C2						
Vehicle Repair, Auto Body										C2		C3	C3						P		P	P						
Vehicle Service, Mechanical										P		C3	C2	P	P	P		P	P		P	P						
Vehicle Sales, Leasing										C2		C3	C2		C2	P		C2	P									
Veterinary Service	P		C2							C1	C1	P	P	P	P	P	C2	P	P		C2	C2	P	P				
Warehousing/Distribution																			P	P	P	P						
Water Ski Schools	C4		C4							C4	C3	C3	C3	C3	C3	C3		C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	

Revised 08/16/16 – Ord. 16-040; 04/19/16 – Ord. 16-022; 08/18/15 – Ord. 15-053; 11/4/14 – Ord. 14-066; 8/5/14 – Ord. 14-045; 3/18/14 – Ord. 14-015; 8/20/13 – Ord. 13-023; 12/6/11 – Ord. 11-033; 12/6/11 – Ord. 11-032; 6/28/11 – Ord. 11-008; 2/3/10 – Ord. 10-007; 12/01/09 – Or. 09-073; 09/16/09 – Ord. 09-060; 09/02/09 – Ord. 09-055; 9/2/09 – Ord. 09-054; 7/22/09 - Ord. 09-047; 11/12/08 – Ord. 08-56; 8/15/07 – Ord. 07-44; 05/10/06 - Ord. 06-23; 04/19/05 – 05-013;01/03/05 - Ord. 04-80; 10/07/04 - Ord. 04-58; 06/08/04 - Ord. 03-95, Ord. 04-09; 12/04/03 - Ord. 03-81; 03/25/03 - Ord. 03-23; 01/30/03 - Ord.03-12, Ord. 03-13, and Ord. 03-14; 11/27/02 - Ord. 02-84; 10/23/02 - Ord. 02-69; 7/29/02 - Ord. 02-51; 5/15/02 - Ord. 02-22; 4/4/02 - Ord. 02-18; 2/11/02 - Ord. 02-04; 12/28/01 - Ord. 01-92; 7/25/01 - Ord. 01-57 - Ord. 01-58;)

Table 2.2 Density and Dimensional Regulations for Standard Districts (Revised 12/15/2015 – Ord. 15-079; 3/18/14 – Ord. 14-015; 11/16/10 – Ord. 10-078; 01/03/05 - Ord. 04-80; 12/27/02 - Ord. 02-88; 7/29/02 - Ord. 02-51; 7/25/01 - Ord. 01-57)

	A/RR	RCC-R	RS	RL-1	RL-2	RL-3	RL-4	RM	RH	RCC	OC	CC	NAC	CAC
RESIDENTIAL GROSS DENSITY (1)(2): MAXIMUM / MINIMUM	1 du/5 ac(2) N/A	2 du/ac N/A	1 du/5 ac(2) N/A	1 du/ac N/A	2 du/ac N/A	3 du/ac N/A	4 du/ac N/A	7 du/ac N/A	10 du/ac N/A	N/A N/A	N/A N/A	N/A	N/A	25/15
MIN. RESIDENTIAL LOT AREA (3)	5 AC	20,000 sf	5 AC	40,000 sf	15,000 sf	10,000 sf	6,000 sf	6,000 sf	5,000 sf	N/A	N/A	4,500 sf	4,000 sf	3,500 sf
MAX. NON-RESIDENTIAL IMPERVIOUS SURFACE RATIO (ISR)(4)	0.50	0.50	0.60	0.65	0.65	0.70	0.70	0.70	0.70	0.50	0.70 0.60-SDA	0.70 0.60-SDA	0.70 0.60-SDA	0.70 0.60-SDA
MAX. NON-RESIDENTIAL FLOOR AREA RATIO (FAR)(5)	0.25	0.30	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.30	0.30	0.25	0.25	0.30 0.25-SDA
MIN. SETBACKS: (ROAD Rights-of-Way / Center Line) (6) (9) (10) (13)														
LIMITED ACCESS	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100/NA	100 / NA	100 / NA	100 / NA
PRINCIPAL ARTERIAL	65 /125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125
MINOR ARTERIAL	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90
URBAN COLLECTOR	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65
RURAL MAJOR COLLECTOR	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 95	35 / 95	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65
RURAL MINOR COLLECTOR	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 /65	35 / 65	35 / 65	35 / 65
LOCAL, 60' R/W, or greater	25 / 55	25 / 55	20 / 50	15 / 45	15 / 45	15 / 45	15 / 45	15 / 45	15 / 45	15 / 45	30 / 60	30 / 60	30 / 60	30 / 60
LOCAL, 41- 60' R/W	25 / 50	25 / 50	20 / 45	15 / 40	15 / 40	15 / 40	15 / 40	15 / 40	15 / 40	15 / 40	30 / 60	30 / 60	30 / 60	30 / 60
LOCAL, 40' R/W	25 / 45	25 / 45	20 / 40	15 / 35	15 / 35	15 / 35	15 / 35	15 / 35	15 / 35	15 / 35	30/55	30 / 55	30 / 55	30 / 55
MINIMUM SETBACKS (Principal Structure / Accessory Structures)														
INTERIOR SIDE (9) (10) (15)	15 / 10	15 / 10	10 / 5	10 / 5	7 / 5	7 / 5	7 / 5	7 / 5	7 / 5	7 / 5	15 / 15	15 / 15	15 / 15	15 / 15
INTERIOR REAR (9) (10)	20 / 10	20 / 10	15 / 10	15 /10	10 / 5	10 / 5	10 / 5	10 / 5	10 / 5	15 / 5	15 / 15	15 / 15	15 / 15	15 / 15
MAX. STRUCTURE HEIGHT (ft) (7)(12)	50	50	50	50	50	50	50	50	75	50	50	50	50	75

Table 2.2. Density and Dimensional Regulations for Standard Districts (Revised 12/27/02 - Ord. 02-88; 7/25/01 - Ord. 01-57)

	RAC	BPC-1	BPC-2	HIC	TCC	LCC	CE	IND	PM	L/R	INST1	INST2	ROS	PRESV
RESIDENTIAL GROSS DENSITY(1)(2): MAXIMUM/ MINIMUM	25 15	15 du/ac 10.01 du/ac	N/A	N/A	N/A	N/A	N/A	N/A	N/A	10 du/ac N/A	N/A	N/A	N/A	N/A
MIN. RESIDENTIAL LOT AREA (3)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MAX. NON-RESIDENTIAL IMPERVIOUS SURFACE RATIO (ISR)(4)	0.70 0.60-SDA	0.75 0.60-SDA 0.55-RDA	0.75 0.60-SDA 0.55-RDA	0.80 0.70-SDA	0.70 0.60-SDA 0.50-RDA	0.70 0.60-SDA 0.50-RDA	0.70 0.60-SDA 0.50-RDA	0.75 0.60-SDA 0.50-RDA	0.75	0.70 0.60-SDA 0.50-RDA	0.70 0.60-SDA 0.50-RDA	0.70 0.60-SDA 0.50-RDA	0.20 0.15-SDA 0.10-RDA	0.0001
MAX. NON-RESIDENTIAL FLOOR AREA RATIO (FAR)(5)	0.35	0.75 0.50-SDA 0.35-RDA 0.25-COM	0.75 0.60-SDA .35-RDA 0.25-COM	0.50 0.40-SDA	0.35 0.30-SDA 0.25-RDA	0.35 0.30-SDA 0.25-RDA	0.35 0.30-SDA 0.25-RDA	0.75 0.65-SDA 0.50-RDA 0.25-COM	0.75	0.25	0.75	0.75	0.10 0.05-SDA 0.01-RDA	0.00005
MINIMUM SETBACKS:(ROAD Rights- of- Way / Center Line) (6)(9)(10)(13)														
LIMITED ACCESS	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA
PRINCIPAL ARTERIAL	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125
MINOR ARTERIAL	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90
URBAN COLLECTOR	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65
RURAL MAJOR COLLECTOR	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65
RURAL MINOR COLLECTOR	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65
LOCAL, 60' R/W, or greater	30 / 60	30 / 60	30 / 60	30 / 60	30 / 60	30 / 60	30 / 60	25 / 55	25 / 55	30 / 60	30 / 60	30 / 60	30 / 60	25 / 55
LOCAL, 41- 60' R/W	30 / 60	30 / 60	30 / 60	30 / 60	30 / 60	30 / 60	30 / 60	25 / 50	25 / 50	30 / 60	30 / 60	30 / 60	30 / 60	25 / 50
LOCAL, 40> R/W	30 / 55	30 / 55	30 / 55	30 / 55	30 / 55	30 / 55	30 / 55	25 / 45	25 / 45	30 / 55	30 / 55	30 / 55	30 / 55	25 / 45
MINIMUM SETBACKS (Principal Structure/ Accessory Structures)														
INTERIOR SIDE (9)(10)(15)	15 / 15	20 / 20	20 / 20	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15
INTERIOR REAR (9)(10)	30 / 10	20 / 20	20 / 20	15 / 15	15 / 15	15 / 15	15 / 15	30 / 10	30 / 10	15 / 15	15 / 15	15 / 15	15 / 15	30 / 10
MAX. STRUCTURE HEIGHT (ft)(7)(12)	75	75	100	50	100	35	35	N/A [18]	N/A [18]	50	50	160	25 (19)	25

See footnotes following table.

Footnotes for Table 2.2 (Revised 9/18/12 – Ord 12-028; 12/27/02 - Ord. 02-88; 7/29/02 - Ord. 02-52; 7/25/01 - Ord. 01-57)

1. Residential density is the average number of dwelling units per acre of land. Gross density is calculated by dividing the total number of dwelling units on a site by the gross site area, exclusive of existing water bodies *(Note: The term "water bodies" does not include man-made wet-retention/detention areas, man made lakes, or man made ponds)*. The area for computing gross density shall include all public and institutional land areas (e.g. internal streets, sewer plants, schools, and parks) located within a site, as well as one-half of the right-of-way area for perimeter local streets, and one-fourth of the right-of-way area for perimeter local street intersections.

2. Higher densities may be achieved through a Planned Development. See Section 303.

3. Lot areas are given on a per unit basis for single-family and duplex units. Smaller lot areas may be achieved through a Planned Development. See Section 303.

4. The impervious surface ratio (ISR) is the relationship between the total amount of impervious surface which is present on a site and the total site area. Impervious surfaces are those which do not absorb water. They include buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt. The ISR is calculated by dividing the total area of all impervious surfaces on a site by the gross site area, excluding existing water bodies *(Note: The term "water bodies" does not include man-made wet-retention/detention areas, man made lakes, or man made ponds)*.

5. The floor area ratio (FAR) is the relationship between the total floor area on a site and the total site area. The FAR is calculated by adding together all floor areas of all floors and dividing this total by the gross site area, exclusive of existing water bodies *(Note: The term "water bodies" does not include man-made wet-retention/detention areas, man made lakes, or man made ponds)*.

6. Front, exterior side, and exterior rear setbacks for principal and accessory structures shall be determined by the distance from the road right-of-way (R/W) or road centerline (C/L), whichever results in the greatest distance from the property line. Setbacks from private roads shall be calculated in the same manner or from the edge of pavement, whichever is greater. All linear dimensions are given in feet.

7. Residential structures exceeding 35 feet in height, setbacks shall be increased by one-half of one foot for each one foot of height over 35 feet.

8. All development is subject to Section 610 - Setbacks from lakes and surface waters.

9. All development is subject to Section 220 - Compatibility.

10. All development is subject to Section 219 - Residential Infill Requirements.

11. Chimneys, smoke stacks, communication towers, and Religious Institution symbols, unless located in the Avon Park Air Force Range Military Compatibility Zone, as depicted in the Military Compatibility Zone Map, are exempt from the structure height limitations.

12. All structures are subject to compliance with the Polk County Airport Zoning Regulations, adopted and administered by the Joint Airport Zoning Board (JAZB).

13. There are no minimum setback requirements from railroad rights-of-way in the IND, BPC, and HIC districts. Structures in all other categories shall use the applicable setback.

14. All structures shall comply with Section 214 - Distance Between Buildings.

15. The side yard set back for lots of 75 feet or less in width which exist at the time of adoption of this ordinance shall be a minimum of seven feet provided that the sum of both set backs shall be a minimum of 15 feet.

16. Minimum interior side setbacks for non-residential uses which adjoin non-residential districts may utilize a zero setback in accordance with the provisions in Section 755, provided that side adjoins a non-residential district.

17. Non-residential farm outbuildings are excluded from height regulations.

18. Where a structure in IND or PM abuts a residential use or district, structure height shall be limited to 50 feet at the building set back line and may be increased one foot higher for each foot a structure is placed further from the required setback.

19. Recreational lighting, seating, press boxes, and other similar appurtenances are excluded from height restrictions when approved through a Level 3 Conditional Use process.

20. The Building Official may approve a reduction in the required setbacks of up to ten percent (10%) of the requirement through a Level 1 Review process.

Section 206 Accessory Uses (Revised 12/1/10 – Ord. 10-083; 01/03/05 - Ord. 04-80; 7/25/01 - Ord. 01-57)

Accessory uses are permitted in conjunction with the primary use in all land use districts. Accessory uses are those land uses that are incidental and subordinate to the primary use of the property (see table 2.1 for a list of primary land uses allowed per district). Specific requirements pertaining to the determination of what is incidental and subordinate for certain types of accessory uses are listed in the section and sections to follow in this chapter. All accessory uses contained herein, and any other not included shall comply with Section 209.

A. ***Accessory Apartments, Garage Apartments, and Guest Houses***

Accessory apartments, garage apartments, and guest houses may be permitted as accessory uses to single-family detached homes in all residential districts subject to the applicable district regulations and the following requirements:

1. No more than one accessory apartment, garage apartment, or guest house may be permitted on any single-family residential lot or parcel.

2. A guest house shall be located in the rear yard of the principal dwelling unit.

3. Garage apartments and guest houses shall meet all setbacks pertaining to accessory structures.

4. Mobile homes shall not be permitted to be used as guest houses.

5. Accessory dwelling uses shall be permitted subject to a Level 1 Review.

6. Accessory dwelling structures are prohibited in developments approved for short-term rental.

B. ***Security Residences***

Security residences may be permitted as an attached or detached accessory use in all non-residential districts for purposes of security and protection of the principal non-residential use, subject to the applicable district regulations and the following requirements:

1. Not more than one single-family dwelling unit may be permitted as a security residence on the same lot or parcel as a non-residential use.

2. A security residence may be permitted as an accessory use pursuant to a Level 2 Review.

C. ***Dining Facilities, Employee Fitness Centers, and Childcare Centers in Non-Residential Developments*** ***(Revised 7/25/01 - Ord. 01-57)***

Non-residential development projects may provide amenities for the exclusive use of the employees of the project. Such amenities shall only be permitted as accessory uses in accordance with the following:

1. Dining rooms/cafeterias/snack shops shall not be open to the general public. There shall be no identification signs other than directional signs, identifying the facility.

2. Employee fitness and childcare centers shall not be open to the general public.

    a. There shall be no signs, other than directional signs, identifying the facility.

    b. A childcare center shall meet all of the requirements of Section 303.

3. Alcohol beverage sales for consumption on site shall be permitted as an accessory use in dinning facilities. Alcohol sales shall be less than 50% of total food sales based on gross revenue.

4. Such facilities shall be permitted subject to a Level 1 Review.

D. ***Dining Facilities, Clubhouses, and Recreation Facilities in Residential Developments*** ***(Revised 7/25/01 - Ord. 01-57; 01/03/05 - Ord. 04-80)***

Residential development projects may provide amenities for the exclusive use of the residents of the project. Such amenities shall be permitted as accessory uses only as provided:

1. Dining rooms/cafeterias/snack shops shall not be open to the general public and there shall be no identifying signs, other than directional signs identifying the facility.

2. Residential projects may provide a central facility for a meeting place and recreation opportunities (including golf course, swimming pool, or tennis courts) for residents, subject to the following restrictions:

    a. The facilities shall not be open to the general public.

    b. Parking to serve the facilities shall be provided as required by Chapter 7.

    c. There shall be no signs, other than directional signs identifying the facilities.

3. Alcohol beverage sales for consumption on site shall be permitted as an accessory use in dining facilities. Alcohol sales shall be less than 50% of total food sales on gross revenue.

4. Such uses shall be subject to the same review process as for the principal residential project. If any of these accessory facilities are proposed after a residential development is constructed and lots are sold, then such facility shall be permitted as an accessory use pursuant to a Level 3 Review.

E. ***Home Occupations*** ***(Revised 01/03/05 - Ord. 04-80)***

Home occupations may be permitted as an accessory use to an existing dwelling unit in all residential districts subject to the applicable district regulations and the requirements listed.

1. Procedure:

   a. Home occupations located other than within the principal dwelling unit (e.g. within an accessory structure or garage) shall be allowed as an accessory use pursuant to a Level 3 Review.

   b. Home occupations conforming to this Section and located within the principal dwelling unit shall be allowed without further County approval.

   c. A maximum of one person who is not a member of the immediate family residing on the premises may be employed in the operation of a home occupation.

2. Regardless of the location of the home occupation, the principal dwelling unit on the property shall be the bona fide residence of the home occupation practitioner. The home occupation shall be clearly incidental and secondary to the property's use for residential purposes.

3. No home occupation may occupy more than 25 percent of the gross habitable ground floor area of the principal dwelling unit,

4. Traffic generated by the proposed use must not negatively impact the safety, ambiance and characteristics of the residential neighborhood. The increase to existing traffic created by the home occupation shall not exceed ten additional trips per day. The assumption is that each residential site generates ten trips per day. Therefore, a home occupation may not exceed 20 trips per day.

5. No display of merchandise or outside storage of equipment or materials shall be permitted.

6. No alterations shall be made to the external appearance of any principal or accessory structures or of the property which changes the character of the site from residential to non-residential.

7. No equipment or process used in the home occupation shall create noise, vibration, glare, fumes, electromagnetic interference, odors, or air pollution outside the building.

8. One non-illuminated business identification sign mounted flush to the dwelling unit and not more than two square feet in area shall be allowed.

9. No storage of hazardous materials, other than substances of a type and quantity customarily associated with a home or hobby, shall be permitted.

10. All home occupation practitioners shall obtain an occupational license.

11. The following uses are examples of home occupations:

    a. Activities conducted principally by telephone, computer, facsimile, or mail.

    b. Studios where handicrafts or objects-of-art are produced.

    c. Teaching and tutoring instruction of no more than four pupils at a time.

    d. Dressmaking or apparel alterations.

    e. Barber and beauty shop (one chair).

12. The following are prohibited as home occupations:

    a. Adult entertainment.

    b. Automotive service and repair.

    c. Bed and breakfast.

    d. Eating and drinking establishments.

    e. Kennels.

    f. Manufacturing.

    g. Tanning Salons, tattoo parlors, massage parlors.

    h. Commercial sales or leasing of vehicles.

    i. Any use that requires a Building Code upgrade (i.e., from residential standards to commercial standards) to accommodate the home occupation.

F. ***Outdoor Display of Merchandise***

Outdoor display of merchandise, as an accessory use in non-residential districts where outdoor retail sales are not otherwise allowed, is permitted on a limited basis in accordance with the following requirements:

1. The merchandise being displayed must be an item otherwise permitted to be sold in the district where the property is located. Such merchandise to be displayed outdoors shall comprise no more than 25 percent of the total merchandise sold on site.

2. Only merchandise ordinarily used outdoors after purchase (such as outdoor play equipment or landscaping materials) may be displayed outdoors. Merchandise not ordinarily used outside (such as appliances or furniture other than patio furniture) may not be displayed outdoors except during occasional "sidewalk sales" in accordance with the requirements of Section 207, temporary uses.

3. Merchandise displayed outdoors shall not encroach into any required parking area, vehicular use area, landscaped area, buffer yard, or public right-of-way.

4. Outside display areas must be shown on the approved site plan for the project. Areas used for the outside display of merchandise under this Section shall be included in the Floor Area Ratio (FAR) calculation for the site.

G. ***Religious Institution Schools*** ***(Revised 01/03/05 - Ord. 04-80; 12/28/01 - Ord. 01-92)***

Schools locating within existing or proposed religious institutions shall be permitted as an accessory use in accordance with the following requirements:

1. The maximum allowable students shall be no more than 100;

2. All parking used for the school shall meet the parking space requirements as outlined in Section 708. Spaces designated for the religious institution may be used to calculate the required spaces for the school;

3. All parking used for the school shall be paved and in addition comply with Section 709;

4. The curriculum shall be no higher than an eighth grade level;

5. All landscaping and buffering shall be in accordance Section 720;

6. All parking designated for the school shall be oriented in such a manner so as not be located adjacent to 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 years; and

7. All signage shall comply with Section 760.

8. All access points shall be on a collector road or better if any of the following conditions exist;

   a. The uses (Religious Institution and School combined) generate 50 or more Average Annual Daily Trips (AADT).

   b. The overall Gross Floor Area (GFA) of all proposed uses combined exceeds 5,400 square feet.

   If the Religious Institution and accessory uses generate more than 50 AADT based on the Institute of Traffic Engineers (ITE) Rate-Land Use Code 560 (9.11 trips per 1,000 square feet) or exceeds 5,400 square feet, 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.

H. ***Religious Institution Childcare Center*** ***(Revised 01/03/05 - Ord. 04-80; 12/28/01 - Ord. 01-92)***

Childcare centers locating within existing or proposed religious institutions shall be permitted as an accessory use in accordance with all conditions as outlined in Section 303 for childcare centers. In addition, the following standards shall also apply:

1. The maximum allowable children shall be no more than 100;

2. All parking used for the school shall meet the parking space requirements as outlined in Section 708. Spaces designated for the religious institution may be used to calculate the required spaces for the school;

3. All parking used for the school shall be paved and in addition comply with Section 709;

4. All landscaping and buffering shall be in accordance with Section 720; and

5. All signage shall comply with Section 760.

6. All access points shall be on a collector road or better if any of the following conditions exist:

   a. The uses (Religious Institution and Childcare Center combined) generate 50 or more Average Annual Daily Trips (AADT).

   b. The overall Gross Floor Area (GFA) of all proposed uses combined exceeds 5,400 square feet.

If the Religious Institution and accessory uses generate more that 50 AADT based on the Institute of Traffic Engineers (ITE) Rate-Land Use Code 560 (9.11 trips per 1,000 square feet) or exceeds 5,400 square feet, 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.

I. ***Alcoholic Sales (Consumption on site)*** ***(Revised 01/03/05 - Ord. 04-80; 7/25/01 - Ord. 01-57)***

Other than those establishments provided in this section, Section 224, and Table 2.1 the on-site consumption of alcoholic beverages shall be permitted as an accessory use according to the following requirements:

1. Alcoholic beverage sales for consumption on-site for Community Centers, Cultural Facilities, Religious Institutions, private Lodges, Intensive and General Recreation and Amusement, and High Intensity Recreation shall be permitted as an accessory use only in conjunction with a special event at the facility. The consumption, sales, or service of alcoholic beverages shall meet those requirements in Section 224 for Alcohol Sales.

2. Alcoholic Beverage sales for consumption on-site shall be permitted as an accessory use associated with a hotel and motel. Alcohol sales shall be less than 50% of gross revenue.

3. Alcohol sales, meeting those conditions in Section 224, shall be considered accessory.

4. Such Sale uses shall be permitted subject to Level 1 Review.

J. ***Family Day Care Home*** ***(Added 7/22/09 - Ord. 09-047)***

Home may be permitted as an accessory use to a single-family detached dwelling unit in A/RR, RCC-R and all Residential districts subject to the applicable district regulations and a Level 1 Review. The Family Day Care Home activities must be clearly incidental to the residential use of the property. The following shall apply to Family Day Care Homes:

1. The Family Day Care Home shall comply with all applicable Florida Statues. In addition, it shall also comply with all applicable provisions and requirements imposed by the Florida Department of Children and Family Services, or its successor agency.

2. There shall be no exterior alterations which change the residential character of the dwelling unit.

3. One non-illuminated sign mounted flush to the dwelling unit and not more than two square feet in area shall be allowed.

4. The Family Day Care Home use is not transferable to other locations or other providers.

5. The Family Day Care Home shall be confined to the interior of the dwelling unit with exception to the outdoor play area which shall be confined to the rear and side yards. The outdoor play area and structures shall be located to minimize any noise and adverse impact on adjacent properties.

6. The garage or any other vehicle storage areas shall not be utilized for child care activities, including use as a play area.

7. Family Day Care Home shall be allowed to provide care for a maximum of twelve (12) children, which includes those children under thirteen (13) years of age that are related to the caregiver(s).

8. Excluding the homeowner/operator and other adult family members residing on the premises, there shall only be one (1) person assisting in the Family Day Care Home at any one time.

9. There shall be sufficient off-street parking to accommodate the vehicle of the non-resident employee.

K. ***Cargo Containers for Permanent Storage*** ***(Rev.09/02/09 – Ord. 09-058)***

Cargo containers are permitted to be used as permanent storage in accordance with the following:

1. All cargo containers shall comply with the Florida Building Code, Florida Fire Prevention code, and shall require a building permit.

2. Cargo Containers for permanent storage are prohibited in the following land use districts: RCC-R, RL, RM, RH, OC, L/R, ROS, and PRESV.

3. Cargo containers shall be permitted in accordance with the following:

   a. As a temporary use in any land use district in conjunction with an authorized construction project, and shall be removed upon completion of the project unless properly permitted to remain as permanent storage in accordance with section.

   b. Bonafide agricultural properties are permitted to have one cargo container per five acres of agricultural tax exempt acres of land, with no minimum acreage being required.

c. parcels designated A/RR and RS shall be permitted one cargo container per five acre parcel, with a minimum property size of five acres.

d. Non-residential properties are permitted one cargo container per acre, with no minimum acreage being required.

4. In the instance where more than one cargo container, as outlined in this section, is allowed they shall not be stacked. However, within the IND and BPC-2 land use district they shall be permitted to be stacked two-high.

5. Cargo containers located on a residentially developed lot, or within the CE, LCC, RCC, CC, NAC, CAC land use districts, that is adjacent to residentially developed lots or structures shall be buffered and/or screened from the adjacent off-site residential lot or structure. Additionally, they shall maintain a minimum setback of 15 feet.

6. All cargo containers shall be placed in either the side or rear yard and meet accessory structure setbacks for the applicable land use district or the set back as outlined in the Condition #5 above, whichever is more restrictive.

7. Cargo containers shall not be located within any drainage easements.

8. Cargo containers shall not occupy any required off-street parking spaces, vehicular accesses or drive aisles, pedestrian facilities or landscape areas for the site.

9. Cargo containers shall not be permitted to have signage of any type.

10. Cargo Containers shall not be modified or retrofitted for habitation.

L. ***Adult Day Care Home (6 Clients or less)*** ***(Rev. 12/01/09 – Ord. 09-073)***

The following shall apply to Adult Day Care Homes containing six (6) clients or less:

1. Any request for an Adult Day Care Home shall comply with Chapter 429, F.S.

2. A maximum of one person who is not a member of the immediate family residing on the premises may be employed in the operation of an Adult Day Care Home.

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

4. Adult Day Care 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.

M. ***Non Residential Mixed and Accessory Uses*** ***(Revised 2/3/10 – Ord. 10-007)***

1. Non-residential properties can accommodate more than one primary use.

2. All accessory uses and structures in a non-residential district shall be clearly incidental and subordinate to their primary host or they will be evaluated as an additional primary use.

3. Accessory uses to retail and service establishments such as storage, offices, or light assembly may be conducted in a detached structure so long as it is incidental and subordinate to the primary retail or service establishment.

4. Non-residential uses, whether accessory or primary, which require the use of loud equipment or machinery (e.g. saws, mixers, conveyors, hoppers, compactors, etc.) may only be allowed in Industrial (IND), High Impact Commercial (HIC), or within an enclosed facility in a Business Park Center-2 (BPC-2) district.

N. ***Solar Panels and Solar Energy Systems*** ***(Revised 12/6/11 – Ord. 11-033)***

1. Solar panels and solar energy systems shall be allowed on all types of structures, lots, or parcels and in all land use designations as an accessory use. The installation of such devices shall comply with the following:

   a. All devices shall comply with the Florida Building Code and be required to obtain a building permit.

   b. All ground-mounted solar panels and solar energy systems shall comply with the following:

      i. Shall be located on lots or parcels a minimum of 15,000 square feet in size;

      ii. All setback requirements for accessory structures shall be met;

      iii. Shall be located in the side or rear yard (may be allowed in the front yard with a 100 foot setback from all rights-of-way);

      iv. For lots less than one acre in size, all ground-mounted solar panels and solar energy systems shall not exceed 10 feet in height when utilized in conjunction with residential properties or structures; all other uses and properties shall comply with the structure height requirements for the applicable land use district; and,

      v. For lots less than one acre in size, the total surface area of all ground-mounted solar panels and solar energy systems shall not exceed 800

square feet when in a residential land use district or lot containing a residential structure.

c. The installation of solar panels or solar energy systems on rooftops or structures shall comply with the following:

i. All structure height requirements for the applicable land use district shall be complied with, inclusive of the solar panel or solar energy system;

ii. No part of the solar panel or solar energy system and equipment shall extend beyond the edge of the roof; and

iii. Required accessory equipment may be permitted on the roof or ground. Accessory equipment located on the ground shall meet all accessory structure setbacks.

d. Any solar panel or solar energy system that has generated no electricity for a period of 12 months shall be deemed to be abandoned and shall be removed within 180 days of such abandonment. This shall include the removal of the entire solar panel or solar energy system and any associated facilities and equipment connected thereto from the premises and the restoration of the area to a compliant pre-installation condition.

e. A variance may be requested for lot size, setbacks, height, or solar panel or equipment location requirements in accordance with Section 930 of this Code.

2. These provisions contained herein this subsection only apply when the solar panel or solar energy system are considered to be accessory. These provisions do not apply to Solar Electric-Power Generation Facilities as defined in this Code (see Chapter 10, Definitions, and Section 303).

O. ***Outdoor Storage (Added 11/4/14 – Ord. 14-066)***

Outdoor storage shall be allowed as an accessory use in accordance with the following:

1. Bona fide agricultural uses are permitted outdoor storage of equipment, supplies and other items customary to an agricultural operation;

2. Outdoor storage shall be allowed in the following land use districts as an accessory use: LCC, CE, HIC, BPC-2, IND and PM (non-residential use only). Outdoor storage shall be screened from off-site view in LCC, CE, and BPC-2.

3. All outdoor storage shall be a minimum of 50 feet from any residential use or residential land use district;

4. Additional restrictions regarding outdoor storage are found within this Code. The more restrictive provisions shall apply.

Section 207 Temporary Uses

Temporary uses are defined as those types of activities that are not regularly conducted from a permanent structure or location, and are conducted for only a short period of time.

A. ***Categories of Temporary Uses*** ***(Revised 12/17/13 – Ord. 13-68; 12/18/12 – Ord. 12-040)***

1. Garage or yard sales;

2. Booths, platforms, food trucks, and stands used for the production and sale of prepared or processed food products, such as hot dog and portable barbecue stands, also known as "Food Stands;"

3. Booths, platforms, and stands used for the selling flowers, fruits, vegetables, and firewood, (Flowers, firewood, fruits, and vegetables that are grown or cultivated on-site are exempt from the requirements of this section), also known as “Produce Stands;”

4. Sales of retail products not classified as Produce Stands, such as fireworks, crafts, and Christmas trees, also known as “Retail Sales;”

5. Sales of vehicles to include, cars, trucks, boats, recreational vehicles, and other similar type vehicles;

6. Tents, bleachers, and similar types of facilities intended for use by congregations of people, also known as "Meeting Places;

7. Circuses, fairs, carnivals, festivals, rodeos and similar types of activities that are unlike the usual activities associated with the properties where the events are to be located, and which are intended or likely to attract substantial crowds, also known as "Special Events;" and

8. Other similar uses or activities as determined by the Land Development Director.

B. ***Review Criteria*** ***(Revised 12/18/12 – Ord. 12-040)***

Temporary Use applications shall be submitted in accordance with Section 207 C, through the Office of Planning and Development and evaluated for;

1. Whether there is a legally established non-residential land use on the property;

2. Whether the proposed temporary use is incidental and subordinate to the legally established non-residential land use;

3. Whether the property is appropriately sized to accommodate all activities without infringement into public rights-of-way;

4. Whether all setback requirements and off-street parking and loading are consistent with the applicable district requirements;

5. Whether the proposed temporary use is compatible with surrounding properties;

6. If the proposed temporary use will attract 250 people or more at any given time during the event or will involve amplified music, whether it is appropriately sized to ensure that noise, odor, lighting, and traffic impacts to surrounding properties will be minimized and is compatible with surrounding properties;

7. Whether proposed strategies for mitigating noise, odor, lighting, and traffic impacts adequately protect the surrounding property owners;

8. Whether the hours of operation of the proposed temporary use are compatible with surrounding properties;

9. Whether adequate measures have been taken to ensure the safety of participants and customers, including but not limited to crowd control, fire safety, and emergency access;

10. Whether adequate plans exist to ensure that trash and debris are removed from the site within 24 hours of the conclusion of the proposed temporary use;

11. Whether consumption, distribution, or sale of alcoholic beverages comply with Section 224 of this code and all other Federal, state and local regulations;

12. Whether proposed temporary signage is compatible with surrounding areas, not intruding into the public right of way, or otherwise posing a safety hazard;

13. Whether appropriate measures have been made to avoid the repeat of any previous violations or infractions of prior temporary uses.

C**.** ***Application Requirements*** ***(Revised 12/18/12 – Ord. 12-040)***

Except as provided herein, no person or entity shall stage, conduct, manage or authorize a Temporary Use without first obtaining a Temporary Use Permit from the County.

1. Garage or yard sales require no permit from the County and shall be permitted in any district, notwithstanding the following:

a. The property where the sale is to be held must also contain a principal structure and,

b. Frequency of sales is limited, as noted in Section 207 E.

2. All other temporary use types may be permitted as specified in Table 2.3 and where there is a legally established non-residential land use and the temporary use is incidental and subordinate to the primary non-residential use.

3. All temporary use requests, with the exception of garage or yard sales, shall be required to apply for a Temporary Use permit, which is a Level 1 administrative review. Application requirements include, at a minimum:

a. Identification of legally established non-residential principal land use on the property to be used for the temporary use.

b. Description of the temporary use proposed;

c. The hours of operation and anticipated duration of the temporary use,

d. The number of persons expected to attend the temporary use on a daily basis and over the duration of the temporary use together with the highest anticipated attendance at any time.

e. A site layout plan that addresses location of temporary uses, access, parking area, pedestrian and vehicular travel patterns and distance from surrounding properties;

f. Description of any amplified sound or music to be provided including the location of speakers and measures to be implemented to minimize noise impacts on surrounding properties.

g. Description of potential impacts (e.g. noise, odor, traffic, lights) to surrounding properties and mitigation efforts to minimize such impacts.

h. Description of safety and security measures to be followed, as well as a waste management plan;

i. Description of temporary uses on the properties within the current calendar year;

j. Description of any planned advertisement and marketing strategies;

k. Description of any activities that require permitting from other agencies, such as the Florida Department of Health and the status of such permitting.

l. Provision of necessary permitting from the Polk County Transportation Division or applicable agency if utilization of or closure of any public rights-of-way are being proposed, and

m. Provision of any other additional information as requested by the County or reviewing agencies which is deemed necessary to evaluate the application.

D. ***Review Procedures*** ***(Revised 12/18/12 – Ord. 12-040)***

Upon receipt of completed application packet and appropriate fees, (to be received no later than 15 business days prior to Meeting Place and Special Event type temporary uses), the Office of Planning and Development will administer the review in accordance with the following:

1. For Special Events and Meeting Place temporary uses, the application packet will be distributed for review to affected divisions or agencies, including but not limited to Transportation Division, Waste Resource Management, Building and Codes Division, Land Development Division, Polk County Health Department; Polk County Sheriff's Office; and the Polk County Fire Marshal.

2. Each reviewing agency or division shall review the application to determine if it is in compliance with applicable laws, rules, and regulations within each reviewing agency's purview and if the health, safety, and welfare of the participants, as well as that of the surrounding community are reasonably protected.

3. In the event that an agency or division determines that it cannot support the proposed temporary use or can only do so with conditions, the agency or division shall notify the Office of Planning and Development of such objections or conditions.

4. Upon receipt of responses from each agency the Director of the Office of Planning and Development or his or her assign shall approve the application, approve the application with conditions, or deny the application for failure to meet the standards of approval provided in Section 207B. No permit shall be issued until applicant complies with Section 207C, as applicable.

E. ***Frequency Limitations*** ***(Revised 12/17/13 – Ord. 13-068; 12/18/12 – Ord. 12-040)***

An applicant may apply for a new temporary use permit or apply for renewal of an existing temporary use permit on the same lot(s) or parcel(s), in accordance with the following limitations:

1. Food stands: maximum of six months at a time per parcel[1], but renewable with a new application and review.

2. Retail stands: maximum of 60 days per calendar year per parcel[2].

3. Produce stands: maximum of six months at a time per parcel[2], but renewable with a new application and review.

4. Meeting places: maximum of 30 days[1], renewable with application after use has ceased for 60 days.

5. Special events: maximum of 14 days per calendar year per parcel[2].

6. Garage or yard sales: Although permits are not required, limited to four times a calendar year with a limit of three days per sale per parcel[2.]

7. Vehicle sales: a maximum of four (4) four-day permits per calendar year per parcel[2].

8. All other uses not specifically addressed: maximum of 30 days per calendar year per parcel[2].

9. Applicants may not obtain a permit for a temporary use for the same parcel if that site has exceeded the time limitation for that calendar year. In the event that an applicant requests a temporary use permit for a parcel that has previously received a permit for an activity that is different from the current permit request, the most restrictive time limitation for the applicable temporary use shall apply.

---

1 A five day extension may be authorized by the Director of the Office of Planning and Development or his/her designee.
2 Contiguous parcels under the same ownership comprising a single principal use, including accessory uses, shall be considered as one parcel.

F. ***Signage for Temporary Uses*** ***(Revised 09/01/15 – Ord. 15-056; 12/18/12 – Ord. 12-040)***

Signs for Temporary Uses shall be in accordance with Section 760.F, Temporary Signs.

G. ***Performance Bond Requirements*** ***(Revised 12/18/12 – Ord. 12-040)***

1. For Special Events or Meeting Places types of temporary uses with expected attendance greater than 250 people, the applicant shall obtain a performance bond on behalf of Polk County in the sum of $10,000, conditioned that the applicant shall conduct the approved temporary use in accordance with the approval and any imposed conditions and that any damages to public infrastructure, demands for removal, or other failure on the part of the applicant, the amount thereof shall be recoverable by the County for any damages resulting from the failure.

2. The performance bond provisions may be waived or modified by the Director of the Office of Planning and Development upon written request accompanied by evidence of financial responsibility, an estimate demonstrating coverage less than $10,000 is sufficient to cover any damages or failure to comply with approval, or demonstration of the successful execution of prior temporary uses.

Table 2.3 Temporary Uses *(Revised 12/17/13 – Ord. 13-68; 12/18/12 – Ord. 12-040)*

District	Retail Stands[1]	Vehicle Sales	Food & Produce Stands	Meeting Places[1]	Special Events[1]
RCC	X		X	X	X
RCC-R					
CC	X		X	X	
NAC	X		X	X	X
CAC	X	X	X	X	X
RAC	X	X	X	X	X
IAC	X	X	X	X	X
EC	X		X	X	X
OC	X		X		
TC	X		X	X	X
MU	X		X	X	X
PI	X		X		
BPC-1	X		X	X	X
BPC-2	X		X	X	X
HIC	X	X	X	X	X
TCC	X	X	X	X	X
LCC	X	X	X	X	X
CE	X		X	X	X
IND	X		X	X	X
PM	X		X	X	X
L/R	X	X	X	X	X
INST-1	X		X	X	X
INST-2	X		X	X	X
ROS				X	X
PRESV					
RS[2]	X[2]		X[2]	X	X[2]
RL-1					
RL-2					
RL-3					
RL-4					
RM					
RH					
A/RR	X		X	X	X
CORE					
Pre-DRI & DRL[3]	X	X	X		X

Table 2.3 Temporary Uses ***(Revised 12/17/13 – Ord. 13-68; 12/18/12 – Ord. 12-040)***

District	Retail Stands[1]	Vehicle Sales	Food & Produce Stands	Meeting Places[1]	Special Events[1]
Note: Table 2.3 regulates temporary uses within all Future Land Use Map (FLUM) designations within unincorporated Polk County, including land within the Green Swamp Area of Critical State Concern and all Neighborhood Plans and Selected Area Plans (SAPs).					
X = Permitted subject to requirements in Section 207 **Blank =** Not Permitted					
1. For non-residential principal land uses in RS, RL-1, RL-2, RL-3, RL-4, RM, and RH land use districts that were either approved through the conditional use process (including Planned Developments) or are legal, non-conforming uses, Special Events, Retail Stands, and Meeting Place may be considered.					
2. Uses are only permitted within the Wahneta Neighborhood Plan for parcels fronting a collector or arterial road. They are not permitted within any other RS district.					
3. Temporary Uses within a Pre-DRI or DRI shall only be permitted in non-residentially designated areas of an approved binding site plan with an existing non-residential primary use.					

H. ***Model Homes and Temporary Sales Offices*** ***(Revised 8/28/02 - Ord. 02-56)***

Model homes and temporary sales offices may be permitted within residential subdivisions, for the sale of lots/homes. The following standards apply:

1. The number of model homes within a subdivision shall not exceed 5 units or 10 percent of the subdivision, whichever is greater. One or more of the model homes, or a separate modular unit, may also be permitted as a temporary sales office for the project developer, builders, or their agents.

2. Model home units shall meet all lot area, setbacks, parking, and unit separation requirements of the district in which they are located.

3. A stabilized road base and fire protection facilities must be in place to the model home lots prior to lintel inspection for a model home unit or temporary sales office, as certified in writing by the engineer of record for the subdivision.

4. Model homes and temporary sales offices may continue operation until all lots or houses within that subdivision are sold. Certificates of Occupancy may not be issued for model homes until the subdivision plat has been approved by the County.

5. Signs used for model home and temporary sales offices shall conform to the requirements of Chapter 7.

I. ***Construction Trailers/Offices***

Construction trailers/offices may be permitted on a temporary basis in all districts subject to a Level 1 Review and the following requirements:

1. Construction trailers/offices may only be approved for licensed contractors working on construction projects for which permits have been issued. They shall be located on the same property and within the same project area where the work is being done and shall not encroach into any public right-of-way. Construction trailers/offices shall be required to meet all applicable state and local building and set-up codes.

2. Construction trailers/offices may be approved no sooner than 30 days prior to the start of construction and shall be removed within 30 days after completion of the work for which the construction permit has been issued.

3. Temporary construction trailers/offices may not be used as residences.

J. ***Temporary Mobile Homes for Medical Hardships*** ***(Revised 12/18/12 – Ord. 12-040; 5/20/09 – Ord. 09-023; 9/25/02 - Ord. 02-59)***

Mobile homes may be permitted as a temporary special exception in all residential districts, on the same lot or parcel as an existing principal residence, in cases of medical hardship in which the infirm resident requires continuous supervision. The mobile home may be the residence of the infirm person, or the residence of the person providing the supervision. Temporary mobile homes for medical hardships are subject to the applicable district regulations and the following requirements:

1. The mobile home may not be approved on a lot or parcel less than 12,500 square feet or 50 feet in width.

2. The mobile home shall not be located in the front yard of the existing principal residence.

3. The mobile home shall meet all setbacks and building separation requirements pertaining to the principal residence.

4. The mobile home may be approved only in cases of medical hardship where a resident requires continuous care and supervision as substantiated by a letter submitted by an attending physician.

5. Approvals shall be valid for one year, or for a shorter period as specified by the Board of Adjustment. Approvals may be renewed by the Land Development Director, following notice provided by the Land Development Director within 30 days before expiration, when the medical hardship warranting the original approval remains and is verified. If for any reason the resident requiring medical supervision ceases to reside on the property, the mobile home must be removed from the property within 60 days.

6. Approval is not transferable to another person, and it shall not remain in effect in the event of a change of ownership of any land, structure, use, or other item covered by the approval.

7. An application for a temporary mobile home for a medical hardship may only be heard before the Board of Adjustment pursuant to procedures in Chapter 9.

K. ***Temporary Emergency Shelters*** ***(Revised 5/20/09 – Ord. 09-023)***

When a permanent residential dwelling unit has been rendered uninhabitable by a calamity, an emergency shelter (mobile home or recreational vehicle) may be temporarily occupied on the same property during the reconstruction, repair, or renovation of the permanent dwelling, subject to a Level 1 Review. Initial occupancy of the temporary shelter shall not exceed 90 consecutive days. Extensions may be approved by the Building and Codes Division Director when determined to be necessary to complete the work to make the permanent residence habitable; however, in no instance shall the period of temporary occupancy of the shelter exceed nine consecutive months.

L. ***Road Construction Materials/Equipment (Added 12/17/13 – Ord. 13-068)***

Road construction materials/equipment may be permitted on a temporary basis in all land use districts subject to a Level 1 Review and meeting the following requirements:

1. Road construction materials/equipment may only be approved for licensed contractors working on road construction projects for which permits have been issued. They shall be located within close proximity, if not along the road under construction. The construction materials/equipment may be permitted to be located within the right of way as long as their placement and location does not impede the traffic flow or obstruct the view of motorists.

2. Road construction materials/equipment may be located no sooner than 30 days prior to the start of construction and shall be removed within 30 days after completion of the work for which the construction permits have been issued.

3. Construction trailers/offices shall comply with subsection I of this section.

4. Road construction materials/equipment shall be prohibited from being located within a wetland. Road construction equipment may be located within a flood plain if approved as part of the Level 1 Review.

Section 208 Density and Dimensional Regulations for Standard Districts (Rev. 05/06/09 - Ord. 09-020)

Density and dimensional regulations for the standard land use districts are prescribed in Table 2.2.

Section 209 Accessory Structures *(Rev. 12/1/10 – Ord. 10-083: 12/17/0 3 - Ord. 03-96)*

This Section applies to accessory structures in all districts. Accessory structures may be located on a parcel provided that the following requirements are met:

A. ***Building Permit*** ***(Rev. 12/17/0 3 - Ord. 03-96)***

A building permit shall be obtained prior to the construction of an accessory structure.

B. ***Permitted Principle Use*** ***(Rev. 12/1/10 – Ord. 10-083)***

Prior to locating an accessory structure on a parcel, there shall be a permitted principal use as listed on Table 2.1 located on the parcel, in full compliance with all applicable standards and requirements. This shall not apply to structures utilized in conjunction with bonafide agricultural uses.

C. ***Compliance with Standards***

All accessory buildings shall comply with standards pertaining to the principal use, for height restrictions and building separations.

D. ***Location*** ***(Rev. 12/17/13 – Ord. 13-065; 12/1/10 – Ord. 10-083)***

1. Accessory structures shall be located in the side or rear yard meeting the required setbacks. Only those accessory structures located within the Agriculture/Residential Rural land use district that are part of a bona fide agricultural use shall be permitted within any yard (front, side, or rear) and shall adhere to applicable setback requirements for the district.

2. They shall not be located in a required buffer, minimum accessory structure setback area, public rights-of-way, or easement (unless authorized by the easement or approval is obtained from the easement holder).

3. Carports, garages and any other structures intended for the storage of vehicles which have both a rigid roof and a permanent foundation may be permitted in the front yard, provided the front yard setbacks are met.

4. When a lot is determined to be a reverse frontage lot, the front, side and rear lot lines, the orientation of the primary structure (with regards to primary front access), along with the applicable setback requirements for the land use district, shall be used to determine the allowable placement location of an accessory structure(s).

E. ***Prohibited Accessory Structures*** ***(Rev. 09/02/09 – Ord. 09-058)***

Vehicles, vehicle parts, boilers, walk-in freezers, and mobile homes shall not be used as accessory structures in any district.

F. ***Attached/Connected Accessory Structures***

Roofed accessory structures physically attached or connected to the principal structure shall be considered a part of the principal structure and shall be subject to the same standards as the principal structure unless exempted or superseded elsewhere in this Code.

G. ***Size*** ***(Rev. 12/1/10 – Ord. 10-083)***

Accessory structures are customarily associated with, subordinate in size, and incidental in use to the principal structure located on the same site. However, an accessory structure may be permitted to be larger in square footage or in height than the principal structure on-site pursuant to on of the following:

1. Accessory structures may be permitted up to 150 % of the principal structure square footage or height with a minimum lot size of five acres in the A/RR district (no variance required);

2 With approval of a variance from the Board of Adjustment pursuant to Sections 930 and 931; or

3. Accessory structures utilized in conjunction with bona fide agricultural uses.

H. ***Variance*** ***(Rev. 12/1/10 – Ord. 10-083)***

The Board of Adjustment shall have the authority to grant variances from subsection G of this Section.

Section 210 Fences and Walls Permitted and Regulated ***(Revised 03/25/03 - Ord. 03-22)***

A. ***General Regulations for Fences*** ***(Revised 03/25/03 - Ord. 03-22)***

1. In areas where property faces two roadways, or is located in any other area construed to be a corner lot, no fence or wall shall be located within the clear visibility triangle per Section 711.

2. No fence or wall shall be constructed or installed in such manner as to impede drainage on or adjacent to the site.

3. No fence or wall shall be constructed or installed in such a manner as to obstruct public safety apparatus and personnel from accessing any property.

4. No fence or wall shall be constructed in the right-of-way.

5. In general, the design of fences shall be in keeping with neighborhood appearance. Such materials as corrugated or sheet metal or any scrap or offensive material shall not be permitted. In addition, fences in any residential district shall not contain any substance such as broken glass, spikes, nails, high voltage electronically charged wiring or similar materials designed to inflict pain or injury to any person.

6. Barbed wire or razor wire shall be permitted in all non-residential districts.

7. Barbed wire fences may be permitted in conjunction with agricultural activities.

8. All opaque fences shall be limited to a height of eight feet, measured from the ground, unless a building permit is acquired pursuant to a Level 1 Review.

9. All fencing erected prior to March 25, 2003, shall be granted non-conforming status.

B. ***Permitted Fence Materials*** ***(Revised 03/25/03 - Ord. 03-22)***

The following types of fences shall be allowed:

1. Chain link or ornamental wire fences with uniformly spaced metal or wood posts;

2. Ornamental wrought iron or other ornamental metals or plastics and fiberglass manufactured for fences;

3. Wood or prefabricated units with finished or unfinished posts that are of uniform length and size; or

4. Precast masonry, concrete or brick units of uniform length and size with an appropriate building permit.

C. ***Maintenance***

Fences, walls and gates shall be privately maintained.

Section 211 Pools and Screen Enclosures

A. ***Temporary Safety Barrier*** ***(Revised 8/28/02 - Ord. 02-56)***

A temporary safety barrier shall be placed around any pool under construction in such a manner as to keep children from entering the pool area. The temporary safety barrier shall be installed prior to the beginning of excavation and shall remain until replaced by the permanent barrier required by the Code and the Florida Building Code. Failure to install or maintain the temporary safety barrier shall be a violation of this ordinance which may, at the

discretion of the Building Official, result in a Stop Work Order or such other enforcement as provided by this Code.

B. ***Swimming Pool Enclosures*** ***(Revised 12/1/10 - Ord. 10-082)***

A swimming pool, spa or hot tub and its enclosure may only be constructed or installed in the side or rear yard. No part of any pool, spa or hot tub or its enclosure shall be closer than five feet to any seawall or property line. A variance to this setback requirement may be granted by the Board of Adjustment in accordance with Section 930 and 931.

C. ***Safety Barrier***

Any swimming pool more than 24 inches in depth, as measured between the lowest portion of the floor of the pool and the maximum possible water level, shall be entirely enclosed by a safety barrier of not less than four feet in height. Safety barriers shall include a screened-in enclosure, fence, wall, or other equivalent barrier approved by the Building Division and erected either around the swimming pool or around the property on which the swimming pool is constructed. Exterior access to any swimming pool must be through self-closing and self-latching gates that automatically close and fasten.

The structure of an aboveground swimming pool may be used as its barrier or the barrier for such a pool may be mounted on top of its structure; however, such structure or separately mounted barrier must meet all barrier requirements of this Section. In addition, any ladder or steps that are the means of access to an aboveground pool must be capable of being secured, locked, or removed to prevent access or must be surrounded by a barrier that meets the requirements of this Section.

D. ***Compliance with the Florida Building Code*** ***(Revised 11/27/02 - Ord. 02-84; 8/28/02 - Ord. 02-56)***

All new swimming pools, spas, and hot tubs shall comply with the Florida Building Code.

Section 212 Reserved (Revised 12/17/13 – Ord. 13-065)

Section 213 Dumpsters and Donation Bins (Revised 12/17/13 – Ord. 13-65)

A. ***Accessory Use Requirements***

1. Dumpsters and donation bins shall meet all of the applicable requirements in Section 209.B. in addition to the requirements of this Section.

2. Donation bins shall comply with the following criteria:

   a. Donation bins shall only be allowed within non-residential land use districts (or in conjunction with approved non-residential uses) and may be allowed within any yard (front, side, or rear).

b. Donation bins shall not be located within the right-of-way.

c. Donation bins are required to be at least 10 feet from all lot lines;

d. When located within a parking lot, donation bins shall not impede traffic circulation or create any potential traffic hazard;

e. It shall be the responsibility of the owner or agent whose property the bin is placed to ensure that all items are deposited within the donation bin. Donation items shall not be permitted to be deposited or stored outside of the donation bin.

f. Donation bins shall comply with the applicable requirements in Section 220, Compatibility Standards, of the Code.

3. Dumpsters shall comply with the following criteria:

a. Dumpsters shall be prohibited within residential land use districts unless they are part of an approved non-residential use, a mobile home park, a recreational vehicle park, or multifamily development project.

b. Within non-residential land use districts, dumpsters shall be located to the side or rear of a principal building. When two or more roadway frontages exist (as with reverse frontage lots), the orientation of the principal building (with regards to its primary front access) shall be used to guide the placement of the dumpster to a side or rear yard location based upon the identified side and rear lot lines.

c. Dumpsters shall adhere to the setback requirements of the applicable land use district to which it is being placed.

d. It shall be the responsibility of the owner or agent whose property is being serviced by the dumpster(s) to maintain the lid(s) in a closed condition at all times except when actually in the process of placing in or removing refuse from the dumpster(s).

e. It shall be the responsibility of the property owner to maintain the dumpster area free of odors, scattered debris, overflow, and all other nuisances.

f. No dumpster shall be used to dispose of hazardous or bio-hazardous materials.

g. Dumpsters shall be situated so as not to obstruct the view of flowing traffic.

B. ***Screening (Revised 12/17/13 – Ord. 13-065)***

All dumpsters shall be completely screened from view of all public roads and residential dwelling units. Screening shall include a minimum six (6) foot high opaque fence or wall. Screening requirements do not apply to donation bins or areas where dumpsters are temporarily set out for the collection of refuse.

Section 214 Distance Between Buildings (Revised 12/15/15 – Ord. 15-080)

Building Height Adjustment

When a building exceeds 35 feet in height, the minimum distance from an adjacent detached building shall be increased by one-half foot for each one foot of building height or fraction thereof over 25 feet.

Section 215 Setbacks from Private Roads

All principal structures shall be set back from private roads in accordance with the following standards:

A. ***Minimum Setbacks***

The minimum setback distance from front, exterior side, and exterior rear lot lines shall be the same distance as the minimum setback from the right-of-way line of a public local road in the district where the principal structure is located (refer to Table 2.3).

B. ***Location of Measurements***

Measurements of the minimum setback distance shall be made from the property line or the edge of road pavement, using the measurement which provides for the greatest setback distance from the private road.

Section 216 Commercial Vehicle Parking and Storage

A. ***Residential Parking***

Parking, storing, or keeping a commercial vehicle regulated by this Section on any lot or parcel within a residential district is prohibited, except in accordance with the requirements of this Section.

B. ***Commercial Vehicles Defined***

For purposes of this Section, commercial vehicles shall include the following:

1. Heavy Machinery Equipment;

2. Dump Trucks;

3. Tractors and trailer rigs, either as one unit, or separately;

4. Vehicles having more than two axles on the road; and

5. Similar vehicles not ordinarily used for personal transportation when the parking is not accessory to a permitted use.

C. ***Exemptions*** ***(Revised 4/4/02 - Ord. 02-18)***

The following shall be exempted from the requirements of this Section:

1. Commercial vehicles that meet all of the following:

   a. Less than two tons load capacity;

   b. Less than nine feet in height, including the load, bed, or box; and

   c. Less than 26 feet in length.

2. The parking of one commercial vehicle on a five-acre or larger parcel in the A/RR district, provided that the vehicle is parked a minimum of 20 feet from all property boundaries.

3. The temporary parking of construction equipment and vehicles on private land in residential districts where construction is underway, and for which a current and valid building permit has been issued by the County and is displayed on the premises.

4. Any vehicle owned by a public or private utility provider when used in the event of emergencies requiring immediate attention.

5. The parking of agricultural equipment and vehicles on private land used for bona fide agricultural purposes.

6. The storage of lawn maintenance equipment within an enclosed structure.

D. ***Special Exceptions*** ***(Revised 5/20/09 – Ord. 09-023; 9/25/02 - Ord. 02-59; 04/04/02 - Ord. 02-17)***

The parking of commercial vehicles in residential districts may be approved as a special exception by the Board of Adjustment provided they conform to the following standards:

1. Only one commercial vehicle, as regulated by this Section, shall be permitted on any residential lot or parcel.

2. Commercial vehicles shall be currently registered or licensed.

3. The parking of said vehicle does not have a negative impact to the health, safety of welfare of adjacent properties.

4. The applicant can demonstrate that denial of said request would place an unnecessary hardship on the property prohibiting the use of land in a manner otherwise allowed under this Code.

5. Commercial vehicles must be parked on the same lot occupied by the owner or operator of the vehicle.

6. The vehicle shall not be parked in the front yard of the principal residence.

7. The parking area shall be at least 20 feet from all property boundaries.

8. The vehicle shall park in a manner so that the minimum amount of vehicle surface is facing the road adjacent to the property, unless the vehicle is screened or buffered as provided.

9. When the vehicle parking area will be less than 200 feet from a residentially designated or used property, it shall be buffered from the adjacent residential property with a Type B Bufferyard as outlined in Section 720. A fence with a minimum height of six feet may be used in lieu of, or in conjunction with, a vegetative bufferyard.

10. Refrigerator units on vehicles shall not be operated on the site.

11. Approvals shall be valid for one year, or for a shorter period as specified by the Board of Adjustment. Approvals may be renewed, with proper application following notice provided by the Land Development Director 30 days prior to the expiration date, if the commercial vehicle location is consistent with the Land Development Code. The applicant shall bear the burden in demonstrating that the vehicle parking still meets the criteria of the approved Special Exception and this Section.

Section 217 Distressed or Abandoned Vehicles

A. ***Vehicle Storage***

Except as provided in Section 217.B, no distressed or abandoned vehicle shall be parked, and no motor vehicle frame, vehicle body, or vehicle body part shall be stored, on residentially designated or used property except when in a completely enclosed garage or building.

B. ***Screening*** ***(Revised 4/4/02 - Ord. 02-18)***

One distressed or abandoned vehicle or vehicle component is permitted in the rear yard of a residential dwelling unit provided such vehicle or vehicle component is stored no closer than five feet from any side or rear property line and is completely screened from view of neighboring homes and properties. Sheet metal or tarpaulin shall not be used to satisfy these screening requirements and those outlined in Chapter 10, Screening.

Section 218 Boats, Utility Trailers, Sports Vehicles and Recreational Vehicles

Vehicles such as unoccupied boats, air boats, or personal water crafts with or without trailers; sports vehicles such as dune buggies, racing vehicles, off-road vehicles, hunting vehicles; or unoccupied recreational vehicles; or utility trailers may be parked on residential lots or parcels provided the following criteria are met:

A. ***Front Yard***

Only one such vehicle may be parked or stored in the front yard. More than one vehicle may be parked or stored in the side and rear yard of a dwelling unit provided that they are no closer than five feet from any side or rear property line.

B. ***Vehicle Registration***

The vehicle is operative and is currently registered or licensed where required by state law.

C. ***Driveway Function***

The driveway to the residence remains functional, and the parking of such vehicle is exclusive of the required two parking spaces on the lot.

D. ***Public Rights-of-Way***

No such vehicle shall be parked or stored in such a manner as to encroach into a public right-of-way. All such vehicles shall be completely parked or stored on the residential lot except for the purpose of loading or unloading, not to exceed one hour in any 24 hour period.

E. ***Connection to Utilities***

No recreational vehicle shall be connected to utility services except in preparation for departure.

F. ***Residential Use***

It is strictly prohibited to reside in a vehicle parked in a residential district or residential development other than for use as a Temporary Emergency Shelter as permitted under Section 207.E of this Code.

Section 219 Setbacks for Residential Infill

This Section shall be applied where the setback requirements of this Code would create incompatible infill development. In cases where vacant lots exist in established residential neighborhoods or subdivisions, development of said vacant lots shall be compatible with those abutting lots. The proposed infill units shall conform to any standards required by valid recorded plats, deed restriction or approved, valid site plans, to the extent provided by law. Where such documentation is not available, the setbacks of the proposed infill units shall be based upon the minimum setbacks of abutting units. [Example: if a proposed infill lot abuts two single-family homes with front setbacks of 15 feet and 25 feet, the proposed unit shall be constructed with a 20 feet front setback].

Section 220 Compatibility Standards (Revised 5/15/02 - Ord. 02-22; 2/11/02 - Ord. 02-04)

The provisions of this Section shall apply to all development within 50 feet of property designated as Residential Suburban (RS), Residential-Low (RL-1, RL-2, RL-3, RL-4), Residential-Medium (RM), or Rural Cluster Center-Residential (RCC-R) by the Future Land Use Map Series. Only the portion of the development within the 50 foot area shall be subject to the requirements of this Section. Special requirements apply towards the Linear Commercial Corridor and Commercial Enclave Land Use category.

A. ***Signage***

Signage shall be attached to the building or shall be limited to signs of 24 square feet in area and ten feet in height. Internal illuminated signs shall be prohibited.

B. ***Lighting***

Electrical reflectors, spotlights, floodlights and other sources of illumination may be used to illuminate buildings, landscaping, signs, parking and loading areas, on any property provided they are equipped with proper lenses or other devices concentrating the illumination upon the building, landscaping, signs, parking and loading areas, on any property, and preventing any bright, direct illumination upon adjacent property or any public right-of-way.

C. ***Structure Height***

Structures within the 50 feet compatibility area shall increase the setback one foot for every foot over 35 feet in height.

D. ***Prohibited Uses/Activities***

The following are prohibited within the 50 feet compatibility area:

1. Dumpsters, except temporary construction dumpsters.

2. Outdoor sales, storage or display.

3. Air conditioning units greater than five tons. If said unit has a capacity of less than five tons, the unit shall be located to reduce off-site impacts.

4. Loading facilities/structures.

5. Drive-thru facilities.

E. ***Linear Commercial Corridor*** ***(Revised 03/25/03 - Ord. 03-26; 02/11/02 - Ord. 02/04)***

These requirements shall apply to all new development and redevelopment of LCC properties:

1. Uses in Linear Commercial Corridor (LCC) shall not intensify the existing use beyond what is permitted or approved consistent with Section 205.

2. Development in the RDA shall be limited to low intensity uses and a FAR of .25.

3. A minimum set back of 50 feet shall be required between proposed non-residential structures and any off-site residential structures in existence at the time of permitting.

4. Lighting and noise shall be directed away from residential areas.

F. ***Commercial Enclave Requirements*** ***(Revised 03/25/03 - Ord. 03-26; 5/15/02 Ord. 02-22; 3/21/02 - Ord. 01-58)***

These requirements shall apply to all new development and redevelopment of CE properties.

1. Uses in commercial Enclaves (CE) shall not intensify the existing use or be more intense than the surrounding uses.

2. Uses allowed within the CE classification in the RDA shall be limited to low intensity uses and an FAR of .25.

3. A minimum set back of 50 feet shall be required between proposed non-residential structures and any off-site residential structures in existence at the time of permitting.

4. Wholesales, Enclosed is limited to a maximum of 25,000 square feet.

Section 221 Principal Uses and Buildings

Use districts represent principal uses which conform to the intent of this Code.

A. ***Residential Districts/Uses***

In a residential land use district one single-family dwelling unit and accessory structures shall be permitted on a single lot meeting the minimum requirements of this Code.

B. ***Non-residential Districts/Uses***

In any Multi-family, Office, Commercial, or Industrial district, a single use, detached building, or a group of uses shall be permitted as a matter of right or may be authorized by a Conditional Use Permit on a single lot meeting the minimum requirements of this Code. A multiple building complex shall be considered as a single principal use.

Section 222 Agricultural (Revised 01/30/03 - Ord. 03-14)

A. ***General Farming (Revised 1/10/12 – Ord. 12-001)***

Nothing herein shall prevent the use of any land for agricultural purposes, or the construction and use of buildings or structures incidental to that purpose. No conditional use permit or certificate shall be required for any new agricultural building or structure provided, however, no structure for the sheltering or feeding of animals (such as barns, stables, coups, aviaries, troughs or feeders) shall be permitted to be built within 50 feet of a property boundary except within the A/RR, A/RRX, PM and CORE Future Land Use Map districts.

B. ***Non-residential Farm Buildings (Revised 1/6/2010 – Ord. 10-002; 09/02/09 – Ord. 09-054)*:**

Non-residential farming related buildings are not required to meet the standards of the Florida Building Code except as required by Chapter 553.73, F.S.

C. ***Farm Worker Housing (Revised 09/02/09 – Ord. 09-054)*:**

Nothing in this code shall prohibit the use of a single-family, duplex, or multifamily unit from housing farm workers in the same manner as a family defined within Chapter 10 of this code.

D. ***Farming, General and Animal Grazing*** ***(Revised 1/10/12 – Ord. 12-001; 6/28/11 – Ord. 11-008)***

Nothing herein shall prevent the use of any land for farming, general and animal grazing for bona fide agricultural purposes, or the good faith commercial agricultural use of land, as defined in Section 193.461, F.S. This shall be allowed in all land use classifications.

E. ***Livestock and Fowl in Residential Neighborhoods*** ***(Revised 12/15/15 – Ord. 15-080; 1/10/12 – Ord. 12-001)***

This section is intended to address the balance between quality of life for residents and responsible animal husbandry in residential neighborhoods. Code enforcement action of this subsection (222.E) may be initiated only by complaint from and owner of residential property within 250 feet of the property on which livestock or fowl are contained. The following provision apply to only residential properties less than ½ acre (21,780 square feet) in size and do not apply to any property within the A/RR, A/RRX, PM and CORE Future Land Use Map districts. These provisions do not apply to the good faith commercial agricultural use of land (bona fide agricultural purposes), as defined in Section 193.461., F.S.

1. Livestock shall be contained within fenced areas.

2. Fowl and Swine shall be kept in pens or fenced areas at least 50 feet from neighboring residential property lines.

3. The storage of animal waste shall be located at least 50 feet from neighboring residential property lines.

4. Show animals and educational projects shall be exempted from the requirements for pens in Section 222.E.2, provided the manure setback requirement in Section 222.E.3, can be met.

5. Relaxation of the standards set forth in this section may be approved by the Board of Adjustment through the process provided in Section 930 of this code.

F. *Cottage Industries (Added 05/19/2015 – Ord. 15-29)*

Cottage industries in accordance with the definition in Chapter 10 are permitted as accessory uses to a bona fide agricultural property in the A/RR, RS, and RL-1 districts, outside of the Green Swamp Area of Critical State Concern, and under the following conditions:

1. Structures used for light manufacturing, agricultural processing and storage of the goods produced are:

    a. no greater than an FAR of 0.025 cumulatively of the contiguous agricultural property or properties;

    b. no single structure is greater than 15,000 square feet under roof; and,

c. the total square footage all structures used in production is less than 40,000 square feet cumulatively;

2. All production is conducted within enclosed structures;

3. Structures used for manufacturing, processing and storage of the goods produced are at least 200 feet from offsite residential structures;

4. All storage of finished goods is kept within enclosed structures or containers;

5. There is no slaughtering of animals permitted onsite;

6. Onsite retail sales may be approved by the Planning Commission through a Level 3 Review with consideration given to the extent of the retail activity, infrastructure available to support it, and compatibility with surrounding uses;

7. Events and activities to promote the products produced onsite may be approved in accordance with Section 229, Agritourism; and,

8. Production and sale of alcohol beverages shall be in accordance with the provisions in Section 224 in addition to the Florida Statutes and Florida Administrative Code.

9. Mail order sales and wholesale distribution of products produced onsite is permitted.

This level of land use approval allows for greater production than the Cottage food operations pursuant to the Florida Statutes (Section 500.80 at the time this amendment was adopted) Therefore, state and local food and beverage laws will apply. However, Florida Statute Chapter 500.80 Cottage Food Operations are permitted in all districts on bona fide agricultural property regardless of district regulations.

Section 223 Property Maintenance *(Revised 06/08/04 Ord. 04-09)*

A. *Outside Storage* *(Revised 7/29/02 - Ord. 02-52; 9/26/01 - Ord. 01-70)*

It is unlawful to utilize a residential property for the open storage of any building material, household appliance, building rubbish, weeds, dead trees, trash, garbage or similar items. The discarding or accumulation of junk upon any public or private property other than places specifically authorized and permitted as a salvage yard in conformance with this Code shall be prohibited.

B. *Overgrown Lots Creating a Nuisance* *(Revised 3/4/09 – Ord. 09-003; 7/29/02 - Ord. 02-52)*

1. The Code Enforcement Division is authorized to declare that a nuisance or threat to the public health, safety, and welfare exists for all lots or parcels of land, as defined in this Ordinance, larger than one acre in size, which are located within 200 feet of a structure suitable for human occupancy and meet the provisions of this Section. Such a declaration of a nuisance or threat to the public health, safety, and welfare shall be made in writing and outline, at a minimum, the following:

    a. The date and time the property was inspected;

    b. The size of the property;

    c. The conditions which exist on the property; and,

    d. The proximity of all nearby structures designed for human occupancy.

2. The majority of any lot one acre or less in size that has been cleared or disturbed in the past but which has been allowed to grow up with weeds, underbrush, or other uncultivated vegetation or debris exceeding 18 inches in height for unimproved lots and 12 inches in height for improved lots which tends to be a breeding place or haven for snakes, rodents, or other vermin, which tends to create a fire hazard, or which otherwise creates a nuisance or threat to the public health, safety, or welfare shall be prohibited.

C. ***Organic Debris*** ***(Revised 4/4/02 - Ord. 02-18)***

Organic debris in excess of six cubic yards upon any public or private property other than places specifically authorized and permitted as landfills in conformance with this Code for more than 30 days shall be prohibited. This subsection shall only apply to lots one acre or less in size which have been cleared or disturbed in the past.

D. ***Adequate Drainage Paths*** ***(Revised 12/08/03 Ord. 03-69)***

Adequate drainage paths shall be provided around residential and non-residential structures, to guide stormwater runoff away from them, as well as adjacent structures and property.

E. ***Storm Water System Maintenance*** ***(Revised 06/08/04 - Ord. 04-09)***

Unless identified in the approved development permit and/or recorded subdivision plat, property owners or occupants shall not construct or maintain any building, residence, structure, or undertake or perform any development activity in wetlands, wetland mitigation areas, buffer areas, upland conservation areas, and drainage easements unless prior approval is received from appropriate agencies.

F. ***Stagnant Water Within a Swimming Pool, Hot Tub or Wading Pool Creating a Nuisance***
Revised 07/22/09 - Ord. 04-049)

1. Swimming pools, hot tubs or wading pools containing stagnant water shall be prohibited on all lots or parcels of land, as defined in this Code. For purposes of this section, stagnant water shall include without limitations water that is not properly aerated and/or chlorinated that may serve as a breeding area or habitat or otherwise attract mosquitoes or other insects including larvae that is considered a threat to human or animal health and safety.

2. Additionally, the Code Enforcement Unit is authorized to declare that a nuisance or threat to the public health, safety, and welfare exists for all lots or parcels of land, as defined in this Code, where stagnant water exists within swimming pools, hot tubs or wading pools and is determined to be in a condition that is susceptible to producing disease, mosquito breeding or otherwise creating a hazard.

Section 224 Alcohol Sales (Revised 12/20/11 – Ord. 11-042; 3/25/03 - Ord. 3-26; 7/25/01 - Ord. 01-57)

All alcohol sales shall conform to the following:

1. No Certificate of Approval shall be issued, and no place of business shall be established, in the territory lying without the limits of incorporated municipalities in Polk County, Florida, for the sale of malt beverages having an alcoholic content of more than 1 percent by weight, or wine regardless of alcoholic content, for consumption on the premises, which place of business within 1,000 feet of any established church or school.

2. No Certificate of Approval shall be issued, and no place of business shall be established, in the territory lying without the limits of incorporated municipalities in Polk County, Florida for the sale of alcoholic beverages having an alcoholic content of greater than 1 percent by weight (except malt beverages and wine) which place of business is within 2,500 feet of an established church or school.

3. The provisions of this ordinance shall not apply to issuance of a Certificate of Approval for a restaurant providing full meal service seating for at least 150 people at one time, where such restaurant is regulated by the Florida Hotel and Restaurant Commission; deals primarily in the serving of meals with alcoholic beverage sales only as an incidental service thereto; and, is licensed by the Division of Beverage under its Special Restaurant License provisions.

4. The provisions of this ordinance shall not apply to the sale of malt beverages having an alcoholic content of more than 1 percent by weight, or wine regardless of alcoholic content for the consumption on the premises (issuance of a 1-COP, 2-COP, 11CG, or GC license) of a Golf Course in the territory lying without the limits of incorporated municipalities in Polk County.

5. The following table illustrates the required distance between the business property for which the type of license is applied and churches or schools. The distance separation shall be measured so that no point on the property/lease line of the business applying for the Certificate of Approval shall be located closer than the applicable minimum distance from any point on the property/lease line of the church or school.

Table 2.3 (Revised 7/25/01 - Ord. 01-57)

LICENSE	CHARACTER	DISTANCE
1-APS (Carry-Out Package)	Beer Only	Not Subject to Ordinance; See F.S. 563.02(a)
2-APS (Carry-Out Package)	Beer & Wine	No Distance Requirement
1-COP (Consumption Premises)	Beer Only	1,000 Feet
2-COP (Consumption on Premises)	Beer & Wine	1,000 Feet
All Other Licensee except in Section 206.. D.	All Alcoholic Beverages	2,500 Feet

6. Alcoholic beverages may be sold, consumed or served or permitted to be served or consumed at any place holding a license under the Florida Department of Business Regulation, Division or Beverage within the territory of Polk County not included within any municipality only between the following hours:

Monday	7:00 A.M.	until2:00 A.M. Tuesday next
Tuesday	7:00 A.M.	until 2:00 A.M. Wednesday next
Wednesday	7:00 A.M.	until 2:00 A.M. Thursday next
Thursday	7:00 A.M.	until 2:00 A.M. Friday next
Friday	7:00 A.M.	until 2:00 A.M. Saturday next
Saturday	7:00 A.M.	until 2:00 A.M. Sunday next
Sunday	12:00 P.M.	until 12:00 A.M. Monday next

In the event that New Year's Eve should fall on Sunday, the hours for sale of alcoholic beverages for on the premise consumption as provided above shall be extended until 2:00 A.M. Monday next. There shall be no sales, or services of Beverages in sealed containers containing more than 14 percent by weight for consumption off premises on Sundays.

7. Variances from the distance provisions of this Ordinance may be granted by the Polk County Board of Adjustment as described in Section 930 of this Code.

8. Violation of this ordinance shall be punishable by a fine of not more than $500.00 or imprisonment for not more then 60 days, or both.

Section 225 Maintenance of Commercial, Office, and Industrial Structures and Premises
(Revised 03/25/03 - Ord. 03-24)

A. ***Exterior Maintenance*** ***(Revised 03/25/03 - Ord. 03-24)***

The exterior of every structure or accessory structure (including, but not limited to, storefronts, walls, fences, and signs) shall be substantially weather tight, watertight, and impervious to the adverse effects of weather, shall be maintained in sound condition and good repair, and shall not constitute a safety hazard or nuisance.

1. All surfaces shall be maintained free of broken glass, loose siding or shingles, crumbling stone or brick, excessive peeling paint, graffiti, mildew, mold, dirt, or other condition reflective of deterioration or inadequate maintenance to the end that the basic integrity of the structure may be preserved, safety and fire hazards may be eliminated, and adjoining properties and the neighborhood may be protected from blighting influence..

2. Exterior porches, landings, balconies, stairs, and fire escapes shall be kept structurally sound, in good repair and free from defects.

3. Any exterior signs which have excessively weathered or faded or those upon which the paint has excessively peeled or cracked shall, with their supporting members, be removed forthwith or put into a good state of repair.

B. ***Exterior Repairs*** ***(Revised 03/25/03 - Ord. 03-24)***

In the event exterior repairs become necessary, such repairs shall be made with the same or similar materials used in the construction of the existing structure and in such a manner as to permanently repair the damaged area or areas.

C. ***Reconstruction of Exterior Walls and Sidings*** ***(Revised 03/25/03 - Ord. 03-24)***

All reconstruction of exterior walls and sidings shall conform to the requirements of the Polk County Building Code and shall be finished in a manner such that the materials used will not be of a kind that by their appearance, under prevailing appraisal practices and standards, will depreciate the values of neighboring and adjoining properties.

D. ***Roof Covering*** ***(Revised 03/25/03 - Ord. 03-24)***

All roofs shall have a suitable covering, free of holes, cracks, or excessively worn surfaces, which will prevent the entrance of moisture into the structure and provide reasonable durability. Roofs shall be maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.

E. ***Supporting Structures and Foundation Walls*** ***(Revised 03/25/03 - Ord. 03-24)***

Supporting structural members and foundation walls are to be kept structurally sound, free of deterioration and capable of bearing imposed loads safely.

F. ***Exterior Electrical Wiring and Equipment*** ***(Revised 03/25/03 - Ord. 03-24)***

All exterior electrical wiring and equipment shall be installed and maintained in accordance with the requirements of the authority having jurisdiction.

G. ***Garbage Storage*** ***(Revised 03/25/03 - Ord. 03-24)***

The owner and operator shall each have the duty and full responsibility of providing garbage storage containers for occupied structures.

H. ***Non-functional Building Elements*** ***(Revised 03/25/03 - Ord. 03-24)***

Existing miscellaneous non-functional elements on the building exterior, such as empty electrical conduit, unused awning brackets, pipes, duct-work, mechanical equipment, sign brackets, etc., shall be removed and the building surface repaired or rebuilt as required.

I. ***Drainage*** ***(Revised 03/25/03 - Ord. 03-24)***

Adequate run-off drains shall be provided and maintained in accordance with the appropriate provisions of this Ordinance to eliminate any such return or excessive accumulation of storm water.

J. ***Infestation and Nuisance Conditions*** ***(Revised 03/25/03 - Ord. 03-24)***

Sources of infestation and all nuisance conditions shall be abated, or they shall be subject to enforcement actions.

K. ***Windows*** ***(Revised 03/25/03 - Ord. 03-24)***

Window panes or an approved substitute shall be maintained without cracks or holes. Window openings in occupied buildings or structures shall not be boarded or filled except as a temporary measure during replacement or construction. Such temporary measure shall not exceed 120 days in duration. All windows exposed to public view shall be kept clean and free of marks or foreign substances except when necessary in the course of changing displays. No storage of materials, stock or inventory shall be permitted in window display areas or other areas ordinarily exposed to public view unless said areas are first screened from the public view by drapes, Venetian blinds or other permanent screening which renders the windows opaque to the public view. All such screening shall be maintained in a clean and attractive manner and in a good state of repair.

L. ***Awnings and Marquees*** ***(Revised 03/25/03 - Ord. 03-24)***

Any awning or marquee and its accompanying structural members which extend over any street, sidewalk, or any portion of the premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event said awnings or marquees are made of cloth, plastic, or of a similar material, said cloth or plastic, where exposed to public view, shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing, or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks, or other parts of the public domain.

M. ***Egress*** ***(Revised 03/25/03 - Ord. 03-24)***

Every structure shall have such unobstructed means of egress leading to open space outside of any building or structure or part thereof, which shall be of a number, size, design, and location meeting local and state building codes, housing standards, fire code, and other applicable requirements.

N. ***Commercial, Office, Multi- Family and Industrial Premises*** ***(Revised 03/25/03 - Ord. 03-24; 12-04-03 Ord. 03-82)***

1. All parts of the premises under the control of any owner or operator shall be kept in a clean and satisfactory condition and the occupant shall refrain from performing any acts which would render other parts of the premises unclean or unsanitary or which would obstruct the owner or occupant from performing any duty required hereunder or maintaining the premises in a clean and sanitary condition.

2. Every owner and operator shall be responsible for the elimination of infestation in and on the premises subject to his control.

3. Every owner and operator shall be responsible for willfully or maliciously causing damage to any part of the premises.

4. Nothing herein shall be construed to provide a defense to any owner violating this ordinance. Owners are presumed responsible for the properties. However, in the above defined circumstances, operators may be held jointly and severely liable, as well as the owners.

5. Every owner shall be responsible for the perpetual care and maintenance of all landscaped areas. Replacement vegetation may be substituted as long as it is appropriate for the water use zone within which it is proposed to be planted.

Section 226 - Irrigation Systems: **(Revised 3-18-09 – Ord. 09- 006; 12-04-03 Ord. 03-82)**

The following shall be required of all subsurface and automatic irrigation systems installed within unincorporated Polk County.

A. ***Permit Requirements*** ***(Revised 3-18-09 – Ord. 09- 006)***

1. Irrigation systems shall require a permit, issued by the Building Division.

2. Prior to issuance of an irrigation permit, the applicant shall either certify by check list or demonstrate with a lot landscape plan compliance with Section 720. E. The checklist is available through the Polk County Building Division and the Land Development Division.

B. ***Rain Sensors and Soil Moisture Sensors*** **(Revised 3-18-09 – Ord. 09- 006**

Rain sensor shut-off equipment shall be required on all permanently installed irrigation systems to avoid irrigation during periods of sufficient rainfall. The equipment shall be adjusted and maintained to shut off the irrigation system when adequate rainfall has occurred.

Soil moisture sensors may be used in addition to rain sensor shut-off equipment.

C. ***County Watering Restrictions*** **(Revised 3-18-09 – Ord. 09- 006**

Irrigation shall be conducted in accordance with County or Water Management District water restrictions, whichever is more restrictive.

Section 227 - Filling and Excavating Land **(Added 09-12-07 Ord. 07-55)**

Clearing and grubbing of upland property is permitted in the unincorporated areas of Polk County except where prohibited by habitat or tree preservation requirements within this code, the laws of Florida or by Federal rules and regulations. However, the addition or removal of soils from a property is required to undergo review. The filling and excavating requirements are established in this section.

All property owners and building permit applicants are required to control erosion and retain all sediments on their building site. Erosion and sediment control "Best Management Practices" shall be implemented as necessary to prevent off-site sediment discharges. Best Management Practices (BMPs) include, but are not limited to, silt fencing, entrance/exit controls, stabilization, temporary sediment basins, berms, etc.

A. ***Exemptions*** ***(Revised 4/7/10 – Ord. 10-013)***

The following land use activities are exempted from review under this section:

1. Residential dwellings on lots with a minimum width that is equal to or greater than 80 linear feet;

2. Residential development where the areas in which fill material will be placed no closer than 10 feet from the nearest property line;

3. Residential dwellings that are built on a stem wall foundation;

4. On-site sewage disposal systems installed as permitted by the Florida Department of Health;

5. Mining operations or soil excavation that will extract less than five acre/feet or 8,000 cubic yards of soil from the property when conducted in conjunction with an authorized development order or building permit. This exemption shall not apply to any site within 1,000 feet of another site under the same ownership that has been granted an exemption under this provision; and

6. Agricultural water management systems regulated by the water management district.

B. ***Lot Grading***

Within developments that have an approved lot grading plan, all filling or excavating of lots shall be consistent with such plan. When no such plan exists the following requirements shall apply:

1. Single-family dwellings, duplexes, and mobile homes shall have the lowest floor, including the floor of an attached garage, elevated at least 18 inches above the crown of the road at the high side of the property or 12 inches above the base flood elevation, whichever is higher. In areas of substantial relief where the lot grade may be below the crown of the road, the finished floor elevation shall be a minimum of 18 inches above the highest existing grade at the proposed building corner, unless shown otherwise in an approved engineering plan.

2. The finished floor of the proposed dwelling shall be consistent with Section 1803.3 of the 2004 Florida Building Code.

3. The permit applicant shall provide an adequate drainage system whereby either surface water runoff from normal rainfall events is retained on-site and does not drain onto adjacent properties, or is directed into a legal, positive outfall following BMP implementation. Choosing from the four lot grading plans provided, Types A, B, C, or D (figures 2.1 through 2.4), will expedite the review and inspection.

C. ***Alternative Lot Grading***

Where the above requirements can not be met, alternate measures other than fill material shall be utilized, including but not limited to, crawl space, stem walls, pilings, pumped on-

site sewage systems with elevated drain fields, yard piping and inlets, or other approved methods. In cases where other regulatory requirements demand that fill material in excess of the parameters above be added to construct the dwelling or its appurtenant structures, the following shall be required:

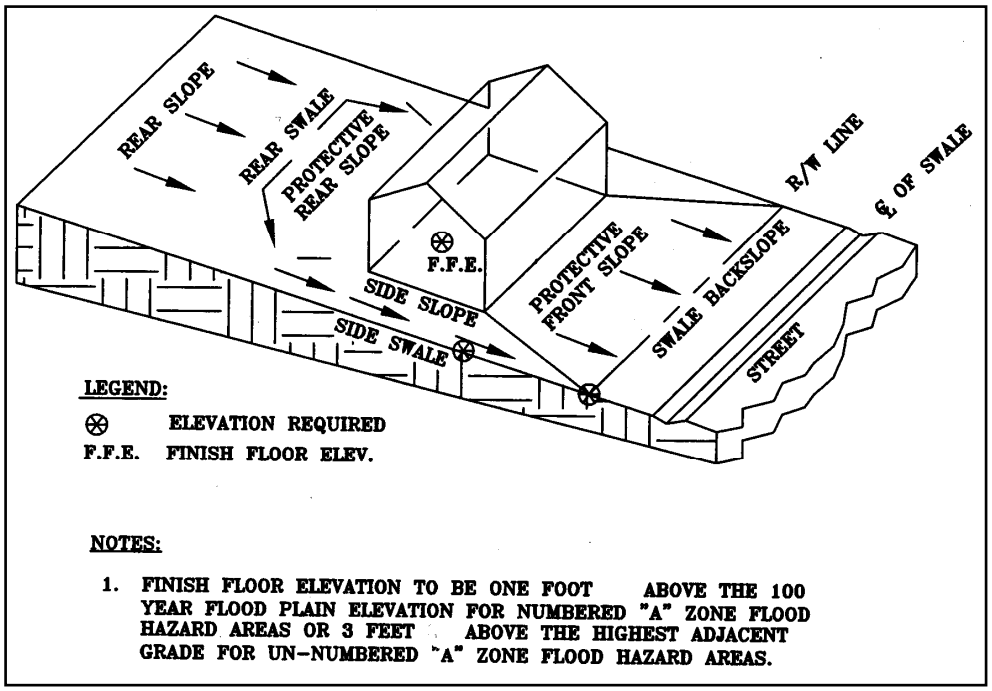
1. A boundary and topographic survey with sufficient vertical elevations to establish lot height and drainage pattern shall be submitted with the building permit application.

2. Where a proposed habitable one- or two-family dwelling is to be constructed on a lot adjacent to an existing one- or two-family dwelling, the survey shall show the finished floor elevation of the existing adjacent dwelling in relation to a fixed point of reference. The finished floor elevation of the proposed habitable one- or two-family dwelling shall be denoted on the survey or site drainage plan in relation to the fixed point of reference. A form board survey by a Florida state-registered surveyor showing the form boards and the relations to property lines shall accompany the form board inspection request.

3. The permit applicant shall provide an adequate drainage system whereby either surface water runoff from normal rainfall events is retained on-site and does not drain onto adjacent properties, or is directed into a legal, positive outfall following BMP implementation.

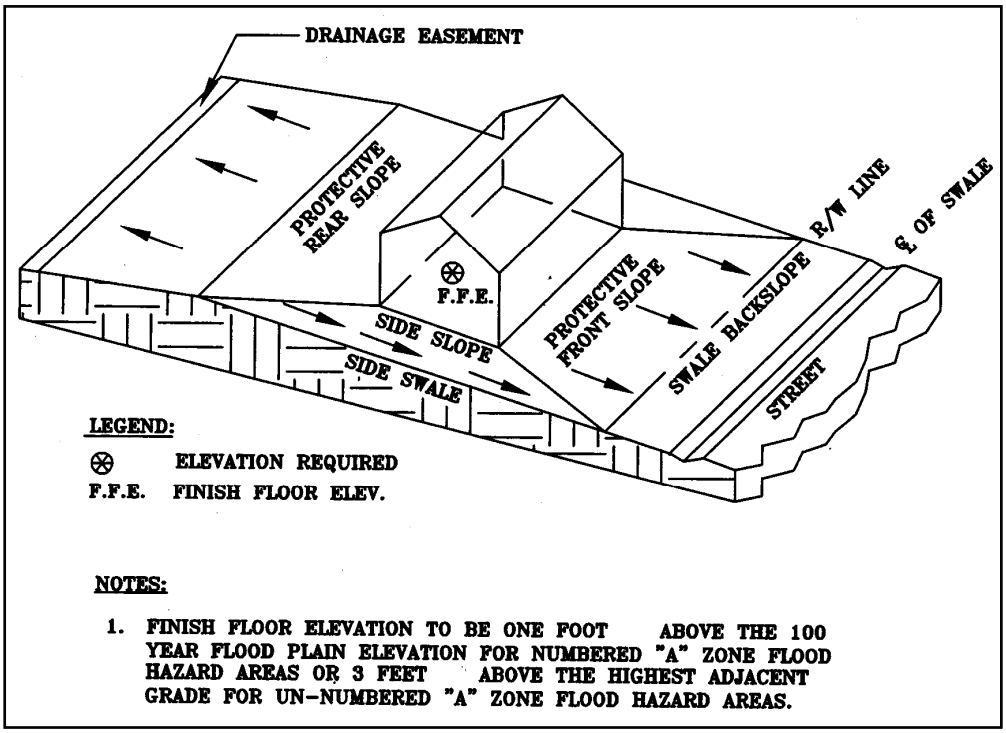
D. ***Lot Grading Types***

Figure 2.1



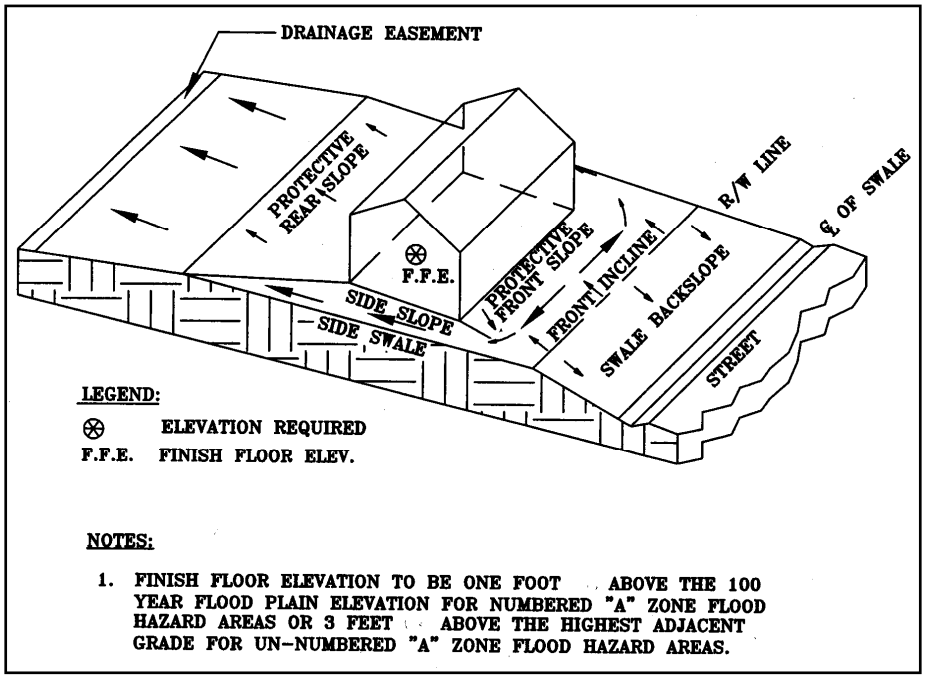
Typical Lot Grading
Type "A"

Figure 2.2



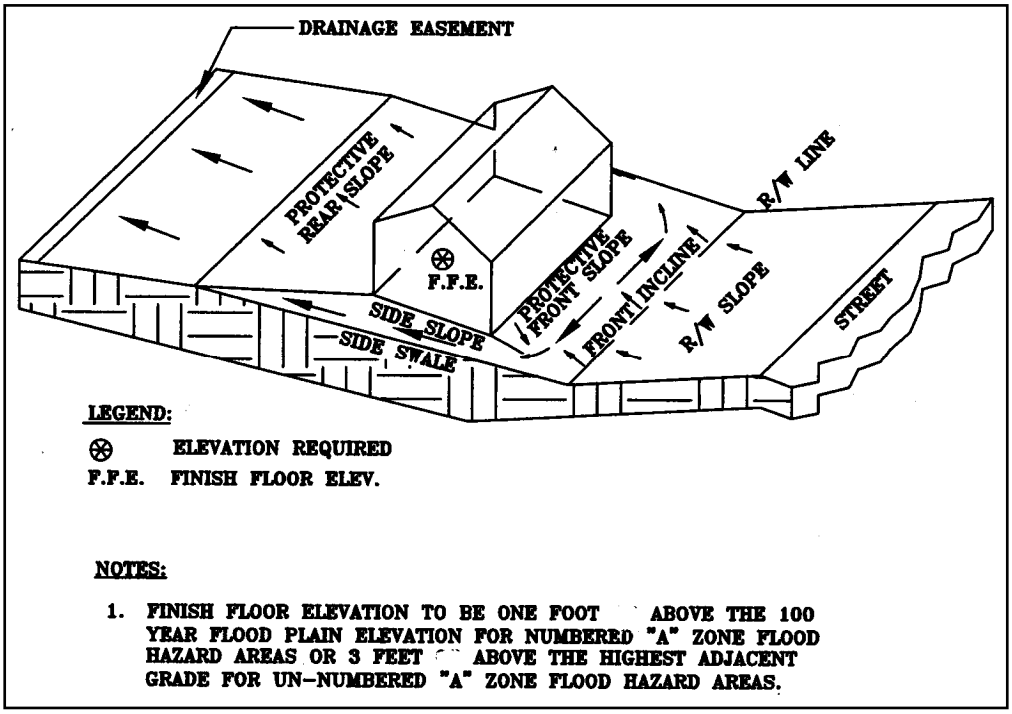
Typical Lot Grading
Type "B"

Figure 2.3



Typical Lot Grading
Type "C"

Figure 2.4



Typical Lot Grading
Type "D"

E. ***Soil Removal***

Removal of soils from any one property or location in excess of 8,000 cubic yards are considered a non-phosphate mine and shall follow the requirements and procedures of Section 303 of this code for Mining, Non-phosphate.

Section 228 Measurement of Setbacks (Revised 12/1/10 - Ord. 10-082)

Setback shall be measured in accordance with the following:

A. Setbacks shall be measured by the shortest dimension, running from the property line to the base of the structure or vertical wall/support structure.

B. No portion of an alley shall be considered as part of a required setback.

C. For determinations of setbacks, corner lots and multiple-frontage lots shall be considered to have fronts on all street frontages unless otherwise specified in this chapter. Side setbacks shall apply to all other sides of such a lot or parcel.

D. Sills, eaves, cornices, chimneys, flues, mechanical equipment and similar projections may project into a setback area not more than three feet and shall not extend over adjacent properties except in accordance with Section 755 (zero-lot-line design).

Section 229 Agritourism (Revised 6/28/11 – Ord. 11-008)

Agritourism uses are intended to be accessory and augment and/or supplement an ongoing agricultural use and be located on property with an agricultural classification as determined by the Polk County Property Appraiser's Office.

A. ***Permitted Agritourism Uses***

Agritourism uses that can demonstrate all of the following shall not be subject to further regulation by the Code:

1. Uses that do not create any new impervious surfaces for non-agricultural areas and structures;

2. Uses that generate non-farm traffic less than or equal to 175 vehicle trips or 350 visitors per week (see Table 2.4);

3. Agritourism uses where there is no occupancy change of an agricultural structure and where there is no construction of any new non-agricultural structures or buildings; and

4. Seasonal harvest-your-own activities are exempt from the requirements contained herein.

B. ***Minimum Standards***

All Agritourism uses shall comply with the following:

1. Except for the uses that qualify pursuant to Section 229.A., all uses accessing a paved, publically maintained roadway shall provide a paved driveway per Section 705 of this Code.

2. Uses shall maintain an agricultural classification (qualified agricultural use as determined by the Polk County Property Appraiser's Office) on the property for the life of the Agritourism use.

3. Seasonal harvest-your-own activities are exempt from the requirements contained herein.

4. Any existing or proposed non-agricultural exempt structures utilized in conjunction with an Agritourism use shall meet tall requirements of the Polk County Fire Marshal and the Florida Building Code.

C. ***Level 2 Review***

Agritourism uses meeting any of the following shall be processed as a Level 2 Review.

1. Uses that generate non-farm traffic less than or equal to 300 vehicle trips or 750 visitors per week and less than or equal to 100 vehicle trips or 250 visitors per day (see Table 2.4);

2. Existing or proposed non-agricultural structures utilized in conjunction with the Agritourism use up to a combined total of 5,000 square feet;

3. Non-seasonal Agritourism uses limited to three days a week or 12 times a month; and

4. Agritourism uses that create any new impervious surfaces for non-agricultural areas and structures.

D. ***Level 3 Review***

1. Agritourism uses meeting any of the following shall be processed as a Level 3 Review and subsequent Level 2 Review:

   a. Uses generating non-farm traffic of more than 300 vehicle trips or 750 visitors per week or more than 100 vehicle trips or 250 visitors day (see Table 2.4);

   b. Existing or proposed non-agricultural structures utilized in conjunction with the Agritourism use that exceeds a combined total of more than 5,000 square feet;

   c. Non-seasonal Agritourism uses that operate more than 3 days per week or 12 times per month;

   d. Uses that have lodging or dining facilities; and

   e. Uses possessing Class II Wildlife, excluding wild cattle; forest, woodland an aridland antelope, and similar species of non-native hoofstock (family Bovidae), as defined by the Florida Fish and Wildlife Conservation Commission (FFWCC). Class I animals are not permitted. An Agritourism use possessing Class II Wildlife shall comply with the following:

      i. Prior to Level 2 Review approval, submit all required state and federal permits for possession of such wildlife;

ii. Prior to Level 2 Review approval, submit a copy of the Captive Wildlife Critical Incident Disaster Plan provided to the FFWCC; and

iii. At Level 3 Review, demonstrate that the possession of this wildlife will not be detrimental to surrounding agriculture and nearby residences.

2. All Level 3 Review applications for an Agritourism use shall demonstrate the following:

a. The use shall be clearly incidental and subordinate to a bona fide agricultural use on the property;

b. The use shall not be injurious to the surrounding properties or be detrimental to the public health, safety or welfare;

c. The use shall not detract from the natural or scenic attributes of the surrounding area; and

d. Adequate measures have been implemented through the site plan to mitigate for any potential adverse impacts (i.e. buffering, setbacks, etc.)

3. The Planning Commission shall consider the intensity of the underlying Future Land Use designation when determining the appropriateness of a proposed Agritourism use.

E. ***Green Swamp Area of Critical State Concern (ACSC)***

Agritourism uses in the Green Swamp ACSC are subject to the following:

1. All Agritourism uses, with exception to those meeting the standards in 229.A above, shall require a Level 3 Review.

2. No Agritourism uses shall be permitted in the CORE area of the Green Swamp ACSC unless permitted pursuant to Section 229.A.

3. Agritourism uses involving lodging or dining facilities shall not be permitted.

4. Outdoor lighting, beyond that which is required for the bona fide agricultural activities, shall not be permitted.

5. All Agritourism uses, with exception to those permitted pursuant to Section 229.A, shall be required to submit a Green Swamp Impact Assessment Statement in accordance with Section 501.C of this Code.

Table 2.4 Non-Farm Trip/Visitor Generation Table		
Level of Review	**Weekly Trip Maximum**	**Weekly Visitor Maximum**
Not Regulated	175	350
Level 2 Review	300	750
Level 3 Review	>300	>750

Section 230 Specific Provisions Applicable to Non-Residential Districts and Uses

Development within non-residential districts shall have impacts that are consistent with this Section and shall not create public nuisances that affect the public health, safety, or welfare or interfere with the safe operation of equipment on site or on adjacent property.

A. ***Ambient Air Quality***

Uses emitting air pollutants affecting ambient air quality shall conform to all Federal Department of Environmental Protection (FDEP) regulations.

B. ***Emissions Into or Onto Water Bodies***

Uses emitting solids, liquids, or other matter into or onto bodies of water or the ground shall comply with all FDEP, Southwest Florida Water Management District (SWFWMD), St. John's River Water Management District (SJRWMD), South Florida Water Management District (SFWMD), and local regulations.

C. ***Vibration***

No vibration shall be permitted which is discernible without instruments beyond any boundary of the district permitting the use.

D. ***Air Quality***

Establishments shall not exhaust or discharge into the air quantity of fly ash, smoke, dust, dirt, or similar form of particulate matter except as permitted by the appropriate agency having authority.

E. ***Noxious and Odorous Quantities***

No emission of noxious and odorous gases, fumes, or other odorous or toxic matter shall be permitted in such quantities as to be readily detectable by appropriate instruments beyond the property line of any establishment creating such odorous emission thereby creating a public nuisance or hazard.

F. ***Glare***

No direct glare from floodlights, high temperature processes such as combustion or welding, or from any other source shall be visible at the property line of any establishment.

G. ***Discharge of Waste***

No discharge of liquid or solid wastes into any public or private sewage system; lake, stream, ditch, or other body of water; flood way, swale, dry retention pond, or other intermittent facility for water storage or management; or onto or into the ground shall be permitted except as approved the appropriate agency having authority.

H. ***Heated/Cooled Matter***

No establishment shall produce heated or cooled air, water or other matter in such quantity or in such manner as to adversely alter the natural temperature of the air, water, or other matter beyond the property line of the establishment except as may be approved by the appropriate agency having authority.

I. ***Radioactive Materials***

No establishment shall produce, store, transfer, or use radioactive materials in any manner hazardous to human health except as may be approved by the appropriate agency having authority.

J. ***Electrical/Electronic Disturbances***

No establishment shall produce electrical or electronic disturbances perceptible beyond the property line of the establishment which adversely affects the public health, safety, welfare, or creates a public nuisance or hazard including but not limited to interference with normal radio, telephone, or television reception from off the premises where the activity is conducted.

K. ***Fire Explosion Hazards***

Materials and processes having potential for fire explosion hazards shall not be permitted where they constitute undue hazards.

L. ***Noise***

Noise which is determined to be objectionable to a reasonable person of normal sensitivities at the property line of the establishment creating such noise due to volume, frequency, or beat shall be prohibited. All uses shall comply with Section 761.

M. ***Miscellaneous Hazards*** ***(Revised 5/20/09 – Ord. 09-023)***

Miscellaneous hazards not specifically addressed by the performance standards established by this Code shall be made known to the Growth Management Director or his designee by any establishment proposing to locate in an industrial district. Regulations of such hazards shall be processed as a Level 4 Review.

N. ***Open Testing***

Open testing procedures of materials and processes shall be permitted only in conformance with this Code.

Section 231 Storage of Liquid Propane Tanks

The storage of any liquid propane gas tanks for retail sale shall be protected with bollards. Bollards shall be placed between the tank storage unit and vehicle parking. All bollards shall be no more than three feet on center and each bollard shall be at a minimum four inches in diameter steel pipe, concrete filled, six feet in length, with three feet anchored in 12 inches of concrete. All bollards shall extend the full length of the cabinet storing the liquid propane gas or tanks.

Chapter 3

CONDITIONAL USES

CHAPTER 3 CONDITIONAL USES

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, bur 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 exemption[1] 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 exemption[2] 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.

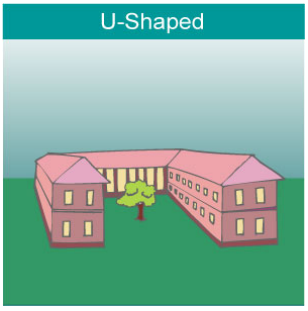
5. The division of lots for family homestead purposes shall be recorded by separate deeds before any building permit is issued. If two or more lots are divided from the parent parcel, the subdivision requirements of Chapter 8 shall apply.

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,

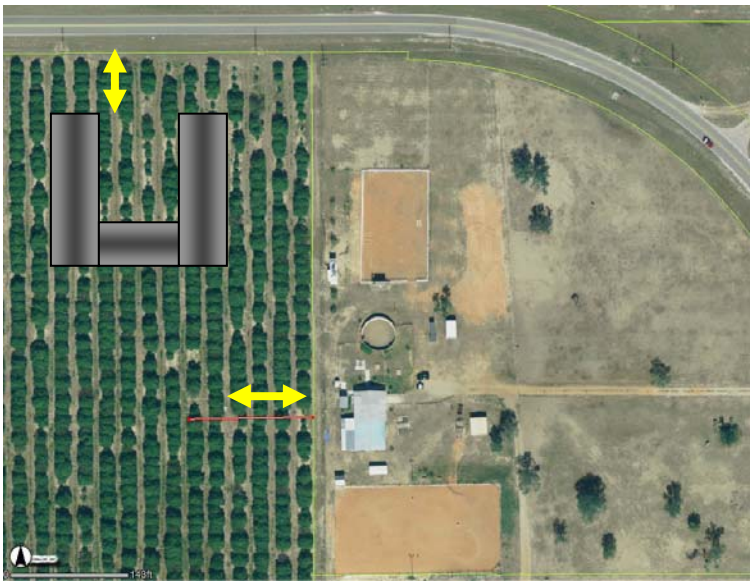
   b. oriented so that the doorways to the units face an internal area of open space that is no less than three (3) times the total square footage of the residential units combined.



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:

Lot line	Distance
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:

Land-Use District	Percentage
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 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 publc school [(2)]	1 point	PD located within 2 miles from publc 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 bonous 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.

b. The power block and fuel storage facilities that are part of a Certified Electric Power Generating Facility shall be located:

i. Not less than one quarter of one mile from an existing single-family residence;

ii. Not less than one mile from existing and developed residential communities consisting of 100 single-family residences or more;

iii. Not less than three miles from the outer boundaries of an incorporated municipality; and

iv. Not less than 500 feet from the 100-year floodplain of the Peace River, the Alafia River, or any "Outstanding Florida Waters" listed in Sec. 403.061(27)(a) and (b), F.S.

2. In addition to the applicable district regulations in Table 2.2 development of Certified Electric Power Generating Facilities shall conform to the following requirements:

a. 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.

b. 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.

c. The height, bulk, and noise associated with a Certified Electric Power Generating Facility shall be compatible with other land uses in the area.

d. Certified Electric Power Generating Facilities shall be served by existing or new transportation systems comprised of collector or arterial roads of sufficient size to insure that no degradation to the Level-of-Service of the road network below the adopted standard will occur.

3. Notwithstanding the Level 4 Review process required for proposed Certified Electric Power Generating Facilities (refer to Section 907), Polk County shall, at its sole discretion, remain a party to the Electrical Power Plant Siting Act certification process.

4. Approval of a Certified Electric Power Generating Facility shall be in accordance with the standards and procedures outlined in Section 907 for a Level 4 Review and the following requirements:

a. The applicant shall be required to specifically detail 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. 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:

Lot Line	Distance
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 *and;* Residential Infill Development connects to sewer	N/A
Water	Water services operate at less than 70% of capacity *and;* Residential Infill Development connects to water services	Water services operate at less than 70% of capacity *and;* 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

** 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.

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 iste 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 fine (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)	Point s	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 years 1;

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-feet wide parking/loading lane and two 12-feet 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	& 1st, 2nd, 3rd 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;

---

[2] For 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

[3] For 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 that 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.

Chapter 4

SPECIAL DISTRICTS

CHAPTER 4 SPECIAL DISTRICTS

Section 401 Selected Area Plan Districts, Established

A. ***Purpose and Intent***

A special district may be established as the result of a Selected Area Plan (SAP) which has been reviewed and adopted by the Board of County Commissioners. The Selected Area Plan Districts are mapped on the Future Land Use Map Series (FLUMS). Such regulations are to be applied in conjunction with the requirements of the Polk County Comprehensive Plan and the development regulations contained elsewhere in this Code. The regulations contained in this Code apply unless otherwise provided in this Chapter. When there is a conflict between the SAP district regulations and other regulations of this Code, the SAP district regulations shall guide and regulate development.

B. ***Applicability*** ***(Revised 09/02/09 – Ord. 09-056; 05/21/08 – Ord. 08-16; 7/25/07 – Ord. 07-039; 10/11/06 - Ord.06-64; 3/6/02 - Ord. 02-13; 11/1/01 - Ord. 01-44)***

Selected Area Plan (SAP) districts established below are based upon the Selected Area Plan (SAP) policies and provisions in the Comprehensive Plan. Each SAP is divided into said districts, the boundaries and designations of which are shown on a series of maps entitled "Future Land Use Map Series (FLUMS)." The suffix "X" in the land use district abbreviation denotes a standard district modified as a SAP district. The specific uses which are permitted or conditional are shown on the Use Tables 4.1, 4.3, 4.8, 4.11, for each individual SAP district. The district description and intent is the same as those for the Standard Land Use districts in Section 203, except as modified by the Comprehensive Plan or this Chapter.

1. I-4/Northeast Parkway Selected Area Plan Districts:

SPA I-a	Special Provision Area - Ia
SPA I-b	Special Provision Area - Ib
SPA II	Special Provision Area - II
SPA III	Special Provision Area - III
RL-1X	Residential Low - 1X
RL-2X	Residential Low - 2X
RL-3X	Residential Low - 3X
RL-4X	Residential Low - 4X
RMX	Residential Medium - X
RHX	Residential High - X
CACX	Community Activity Center - X
BPC-1X	Business Park Center - 1X
BPC-2X	Business Park Center - 2X
TCCX	Tourist Commercial Center
LCCX	Linear Commercial Corridor - X
INDX	Industrial - X

ROSX	Recreation and Open Space - X
PRESVX	Preservation – X

2. CR 54/Loughman Selected Area Plan Districts:

RCC-RX	Rural Cluster Center - RX
RL-1X	Residential Low - 1X
RL-2X	Residential Low - 2X
RL-3X	Residential Low - 3X
RL-4X	Residential Low - 4X
RMX	Residential Medium - X
VX	Village - X
TCX	Town Center - X
ESDA	Environmentally Sensitive Development Area - X
LRHAX	Loughman Redevelopment Historic Area - X
NACX	Neighborhood Activity Center - X
RACX	Regional Activity Center - X
BPC-1X	Business Park Center - 1X
BPX-2X	Business Park Center - 2X
TCCX	Tourism Commercial Center - X
INDX	Industrial - X
ROSX	Recreation and Open Space - X
PRESVX	Preservation - X

3. North US 27 Selected Area Plan Districts:

RL-1X	Residential Low - 1X
RL-2X	Residential Low - 2X
RL-3X	Residential Low - 3X
RL-4X	Residential Low - 4X
RMX	Residential Medium – X
RHX	Residential High - X
VX	Village - X
RACX	Regional Activity Center - X
TCX	Town Center – X
PIX	Professional Institutional - X
GCX	Greenway Corridor - X
GSPA-X	Green Swamp Protection Area - X
L/RX	Leisure Recreation - X
INSTX	Institutional - X
ROSX	Recreation and Open Space - X

4. US Highway 98 Selected Area Plan Districts:

ARRX	Agricultural Residential Rural - X
RL-1X	Residential Low - 1X
RL-2X	Residential Low - 2X
RL-3X	Residential Low - 3X
RL-4X	Residential Low - 4X
RMX	Residential Medium - X
RHX	Residential High - X
ECX	Employment Center - X
CEX	Commercial Enclave - X
LCCX	Linear Commercial Corridor -X
NACX	Neighborhood Activity Center - X
OCX	Office Center - X
TCX	Town Center - X
BPCX	Business park Center - X
INDX	Industrial - X
LRX	Leisure recreation - X
INSTX	Institutional - X
ROSX	Recreation and Open Space - X
PRESVX	Preservation - X

5. State Road 559 Selected Area Plan Districts:

RL-1X	Residential Low - 1X
RL-2X	Residential Low - 2X
RL-3X	Residential Low - 3X
RL-4X	Residential Low - 4X
PRESVX	Preservation - X
BPC-1X	Business Park Center - 1X
BPC-2X	Business Park Center - 2X
TCCX	Tourist Commercial Center
L/RX	Leisure Recreation - X
NACX	Neighborhood Activity Center - X
INSTX	Institutional - X

6. North Ridge Selected Area Plan Districts:

A/RRX	Agriculture/Residential Rural - X
RSX	Residential Suburban - X
RLX	Residential Low - X
RMX	Residential Medium – X
RHX	Residential High - X
CEX	Commercial Enclave - X
LCCX	Linear Commercial Corridor - X
TCCX	Tourism Commercial Centers - X

CCX	Convenience Center - X
NACX	Neighborhood Activity Center - X
CACX	Community Activity Center - X
RACX	Regional Activity Center - X
PIX	Professional Institutional - X
INSTX	Institutional - X
ECX	Employment Center - X
BPCX	Business Park Center – X
INDX	Industrial - X
L/RX	Leisure Recreation - X
ROSX	Recreation and Open Space - X
PRESVX	Preservation - X

C. ***Linked Recreation and Open Space System***

Development in all Selected Area Plans shall provide a linked recreation and open space system as outlined in the Polk County Comprehensive Plan. The purpose of the system is to provide on-site passive and active open space which is linked by non-vehicular access.

1. Open space shall comply with the Chapter 10 definition and Section 750 whichever is more restrictive.

2. Open space linkages shall be made possible by inclusion of a pedestrian path or sidewalk and appropriate easements. Exceptions may be necessary when it is demonstrated by the developer that linkage is not possible.

D. ***Development in Established Selected Area Plans (Revised. 4/23/02 - Ord. 02-20; 3/6/02 - Ord. 02-13)***

Development in all Selected Area Plans shall be in accordance with the land use tables and requirements that are described in the sub-sections for each respective Selected Area Plan of this chapter and other pertinent chapters of this Code. Where applicable, Planned Developments shall be reviewed and processed in accordance with Chapters 3 and 9 of this Code.

Existing Planned Developments which were approved after September 1, 2000, shall remain in effect in accordance with the conditions of County approval, unless the property owner desires to abandon the Planned Development. Planned Developments that have been approved by the Planning Commission are subject to Level 3 Review to seek approval for abandonment. If a Planned Development received County approval through a Level 4 or BoCC approval, such Planned Development shall be subject to a Level 4 Review and approval for abandonment.

E. ***Pre-DRI***

Development in all pre-Development of Regional Impacts shall be a Level 3 Review prescribed in Section 906 and Planned Developments prescribed in Section 303.

F. ***DRI***

In all approved development in all Developments of Regional Impact shall be a Level 3 Review prescribed in Section 906 and Planned Developments prescribed in Section 303.

Section 401.01 I-4 / NE Parkway Plan Districts

A. ***Purpose and Intent*** ***(Revised 10/06/10 – Ord. 10-070)***

The I-4/NE Parkway plan districts implement the I-4/NE Parkway Selected Area Plan (SAP) of the Polk County Comprehensive Plan. Development within the I-4/NE Parkway plan districts shall comply with all land use requirements and development standards contained in the I-4/NE Parkway Selected Area Plan (SAP) in Section 2.131-A of the Polk County Comprehensive Plan as well as conditions in the Polk Commerce Centre Development of Regional Impact Development Order for those areas of this SAP that are within the DRI.

B. ***Applicability***

This Section applies to development within the I-4 / NE Parkway plan districts, the boundaries of which are shown on the FLUMS.

C. ***Use Table***

The land use categories and uses allowable in these districts are shown in Table 4.1. Land use categories and uses not shown are prohibited. Land uses shown with a C1, C2, C3 or C4 shall comply with applicable Criteria for Conditional Uses in Chapter 3.

D. ***Density and Dimensional Regulations and Performance Standards*** ***(Revised 11/4/14 – Ord. 11-066; 10/06/10 – Ord. 10-070)***

1. CR 559-A Improvements - Development along and accessing CR 559-A within this SAP shall only be permitted when the cost and timing of necessary improvements to CR 559-A have been agreed to by the landowner (or designee) and the County.

2. Outdoor Storage - Outdoor storage is only permitted as an accessory use in the LCCX and BPC-2X districts. Outdoor storage areas shall comply with the following:

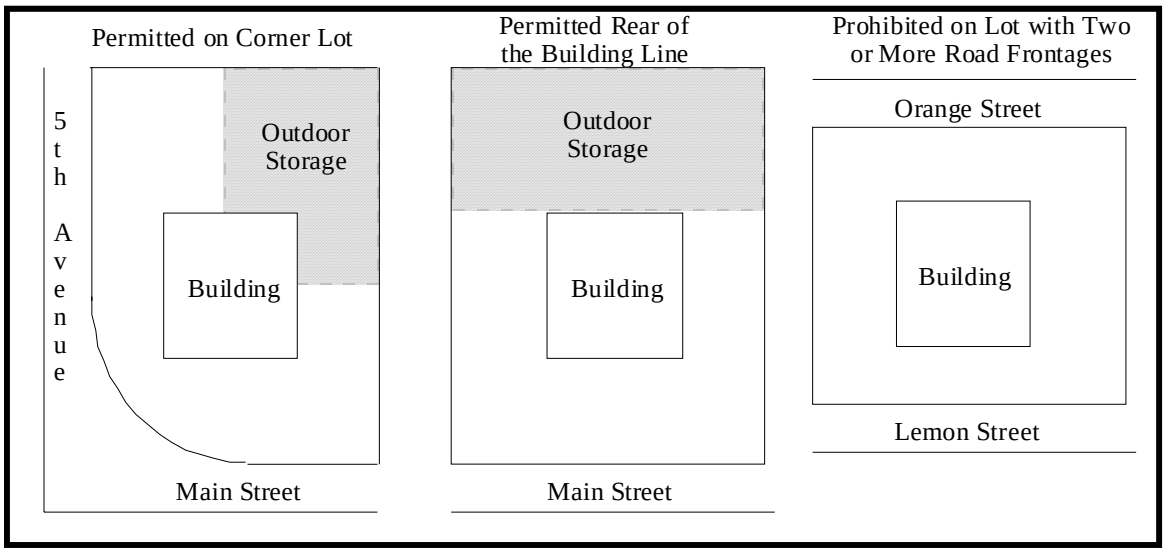
   a. Be located behind the rear building line and adequately buffered from users of the Polk Parkway and adjacent residents;

b. 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;

c. All speakers shall be setback 100 feet from any adjacent or adjoining residential use or residential land use district; and

d. All speakers shall be directed away from any adjacent or adjoining residential use or residential land use district.

Figure 401.01 a Outdoor Storage - Permitted and prohibited storage areas



3. Recreation and Open Space - The amount of recreation and open space area required is shown in Table 4.1. b and c. In addition to the other standards in this Code, the following shall apply:

a. Open Space – For the purpose of this SAP, opens space may consist of the following:

i. Retention ponds meeting the following design requirements;

(a) Resemble natural land/water body features;

(b) Landscaped in accordance with the planting requirements of a Type A Buffer. These landscape requirements may include plant clustering or alternative planting schemes approved by the Development Review Committee; and,

(c) Include pedestrian trail(s) paved or unpaved, benches or gazebo and fountain(s), or picnic pavilions with amenities;

ii. Wildlife habitat, native plant communities including wooded areas and wetlands that remain in a natural state and platted as such in perpetuity; and

iii. Upland areas or open field(s).

iv. For all residential developments, open space areas shall be designated within separate tracts and made accessible to all of the residents of the development.

b. Passive recreation – These areas may be used to meet the Open Space requirement under the following conditions:

i. Passive recreation such as parks or pedestrian paths shall be incorporated into the open space plan; and,

ii. The recreation areas shall be linked via greenways/trails, wetlands, floodplains, or other natural areas within and adjacent to the development.

c. The recreation and open space areas shall be linked to any proposed internal pedestrian network within the development; and,

d. Recreation areas shall be accessible to all residents within residential development.

e. Bona-fide agricultural uses, Family Farms, Family Homestead, and Lots of Record are exempt from this Section

4. SPA I-a Performance Standards – All development within SPA I-a shall conform to the following:

a. Buildings within SPA I-a shall not exceed two stories in height and shall be designed to achieve an office front appearance and front pedestrian entrances.

b. Truck bay facilities shall be permitted only at the rear of buildings.

c. All access from CR 559-A to this SPA shall be via five shared ingress/egress points. Three of these driveways shall be on the east/west straight section of existing CR 559-A and the remaining two drives shall provide access to the properties located on the north/south leg connecting with Mt. Olive Road. Vehicular access to individual lots shall not be permitted via CR 559-A by other than these shared driveways.

d. To promote a more pleasing streetscape and to further assist in the transition from non-residential uses to residential uses, setbacks of no less than 35 feet shall be maintained for all street frontages. Variations in individual building setbacks, of no less than five feet, shall be required on that portion of CR 559-A which is straight for distances greater than 1,000 feet. The minimum setback area shall be landscaped in accordance with the Comprehensive Plan and this Code. Parking areas shall not be allowed to intrude into setback areas.

e. An SAP site plan showing the overall setback plan and driveway access points shall be required prior to the issuance of development orders. An architectural elevation plan shall be required in the initial design stages for any primary building to be located within this SPA.

5. SPA II - The original purpose of the SPA II was to not only realize the development potential of this intersection but also protect an existing eagle's nest that was identified when this SAP was created in the early 1990s. Therefore, prior to the approval of any development, the applicants for land development shall confirm whether the eagle's nest has been abandoned, reused or relocated and develop the property according to state and regional regulations. It is the purpose of the SPA II to restrict development in the vicinity of an existing eagle=s nest so that construction and future land use activities disturb the site as minimally as possible while still realizing appropriate development potential. Until such time as the nest is abandoned, the purpose of this SPA II has expanded to encourage a higher quality for development along the Pace Road corridor. Pace Road is a gateway into the SAP, and the Cities of Lakeland, Auburndale, Polk City and Lake Alfred. The activities associated with this corridor support a nearby college/university. To accomplish these purposes, development shall be limited to those uses outlined in the SAP.

6. SPA III - The Special Provision Area III (SPA III) is established as designated on the I-4/NE Parkway SAP map. SPA III is located at the intersection of the Parkway and a future unapproved extension of Gapway Road. The specific boundary of this SPA is not delineated to allow for flexibility; however, it is intended that a majority of the SPA be located symmetrically around the intersection and, generally, not extend more than 2,000 feet from where the centerlines intersect.

7. Signs - Signs shall be in accordance with the following:

a. Signs in Special Provision Areas I-a, I-b and II shall complement the overall selected area site and building design. Said sign in SPA I-1 and I-b shall be no taller than the height of the primary structure on the site and shall be limited to one hundred square feet in cumulative sign area. The setback shall be in accordance with Chapter 7 of this Code. Variances to this sign section may be granted according to Chapter 9 of the LDC.

b. The construction of any off-premise signs shall be n accordance with Chapter 7 Section 760 N and Chapter 9 Section 931 of this Code.

c. Buildings in the IACX shall comply with the CAC standards in Chapter 7. Commercial and business park uses in MUX shall be consistent with BPCX standards in Chapter 7. Residential uses in MUX shall be consistent with the respective Future Land Use designation with which the proposed density is most consistent as stated in Chapter 7. Variances may be granted as permitted in Chapter 7 and 9 of the LDC.

8. Roadway Construction Buffers - Roadway construction and design shall be in accordance with the following:

a. A landscape/buffer area of a minimum of 35 feet in width shall be provided on the north side of CR 559-A in SPA I-a and shall conform to the specifications of a Type "A" Buffer per Section 720.

b. Provided that acquisition of right-of-way is obtained on the south side of CR 559-A, adjacent to SPA I-a, landscaping shall be provided within a buffer ten feet in width buffer conforming to the specifications of a Type "B" Buffer, Section 720.

c. Buffer areas shall not include any right-of-way.

d. An alternate roadway and buffering plan may be approved through a variance per a Planned Development or waiver when the alternate buffering is designed to help soften the impact of the non-residential buildings from the residential uses to the south, as well as to maintain driver safety on CR 559-A, in accordance with standards in Section 931 and 932, respectively.

9. Multi-modal Collector Roadway System – This roadway system is based on state and regional plans for this area as well as the Polk Commerce Centre Community Redevelopment Area (CRA) Redevelopment Plan, as amended. This system is shown on the SAP FLUM map as dashed lines and also includes 1) all roads that will intersect with the proposed roads and Berkley Road and/or the Polk Parkway, and 2) Berkley Road, CR 559-A, Pace Road, and Braddock Road.

a. Prior to Level 2 Review approval or at time of Level 5 Review approval, right-of-way shall be dedicated for the Multi-Modal Collector Road System

designated on the FLUM for this SAP by all development, adjacent to the roadways or accessing the roadways, and shall comply with all standards as listed within relevant Sections of the LDC.

b. At a minimum, sidewalks shall be required per Chapter 7, and along both sides of the Multi Modal Collector Road system as designated on the SAP FLUM and DRI master development plan (MAP H) consistent with the requirements in Chapter 7. Bike lanes, or appropriate paved shoulders, shall also be required along both sides of the Multi Modal Collector Road system as designated on the SAP FLUM and on the DRI master plan (Map H).

c. The right-of-way for the roadways listed in this Section shall be a minimum of 80 feet and may be required to be 120 feet as determined during the Level 2 Review process. The purpose of this right-of-way is to ensure a complete street system that includes sidewalks and pavement for bike lanes or the appropriate pavement width for a bike lane on both sides and be consistent with the Cities of Lakeland, Auburndale, and Polk City roadway designs and needs.

d. At a minimum, sidewalks shall be constructed on at least one side of local roads intersecting these roadways.

e. Multi use facilities may be used in lieu of bike lanes, or appropriate paved shoulders, and sidewalks in accordance with local and state standards.

f. Mt. Olive Road Extension, the north/south road on the east side of the Polk Parkway, is required per the Polk Commerce Centre Development of Regional Impact (DRI) Development Order. The figure below is the design of the roadway anticipated by the City of Lakeland to be constructed within the Williams DRI. The design of the Mt. Olive Road Extension shall be based on input from the cities of Lakeland, Polk City, Auburndale, and Lake Alfred and shall meet the requirements of this Section.

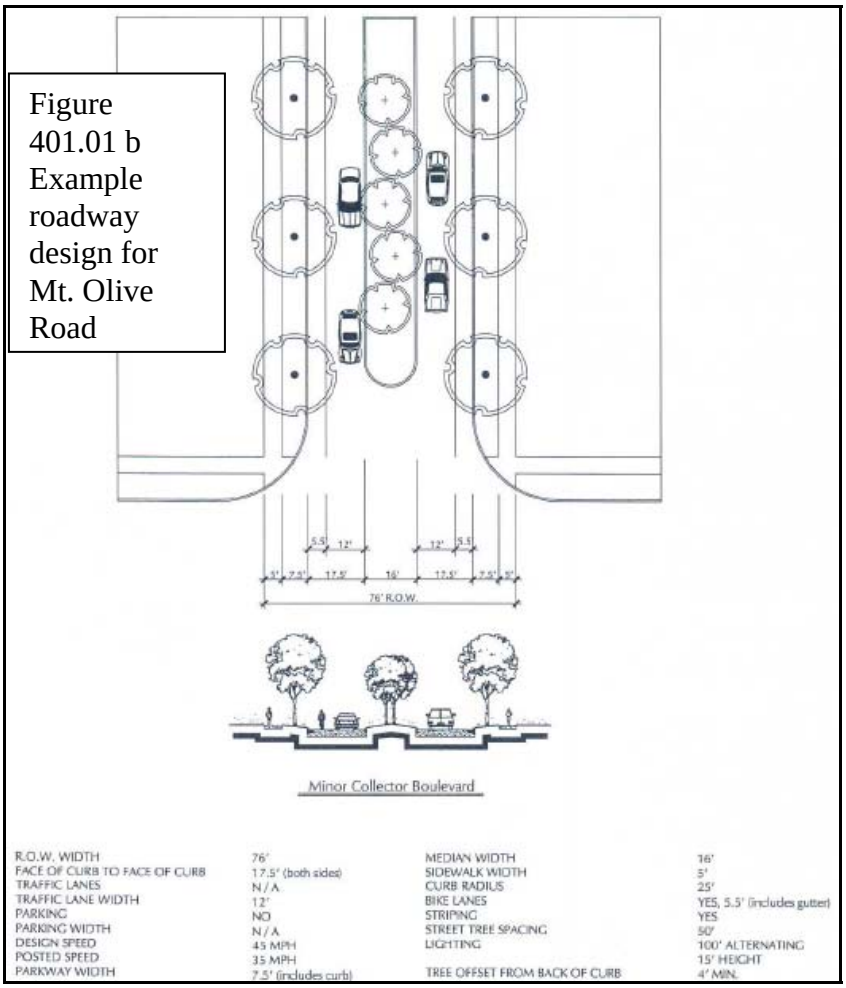


Figure 401.01 b Example roadway design for Mt. Olive Road

g. Alternative to the items above may be proposed through a PD or in accordance with standards in Section 931 and 932 respectively, of this LDC. The technical standards are not intended to be waived but altered based on property hardships.

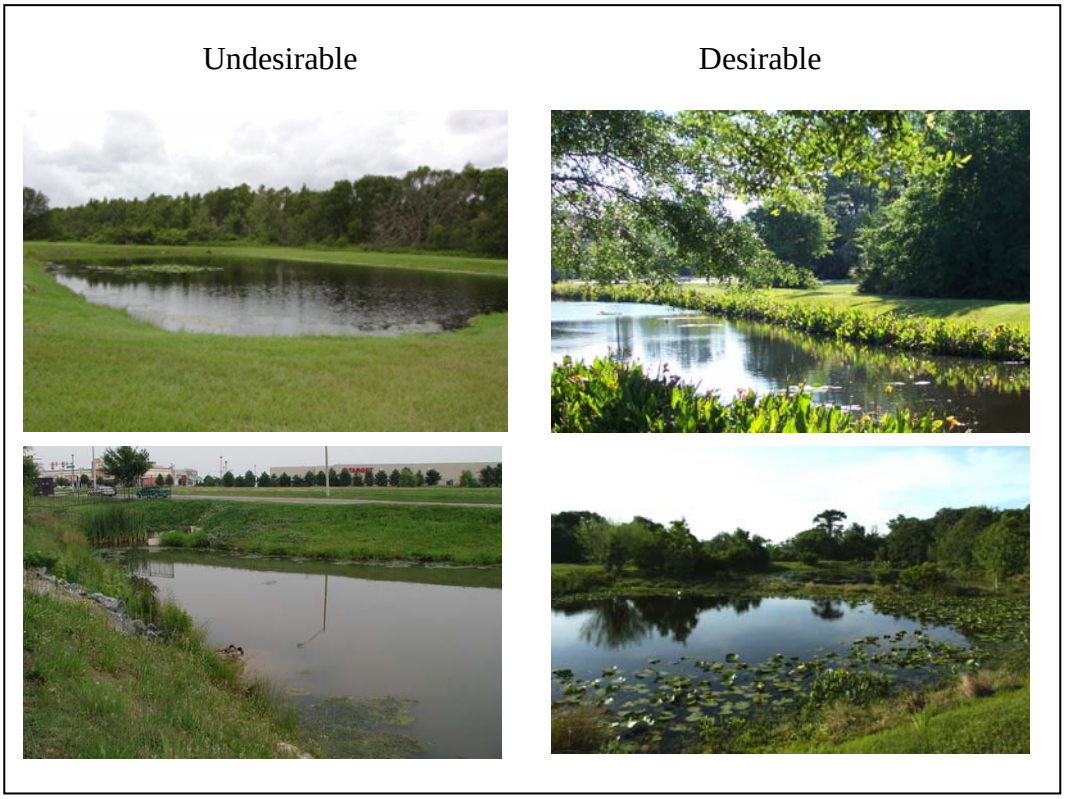
10. Stormwater Facilities - Stormwater facilities may be used in the following manner:

a. The facilities may be included in the required open space only if the facilities are designed to resemble natural features and are buffered similar to the plantings of a Type A Buffer which may be clustered around the pond and landscaped with species native to this area of Polk County. The final plantings may vary from the Type A Buffer listed in Chapter 7 with approval from the Development Review Committee. See below for examples of undesirable and desirable designs that are to be used as a guide.

b. The facilities may be constructed in a different land use than the principal use(s) as long as it is available for joint use by nearby uses and consistent with the Polk Commerce Centre DRI if applicable. An easement granting

this right shall be created and granted at the time of Level 2 Review approval.

Figure 401.01 c



11. Architectural Building Design – The first property to be developed in the BPCX, along Pace Road, IACX, and the MUX shall be required to submit architectural renderings of all buildings for review by the Polk Commerce Centre Community Redevelopment Agency (CRA). The architectural style and design of all subsequent buildings shall be based on this first approval. It is anticipated that the buildings will be compatible in design to the University of South Florida PolyTechnic (USFP) Campus. Staff shall work with the developer to develop a set of parameters that other property owners throughout the CRA shall use for subsequent building construction. It may be necessary for County staff to establish other building design standards for review and approval by the CRA after the first site is reviewed by the CRA and may require an amendment to this SAP. The following pictures are provided as examples in addition to and until such time as the final design of the USFP is completed and started construction.

12. Auburndale TECO Trail – All new development or expansions of existing development, except bona fide agricultural uses, Family Homesteads, Family Farms, and Lots of Record, on parcels adjacent to the Auburndale TECO Trail shall comply with the following:

    a. All new development or 50% expansions (of the gross floor area of all buildings) of existing development on parcels adjacent to the Trail shall plant a Type A Buffer and maintain buffering in accordance with the planting requirements of this Section and Chapter 7. The plantings and design shall be consistent with that of the Trail.

    b. All outdoor storage for non-residential uses shall be setback 100 feet and screened from the trail property line.

    c. Any use, structure, or equipment that generates noise above 65 decibels, vibrations, or noxious odors shall be setback 100 feet from the trail right-of-way and screened from offsite view.

13. Trail Connection through Braddock Road – Developments that provide a pedestrian connection consistent with the needs of the City of Auburndale between the current end of Braddock Road and Tenoroc shall be permitted the maximum FAR without requiring a Planned Development or additional development requirements.

14. Landscape Buffers - A five foot landscaped buffer consistent with the plantings of a Type B Buffer, in accordance to Section 720 of the LDC, shall be required between all non-residential developments as follows:

    a. Where a proposed non-residential use abuts an existing non-residential use, half the required plantings and width of a Type B Buffer, in accordance to

Section 720 of the LDC, shall be required, unless the existing use has an equivalent full Type B Buffer than the Type B Buffer shall not be required;

b. Where the proposed non-residential use abuts a non-residential designated parcel, that is vacant and without approved development plans from the County, the proposed use shall provide the equivalent of half of the required plantings and width of the Type B Buffer, in accordance to Section 720 of the LDC and the abutting parcel when developed will provide half of the required plantings and width of a Type B Buffer, in accordance to Section 720 of the LDC so that between the two uses will be a full Type B Buffer with half of the plantings and width on each lot;

c. If the abutting non-residential use, whether it is an existing use or has received development approval from the County, has a clustered landscaped buffer, the abutting use shall cluster the landscaped buffer on center between the proposed or existing clustered landscaping. The proposed non-residential use in this situation, cannot apply for a waiver from the required landscaping;

d. The plantings of the required landscape buffer between non-residential uses may be clustered, provided the separation between clusters is no greater than 30 feet;

e. No more than 50% of the required plantings shall be of any one sub-species;

f. Half of the required understory tree and shrub plantings from the Type B Buffer between non-residential uses may be transferred from the perimeter landscape to the surrounding building(s) for the development;

g. Where the buildings abut each other so that there is no vehicle use area between the buildings and utilize shared parking areas, a landscape buffer shall not be required to separate the two uses; and,

h. All landscaped buffers, including those within the building setbacks, may be counted toward the required Open Space for non-residential development.

i. Alternatives to the items above may be proposed through a waiver in accordance with the standards in section 932 of the LDC. The standards are not to be waived but altered based on property hardships so that quality landscaping is provided for non residential uses.

15. Parking Areas - All non-residential development, multi-family, and townhouse developments shall comply with the following:

a. Parking shall be provided to meet the needs of the uses in an efficient manner that best suits the community collectively through optional methods such as shared parking and alternative pavement consistent with Appendix A of this Code.

b. Structured parking (otherwise known as parking garages) is not required; however, if a developer chooses to create structured parking, it shall incorporate the following:

i. All structured parking shall be architecturally integrated or designed with an architectural theme similar to the main building(s);

ii. Structured parking, starting on the first floor, may include retail, office, personal service and professional uses.

c. All parking lot landscaping and buffer requirements shall meet the requirements of this Section in addition to the requirements of Section 720 of this Code. Where conflicts occur, the more restrictive shall apply.

i. Xeriscape landscaping and native plant materials are encouraged to be incorporated into the parking lot landscaping.

ii. No more than 50 percent of the required plantings shall be of any one species.

iii. The minimum landscaping for each lot shall be provided within the interior of a required paved off-street parking area as follows;

(a). Each aisle of parking spaces shall be terminated by landscaped islands which measure not less than nine feet in width, as measured from the face of curb to face of curb, and not less than 18 feet in length, At least one canopy tree shall be planted in each terminal island;

(b) Mandatory terminal islands shall be surrounded with an continuous raised curb;

(c). Landscaped divider medians may be used to meet interior landscape requirements. If divider medians are used, they shall form a continuous landscaped strip between abutting rows of parking spaces. The minimum width of divided medians shall be a minimum six foot wide, as measured from the face of curb to face of curb. One under story tree shall be planted for each 30 linear feet of divided median, or fraction thereof. Trees in a divided median may be planted

individually or in clusters. The maximum spacing between clusters shall be 60 feet.

(d) A minimum six foot wide divider median, as measured from face of curb to face of curb, shall be required every fourth bay of parking as shown in Figure C. A minimum of one understory tree shall be planted for each 30 linear feet of divider median. An alternative option, three diamond shaped islands may be substituted for the continuous six foot wide divider median, as shown in Figure C.

(e) Optional interior islands and divider medians shall be protected by curbing or wheel stops; and,

(f) Each parking bay shall have no more than ten continuous parking spaces unbroken by a landscape island that shall be the width of a parking space, as measured from face of curb to face of curb.

d. Landscape areas shall be located in such a manner as to divide and break up the expanse of paving and to guide traffic flow.

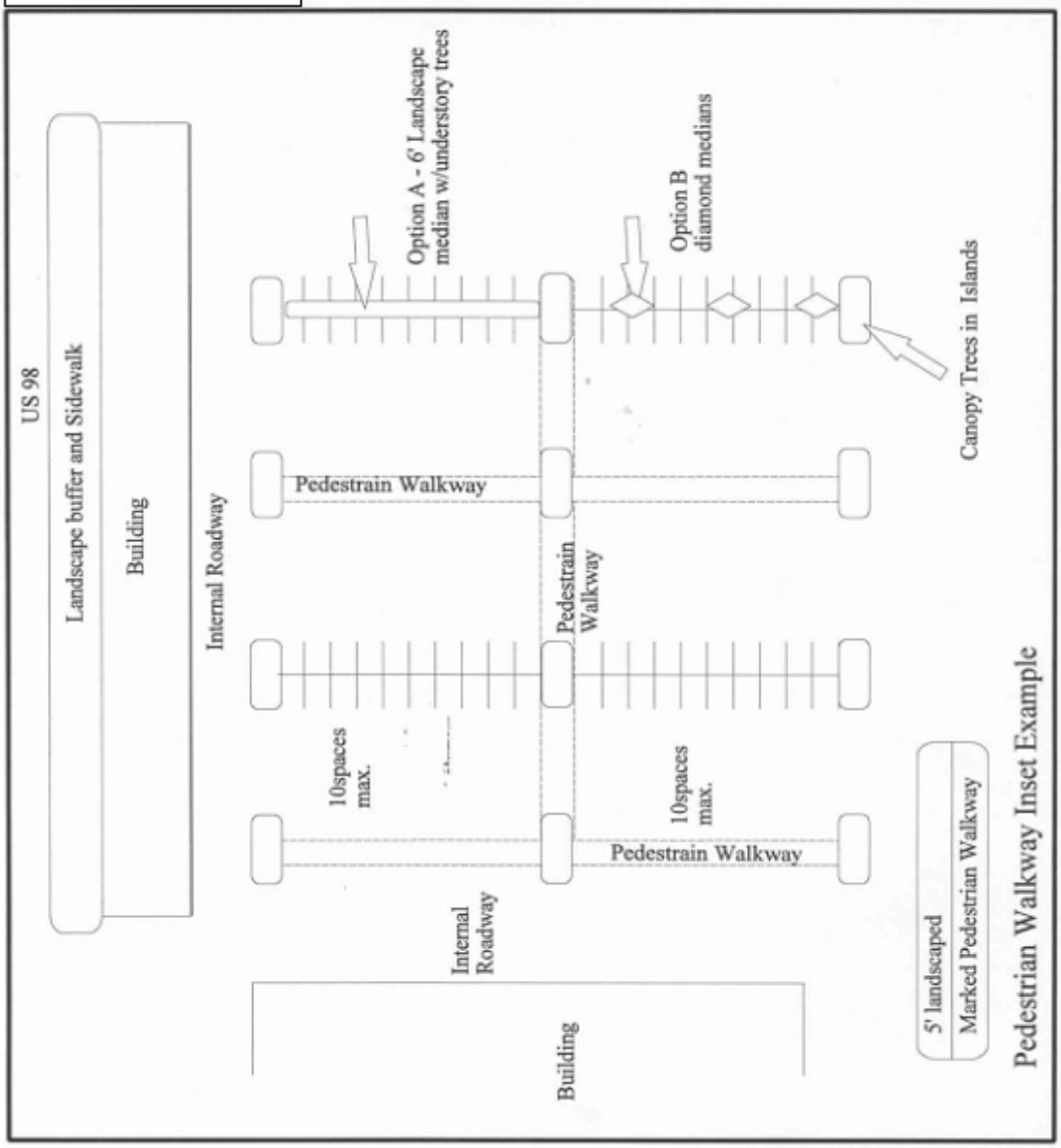
e. A Type A Buffer 15 feet in width shall be required between all frontage roads and parking lots in accordance with Section 720 of this Code.

f. For required landscaping where off-street parking abuts public right-of-way: A landscape strip of land shall be provided consistent with this Section and Section 720 of this Code, with at least one drought resistant, Florida native tree for each 75 linear feet, or fraction thereof shall be planted. Trees may be planted separately or in clusters.

g. No landscaping shall be provided in the right-of-way unless the County or FDOT gives the owner approval to do so. In addition, a completed agreement as to who will maintain the landscaping within the right-of-way shall be submitted prior to Level 2 Review approval.

h. Alternatives to the above items may be proposed through a PD or waiver in accordance with the standards in Section 931 and 932 respectively of this Code for the intention of addressing hardship issues rather than granting exemptions to these requirements.

Figure 401.01 d



E. ***Mixed Use-X Performance Standards*** ***(Revised 10/06/10 – Ord. 10-070)***

In order to develop the Mixed Use-X in accordance with the intent outlined in the Polk County Comprehensive Plan, the following performance standards shall apply. Said standards are in addition to those outlined in this Section, which apply to the entire SAP.

1. The architectural, streetscape, local road, pedestrian and bicycle network scheme for all public and private improvements shall be consistent with the architectural design standards established by the Polk Commerce Centre CRA.

2. Buildings shall be consistent with the style designed according to Section D. 11, above.

3. Development plans shall provide a mix of at least two land uses including but not limited to residential (single and multi-family), institutional, office, commercial, warehouse/distribution, and light industrial. A mix of uses may be accomplished horizontally, within separate buildings; and/or vertically, with different uses within the same building.

4. Development density and intensity within the Mixed Use-X district shall meet the standards set forth in Table 4.2 of this Section.

5. Uses within the MU district shall be linked to one another by a system of roadways and pedestrian walkways.

6. All developments shall provide on-site safe pedestrian pathway connections from all parking areas and abutting residential development where appropriate.

7. There shall be at least one main collector roadway that provides access to all property within this district consistent with the requirements listed in Section 401.01. D. 9. and the roadway design for the Mt. Olive Road Extension as shown 401.01. D. 9. This collector roadway shall provide at least one main connection to the parcel to the north for vehicular access to Pace Road and at least one main connection to the parcels to the south for vehicular access to Braddock Road.

8. Access to individual and/or uses as part of an overall project, either requested for approval at one time or over a cumulative basis, shall be by an internal road system, frontage roads, cross-access easements, shared ingress/egress access easements, or some combination of these, off of a main access to a collector or arterial road.

9. Different uses shall incorporate the use of shared ingress/egress facilities even if on the same parcel or multiple parcels.

10. Parking shall be provided to meet the needs of the uses in an efficient manner that best suits the community collectively through optional methods such as shared parking and permeable surface parking. Shared parking areas include off site and/or on site of parking areas for the joint use by more than one non residential and/or residential uses. To determine the best means for the parking area, the applicant shall submit the appropriate documentation consistent with Section 710, B, to ensure peak demand is addressed as well as provide any sharing agreements between property owners necessary for the long term use of the parking areas.

11. A transit stop shall be incorporated into the development every ¼ mile along an internal collector roadway. This shall include but not be limited to a bench, signage, and pedestrian cover at the discretion or approval of the Transit Director.

12. Any uses that manufacture products shall only be permitted if conducted within wholly enclosed buildings.

13. Any loading docks, utility facilities, and storage areas abutting rights-of-way shall be buffered from off-site view with landscape material.

14. Signs within the MUX shall conform to the following:

    a. All signs shall be based on the standards for the CAC in Chapter 7 for non residential uses. Signs for residential uses within MUX shall be based on standards for the corresponding residential land use district with which the proposed density matches. All master developments, as required per this section and Polk 2.131-A4, d of the Comprehensive Plan, shall include a master sign plan;

    b. All signs and lighting of signs shall be consistent with architecture of the buildings; and

    c. Signs shall be monument-style or building-mounted only; freestanding pole signs shall be specifically prohibited,

15. The FAR and ISR for commercial shall be consistent with NAC in Table 2.2 of this Code.

16. The FAR and ISR for BPC type uses shall be consistent with the BPC land Use District in Table 2.2 of this Code.

17. The minimum lot sizes for Low Density Residential, Medium Density Residential, and High Density Residential shall meet the requirements in Table 2.2 for Residential Low, Residential Medium, and Residential High respectively.

F. ***Interchange Activity Center Performance Standards*** ***(Revised 10/06/10 – Ord. 10-070)*** In order to develop the IACX in accordance with the intent outlined in the Polk County Comprehensive Plan, the following performance standards shall apply. These standards are in addition to those outlined in this Section, which apply to the entire SAP.

1. The architectural, signage, streetscape, local road, pedestrian and bicycle network scheme for all public and private improvements shall be consistent and approved by the Polk Commerce Centre CRA with the first development application so that it can be used as a guide for all subsequent development.

2. Cross access easements shall be required to ensure safe access management on the accessed collector road.

3. Conditional use approval shall not be approved without first considering the concerns of the nearby jurisdictions of Lakeland, Polk City, and Auburndale.

4. Items 5 through 13 under MUX above shall apply for IACX. To ensure efficient use of building area, shared parking between uses

5. Signage shall be consistent with CAC as listed in Chapter 7 of this Code.

G. ***Conditional Uses****(Revised 11/4/14 – Ord. 14-066; 10/6/10 – Ord. 1070; 2/3/10 – Ord. 10-007; 04/09/08 – Ord. 08-007)* **–** In addition to the requirements listed in Chapter 3, Section 303, the following standards shall apply to the listed conditional uses):

1. Multi-Family - Multifamily development within the BPC-1X and BPC-2X shall be limited to 20 percent of the district rather than as permitted in Chapter 3. All multifamily proposals shall be reviewed as part of a Planned Development.

2. Hotels/Motels – Hotels and motels within the BPC-1X and BPC-2X districts shall be limited to the 15 % percentage cap for retail uses within BPCX;

3. Light Assembly – The standards for this use shall be those as Manufacturing.

4. Manufacturing – The following standards shall apply:

   a. No outdoor storage of any materials shall be permitted;

   b. There shall be no external activity beyond loading and unloading of materials to and from an enclosed structure; and,

   c. A buffer equal to a Type "C" buffer in accordance with Section 720 shall be provided between a residential use and any structure requiring loading and loading of commercial vehicle(s).

5. Motor Freight Terminals – The following standards shall apply:

   a. There shall be no loading or unloading forward of the front building line or within 50 feet of adjacent property with a residential use or residential Future Land Use designation;

   b. A Type "C" buffer 25 feet in width shall be required adjacent to or adjoining a residential district or a school;

   c. A Type "C" buffer 5 feet in width shall be required adjacent to or adjoining non-residential use or district;

   d. No vehicle parking, gasoline sales, fuel storage or truck servicing activities are allowed within 65 feet of the property line that abuts any residential district or a school regardless if the use or district is across a roadway;

e. All outdoor storage shall be screened from offsite view and shall be setback 50 feet from any adjacent property with a residential structure, residential land use designation or school.

6. Offices and Office Parks – The following standards shall apply:

a. Offices shall not exceed 15 percent of the total developable areas of the subject TCCX district. The total developed areas shall be calculated based on the inclusion of all existing uses in the subject land use district and those with approved and valid site plans, construction plans and plats. The applicant must demonstrate that the development does not exceed this 15 percent maximum;

b. All offices shall have vehicular and pedestrian interconnectivity. Development shall stub out for future vehicular and pedestrian connection.

c. Internal sidewalks shall be provide between offices and associated parking lots to meet pedestrian access of all offices within the office park; and

d. At a minimum, a Type "A" buffer shall be required along the entire perimeter of the office park.

7. Recreation and Amusement, General – In addition to the standards in Chapter 3, the following shall apply:

a. All uses within the RMX and RHX Future Land Use district shall be complimentary to the Lake Myrtle Community Park. Dormitories for students of and using the facility may be permitted within the RMX and RHX Future Land Use district consistent with the densities of that district;

b. Limitations on hours of operation may be conditioned when the use is adjacent to developed residential areas;

c. Additional buffering may be needed when adjacent to developed residential areas;

d. Access through the Lake Myrtle Community Park shall be explored to limit traffic on local residential roads. Depending on the nature of the local road, traffic from this recreation use may be prohibited from using the local road.

8. Retail – In addition to the standards listed in this Chapter and Chapter 3, retail uses shall not exceed 15% of the contiguous BPCX district. This shall also include hotel and motel uses.

9. Warehouse and/or distribution facilities – The conditions for Motor Freight Terminals shall apply.

10. Wholesale, enclosed – The conditions for manufacturing shall apply.

Section 401.01.01 Use Table for Interstate 4 Selected Area Plan Land Use Districts

The permitted and conditional uses for the standard land use districts for this SAP are prescribed in Table 4.1.c. *Use Table for Interstate 4 Selected Land Use Districts*: ***(Revised 10/06/10 – Ord. 10-070)***

A. ***Prohibited Uses*** ***(Revised 10/06/10 – Ord. 10-070)***

The use of land or structures not expressly listed in the Use Tables for this SAP or within this SAP as permitted or conditional are prohibited.

B. ***Other Regulations***

Uses listed as permitted may be established only after meeting all applicable regulations of Polk County and other governmental agencies.

C. ***Conditional Uses***

Uses listed as conditional may be established only after compliance with the specific conditions and procedures outlined in Chapter 3, Conditional Uses, and all applicable codes of Polk County and other governmental agencies.

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 Reviews, 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 prescribed 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 prescribed in Section 907, Level 4 Reviews.

D. ***Accessory and Temporary Uses*** ***(Revised 10/06/10 – Ord. 10-070)***

Accessory and Temporary Uses are defined in Chapter 10 and regulated in Chapter 2 of this Code.

E. ***Infill and Compatibility***

All uses are subject to Infill and Compatibility requirements outlined in Sections 220 and 221.

F. ***Density and Dimensional Regulations*** ***(Revised 10/06/10 – Ord. 10-070)***

The dimensional regulations for structures that are to be placed within the land use districts of this SAP are prescribed in Table 4.1.a and b. Variances to the regulations within this table may be requested pursuant to Chapter 9 except for the maximums of the Floor Area Ratios (FAR) and densities as these are set within the Comprehensive Plan for this SAP. Height limitations maybe approved over that set forth in Table 4.2.a as listed in the footnotes. This may require additional approval of the Joint Airport Zoning Board.

Achieving maximum densities and FAR shall be based on meeting the Tiered requirements for the desired intensity. There are three successive Tiers (levels) of development requirements. Participation in a higher Tier requires compliance with all the standards of the preceding Tiers. The higher intensities are granted upon the completion of a Level 2 Review process after the applicant illustrates that all requirements for the proposed Tier have been met. Incentive bonuses expire with the expiration of the Level 2 plans. Alternatives to addressing the specific requirements of the Tiers to achieve the higher densities and intensities may be granted through the approval of a Planned Development per the requirements of the relevant sections of the LDC.

The requirements and the higher intensities are based on the following:

1. Tier 1 – meeting all relevant requirements of this Code and SAP;

2. Tier 2 – meeting all relevant requirements of this Code, SAP and the following:

    a. Internal street lighting designed to minimize off site glare consistent with Figure 401.01.01 a below;

    b. Walls consistent with Figure 401.01.01b below;

    c. Sidewalks on all roadways within and adjacent to the development;

    d. Increasing required open space by five percent (5 %); and

    e. Recessed garages for residential uses.

3. Tier 3 - meeting all of Tier 1 and 2 and the following:

a. Construction of the proposed Multi Modal Collector Road System that is adjacent to or through a project;

b. Mixed use building for projects including both residential and non residential;

c. Use of green building practices for 75 percent (75%) of all buildings and 75% of the property such as but limited to the use of solar energy for hot water heaters, use of solar energy for electricity, insulation that meets green building standards, use of 100% LED lighting, Low Impact Design, or items supported by the United State Green Building Coalition and the Florida Green Building Coalition Green Building Designation Standard;

d. No disturbance of any on-site wetlands, which shall be included in an easement that provides for the perpetual protection of the wetlands as well as other on-site natural resources.

Figure 401.01.01 a

Figure 401.01.01 b

Undesirable

Desirable

4. Non-residential development Floor Area Ratio (FAR) Range Table - The maximum FAR ranges for non-residential land use designations are provided in Table 4.1a below. These FARs may be achieved by incorporating the development requirements as listed in 401.01.01, F. Variances to the requirements listed in the Tiers shall require the approval of a Planned Development through a Level 3 Review. The FAR in BPCX and MUX is for non-residential uses. The FAR for commercial uses within the BPCX and the MUX shall use those within the IACX. Variances to the requirements listed in the Tiers shall require the approval of a Planned Development through a Level 3 Review.

Table 4.1 a (Revised 10/06/10 – Ord. 10-070)

	Non-Residential Future Land Use Designations			
	TCCX	**BPCX**	**IACX**	**MUX**
Tier 1	**0.35**	**0.75**	**0.35**	**0.75**
Tier 2	0.36 – 0.50	0.76 - 1.00	0.36 – 0.50	0.76 - 1.00
Tier 3	0.50 - 0.75	1.01 - 1.50	0.50 - 0.75	1.01 - 1.50

5. Residential Development - The I-4 NE/Parkway Selected Area Plan is planned for compact, efficient growth. In order to determine how to achieve a certain density, refer to Table 4.1b. This table indicates those densities that may be achieved by implementing the Tiers as described above. The lot sizes and unit types shall be consistent with other relevant chapters of this LDC. Residential density increases in the MUX, IACX, and BPCX shall be consistent with the residential Future Land Use district which closely

matches the allowable densities in MUX, IACX, and BPCX. Variances to the requirements listed in the Tiers shall require the approval of a Planned Development through a Level 3 Review.

Table 4.1 b

Residential Land Use Districts

(Maximum Density - du/ac)

Density (du/ac)	RL-1X	RL-2X	RL-3X	RL-4X	Density (du/ac)	RMX(3)	RHX(3)
#1	Tier 1	Tier 1	Tier 2	Tier 3	> 5 - 8	Tier 3	Tier 2
> 1 - 2	Tier 2	Tier 1	Tier 2	Tier 2	> 8 - 10	Tier 3 and PD per Chapter 4	Tier 1
> 2 - 3	Tier 3	Tier 2	Tier 1	Tier 1	> 10 - 12		Tier 3
> 3 - 4	Tier 3 and PD per Chapter 3	Tier 3	Tier 2	Tier 2	> 12 - 15		Tier 3 and PD per Chapter 3
> 4 - 5	Tier 3 and PD per Chapter 3	Tier 3 and PD per Chapter 3	Tier 3	Tier 3			

(Revised 10/06/10 – Ord. 10-070)

Table 4.1c Use Table for Interstate 4 Selected Area Plan Land Use District *(For this table's revision history, see last row in table)*

	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RHX	LCCX	TCCX	CACX	BPC-1X	BPC-2X	IACX	INSTX	MUX	ROSX	PRESV
RESIDENTIAL USES																
Duplex, Two-Family Attached			C3	C3	P	P								C2		
Group Home, Small (6 or less residents)	C1	C1	C1	C1	C1	C1										
Group Home, Large (7-14 residents)					C1	C1										
Group Living Facility (15 or more residents)	C3	C3	C3	C3	C3	C2							C2			
Mobile Home Park & Subdivision	C4	C4	C4	C4	C3	C3										
Mobile Homes, Individual	C1	C1	C1	C1	C1	C1										
Multi-Family	C3	C3	C3	C3	P	P	C3	C2	C3	C3	C3		C3	C2		
Short-Term Rental Unit	C3	C3	C3	C3	C3	C3		P								
Single-Family Detached Home & Subdivision	P	P	P	P	P	C2								C2		
MIXED USES																
Planned Development	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3
Transitional Area Development	C3	C3	C3	C3	C3	C3										
ALL OTHER USES																
Adult Day Care Center (7 or more clients)	C3	C3	C3	C3	C3	C2							C2			
Agricultural Support, On-site	C3				P	P	P	P	P	P	P	P	P	P	P	
Alcohol Package Sales							C1	C1	C1	C1	C1	C1				
Assembly, Light										C1	C1			C1		
Bars, Lounges and Taverns							C3	C1	C1	C1	C1	C1				
Bed & Breakfast	C3	C3	C3	C3	C2	C2										
Cemeteries							C3						C2	C3		
Childcare Center	C3	C3	C3	C3	C3	C3	P	P	P	C1	C1		P	C1		
Clinics and Medical Offices							P	P	P				P	C2		
Commercial Vehicle Parking							C2	C2	C2	C2	P	P		C3		
Communication Towers, Guyed and Lattice									C3	C3	C2	C2	C2	C2	C3	C3
Communication Towers, Monopole							C3	C2	C3	C2	C2	C2	C2	C2	C3	C3
Community Center	C3	C3	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2	
Correctional Facility													C4	C2		
Cultural Facilities	C3	C3	C3	C3	C3	C3	P	P	P	C2	C2	P	C2	P	C2	
Emergency Shelter, Small (6 or less residents)	C1	C1	C1	C1	C1	C1										

Table 4.1c Use Table for Interstate 4 Selected Area Plan Land Use District *(For this table's revision history, see last row in table)*

	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RHX	LCCX	TCCX	CACX	BPC-1X	BPC-2X	IACX	INSTX	MUX	ROSX	PRESV
Emergency Shelter, Medium (7-14 residents)					C1	C1										
Emergency Shelter, large (15 or more residents)	C3	C3	C3	C3	C3	C2							C2			
Financial Institution							C2	P	P	C2	C2	C2		C2		
Financial Institution, Drive-thru							C2	P	P	C2	C2	C2		C2		
Funeral Home and Related							C2		C2					C3		
Gas Station							C2	P	P	C1	C1	C1	C3	C1		
Golf Course	C1	C1	C1	C1	C1	C3		C1					C1	C3	C1	C2
Hazardous Waste Transfer, Storage																
Heavy Machinery Equipment Sales and Services											C3	P				
Heliports							C3	C3	C3	C3	C3	C3	C3	C3		
Helistops	C3	C3	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2	
Hospitals							P		P				P	C2		
Hotels and Motels							C2	P	P	C2	C2	C2		C2		
Kennels, Boarding							C2	C1	C1							
Lime Stabilization Facility							C3			C3	C3	C3	C3			
Livestock Sale, Auction	C1															
Lodges and Retreats, Private							P	P					P	C2		
Manufacturing, Explosives/Volatile Materials																
Manufacturing, General																
Manufacturing, Light										C2	P			C2		
Marinas and Related Facilities							C1	C1	C1							
Mining, Non Phosphate	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3		C3		C3	
Motor Freight Terminal							C3				C3			C2		
Nightclubs and Dance Halls							C3	C1	C3			C2				
Nurseries and Greenhouses	C1						P	P	P					C2		
Nursing Home					C2	C2	C2		C2				C2	C3		
Office							P	P	P	P	P	C1	C2	P		
Personal Services							P	P	P	P	P	P		P		
Power Plants, Non-Certified, high																
Power Plants, Non-Certified, low										C4	C4		C4			

Table 4.1c Use Table for Interstate 4 Selected Area Plan Land Use District *(For this table's revision history, see last row in table)*

	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RHX	LCCX	TCCX	CACX	BPC-1X	BPC-2X	IACX	INST X	MUX	ROSX	PRESV
Printing and Publishing							C2			P	P	P		P		
Railroad Yards																
Recreation Passive	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	P C1	C1	C1	C1
Recreation, High Intensity	C3	C3	C3	C3	C3	C3	C2	C1					C1	C1	C1	C3
Recreation, Low Intensity	C2	C2	C2	C2	C2	C2							C2		C2	C3
Recreation and Amusement, General							P	C2	C2			C2		C2		
Recreation and Amusement, Intensive								C3				C2				
Recreation, Vehicle Oriented	C3	C3	C3	C3	C3	C3		C2					C1		C1	
Religious Institution	C3	C3	C3	C3	C3	C3	P	P	P	C2	C2	P	P	P	C2	
Religious Institutional Campgrounds															C3	
Research and Development										P	P			P		
Residential Treatment Facility							C4		C4				C4			
Restaurant, Drive-thru/Drive-in							C2	C2	C2	C2	C2	C2		C2		
Restaurant, Sit-down/Take-out								P	P	C2	C2	C2		P		
Retail, Less than 5,000 square feet							P	P	P	C2	C2	P		P		
Retail, 5,000 - 34,999 square feet							P	P	P	C2	C2	C2		P		
Retail, 35,000 to 64,999 square feet							C2	C2	P	C2	C2	C2		C2		
Retail, More than 65,000 square feet							C3	C3	P	C3	C3	C2		C3		
Retail, Outdoor Sales/Display							C2	C3	C3		P	C2		C2		
Riding Academies	C3														C1	
Salvage Yard												C3				
School, Elementary	C2	C2	C2	C2	C2	C2								C2		
School, Middle	C2	C2	C2	C2	C2	C2								C2		
School, High	C3	C3	C3	C3	C2	C2								C2		
School, Leisure/Special Interest	C3	C3	C3	C3	C3	C3	C2	P	P	C2	C2	P	P	C2	P	
School, Technical/Vocational/Trade & Training							C3	C2	C2	C2	C2	P	P	P		
School, university/College					C3	C3								C2		
Self-Storage Facility							C2				C2	C2		C2		
Solar Electric-Power Generation Facility										C2	C2		C2			
Studio, Production							P			P	P	P	P	P		
Transit, Commercial							C3				P			P		

Table 4.1c Use Table for Interstate 4 Selected Area Plan Land Use District *(For this table's revision history, see last row in table)*

	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RHX	LCCX	TCCX	CACX	BPC-1X	BPC-2X	IACX	INST X	MUX	ROSX	PRESV
Transit Facility							P	P	P	P	P	P	P	P		
Utilities, Class I	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities, Class II	C1	C1	C1	C1	C3	C3	P	P	P	P	P	P	P	P	P	
Utilities, Class III	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	
Vehicle Repair, Auto Body							C3				P					
Vehicle Recovery Service/Agency							C2				C2					
Vehicle Service, Mechanical							C2	P	P		P					
Veterinary Services							P	P	P					C2		
Warehousing/Distribution, up to 50,000 s.f.										C1	C1	C1		C1		
Warehousing/Distribution, up to 50,001 to 100,000 s.f.										C2	C2	C2		C2		
Warehousing/Distribution, up to 100,001 to 250,000 s.f.										C3	C3	C3		C3		
Warehousing/Distribution, up to 250,001 and over s.f.										C4	C4	C4		C4		
Water Ski Schools							C3	C3	C3	C3	C3		C3		C3	

Revised 4/19/16 – Ord 16-022; 11/4/14 – Ord. 14-066; 8/5/14 – Ord. 14-045; 10/02/12 – Ord. 12-030; 12/6/11 – Ord. 11-033; 12/06/11 – Ord. 11-032; 6/28/11 – Ord. 11-008; 10/6/10 – Ord. 10-070; 2/3/10 – Ord. 10-007; 12/01/09 – Ord. 09-073; 09/16/09 – Ord. 09-60; 9/02/09 – Ord. 09-055; 07/22/09 – Ord. 09-047; 11/12/08 – Ord. 08-056; 04/09/08 – Ord. 08-007; 10/23/02 Ord. 02-68; 2/11/02 - Ord. 02-04; 12/29/01 - Ord. 01-92; 7/25/01 - Ord. 01-57; 01/03/05 - Ord. 04-80

Table 4.2a Dimensional Regulations for the I-4 NE/Parkway Selected Area Plan

	SPA I-a	SPA I-b	SPA II	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RHX	MUX	IACX	CACX	BPC-1X	BPC 2X
DENSITY AND FAR														
RESIDENTIAL GROSS DENSITY DU/ACRE MAXIMUM/MINIMUM	**N/A**	**N/A**	**N/A**	**1 du/ac N/A**	**2 du/ac N/A**	**3 du/ac N/A**	**4 du/ac N/A**	**10 du/ac N/A**	**15 du/ac NA**	**0 – 15 du/ac**	**10 du/ac 15 du/ac**	**25 du/ac**	**5 du/ac 15 du/ac**	**5 du/ac 15 du/ac**
MIN. RESIDENTIAL LOT AREA (3	**See Table 2.2 for the respective Future Land Use designation**									**See Section 401.01, D, E**	**N/A**	**N/a**	**N/A**	**N/A**
MAX. NON-RESIDENTIAL FAR (see Section 401.01.01 F)	**0.50**	**0.70**	**0.40**	**0.25**	**0.25**	**0.25**	**0.25**	**0.25**	**0.25**	**0.75 – 1.50 and see Section 401.01, E**	**0.35 – 0.75 and see Section 401.01, F**	**0.30**	**0.75 – 1.50**	**0.75 – 1.50**
MAX. NON-RESIDENTIAL IMPERVIOUS SURVACE RATIO	**0.80**	**0.85**	**0.75**	**0.65**	**0.65**	**0.70**	**0.70**	**0.70**	**0.70**	**0.70**	**0.70**	**0.70**	**0.70**	**0.70**
OPEN SPACE PERCENTAGE OF TOTAL SITE	**15%**	**15%**	**15%**	**10%**	**10%**	**10%**	**10%**	**15%**	**20%**	**15%**	**15%**	**15%**	**15%**	**15%**
MINIMUM SETBACKS FROM ROAD RIGHTS-OF-WAY/CENTER LINE (1) (7) (11)														

Table 4.2a Dimensional Regulations for the I-4 NE/Parkway Selected Area Plan

LIMITED ACCESS	100'/NA	100'/NA	100'/NA	100'/NA	100'/NA	100'/NA	100'/NA	100'/NA	100'/NA	100'/NA	100'/NA	100 / NA	100'/NA	100'/NA
PRINCIPAL ARTERIAL	65'/125'	65'/125'	65'/125'	65'/125'	65'/125'	65'/125'	65'/125'	65'/125'	65'/125'	65'/125'	65'/125'	65 / 125	65'/125'	65'/125'
MINOR ARTERIAL	50'/90'	50'/90'	50'/90'	50'/90'	50'/90'	50'/90'	50'/90'	50'/90'	50'/90'	50'/90'	50'/90'	50 / 90	50'/90'	50'/90'
URBAN COLLECTOR	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35 / 65	35'/65'	35'/65'
RURAL MAJOR COLLECTOR	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 95	35 / 95	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65
RURAL MINOR COLLECTOR	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 /65	35 / 65	35 / 65	35 / 65
LOCAL, 60' R/W, or greater	25 / 55	25 / 55	20 / 50	15 / 45	15 / 45	15 / 45	15 / 45	15 / 45	15 / 45	15 / 45	30 / 60	30 / 60	30 / 60	30 / 60
LOCAL, 41- 60' R/W	25 / 50	25 / 50	20 / 45	15 / 40	15 / 40	15 / 40	15 / 40	15 / 40	15 / 40	15 / 40	30 / 60	30 / 60	30 / 60	30 / 60
LOCAL, 40' R/W	25 / 45	25 / 45	20 / 40	15 / 35	15 / 35	15 / 35	15 / 35	15 / 35	15 / 35	15 / 35	30 / 55	30 / 55	30 / 55	30 / 55
MINIMUM SETBACKS (Principal Structure / Accessory Structures) (12)														
INTERIOR SIDE (3) (4) (7) (8)(11) (14)	15 / 10	15 / 10	10 / 5	7 / 5	7 / 5	7 / 5	7 / 5	7 / 5	7 / 5	15 / 10	15 / 10	15 / 15	15 / 15	15 / 15
INTERIOR REAR(3) (4) (7) (8) (9) (11)	20 / 10	20 / 10	15 / 10	10 /10	10 / 5	10 / 5	10 / 5	10 / 5	10 / 5	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15
MAX. STRUCTURE HEIGHT (ft) (2)(5)(6) (10) (12) (13)	50	50	50	50	50	50	50	50	75	N/A	N/A	75'	N/A	N/a

Footnotes for Table 4.2a

1. Front, exterior side, and exterior rear setbacks for principal and accessory structures shall be determined by the distance from the road right-of-way (R/W). Setbacks from private roads shall be calculated in the same manner or from the edge of pavement, whichever is greater. All linear dimensions are given in feet. All setbacks are to be measured perpendicular to the building at its closest point (including but not limited to walls, eaves, balconies, car ports, and awnings) to the appropriate point depending on if the setback is a right of way setback, side or rear setbacks. See Chapter 10 for definitions.

2. Residential structures exceeding 35 feet in height, setbacks shall be increased by one-half of one foot for each one foot of height over 35 feet.

3. All development is subject to Section 610 - Setbacks from lakes and surface waters.

4. All development is subject to Section 220 - Compatibility.

5. Chimneys, smoke stacks, communication towers, and Religious Institution symbols, including but not limited to: minarets, prayer towers, steeples, crosses, menorahs, Stars of David, and bell towers are exempt from the structure height limitations.

6. All structures are subject to compliance with the Polk County Airport Zoning Regulations, adopted and administered by the Joint Airport Zoning Board (JAZB).

7. All residential garage entrances for vehicles shall be setback a minimum of 20 feet from the property line or right-of-way easement.

Table 4.2a Dimensional Regulations for the I-4 NE/Parkway Selected Area Plan
8. All structures shall comply with Section 214 - Distance between Buildings 9. Minimum interior side setbacks for non-residential uses which adjoin non-residential districts may utilize a zero setback in accordance with the provisions in Section 755, provided that side adjoins a non-residential district. 10. Recreational lighting, seating, press boxes, and other similar appurtenances are excluded from height restrictions when approved through a Level 3 Conditional Use process. 11. The Building Official may approve a reduction in the required setbacks of up to ten percent (10%) of the requirement through a Level 1 Review process 12. On structures greater than 50 feet in height the building setbacks shall be increased by one-half of one foot for each one foot of height over 50 feet. Setbacks can be reduced as part of a master development plan. 13. Height limitation variances may be approved per the requirements of Chapter 9. 14. Townhouses, Duplexes and single family attached units intended to be subdivided and sold as individual units shall have no setback from the common wall between units.
Revised 10/6/10 – Ord. 10-070

Table 4.2b Dimensional Regulations for the I-4 NE/Parkway Selected Area Plan

	INST-1X and INST-2X	LCCX	TCCX	ROSX	PRESVX
DENSITY AND FAR					
RESIDENTIAL GROSS DENSITY DU/ACRE MAXIMUM/MINIMUM	**N/A**	**N/A**	**N/A**	**N/A**	**N/A**
MIN. RESIDENTIAL LOT AREA (3	**N/A**	**N/A**	**N/A**	**N/A**	**N/A**
MAX. NON-RESIDENTIAL FAR (see Section 401.01.01 F)	**0.25**	0.35	0.35 - 0.75 **and see Section 401.01, E**	0.10	0.00005
MAX. NON-RESIDENTIAL IMPERVIOUS SURVACE RATIO	**0.70**	0.70	0.70	0.20	0.0001
OPEN SPACE PERCENTAGE OF TOTAL SITE	**15%**	**15%**	**15%**	N/A	**N/A**
MINIMUM SETBACKS FROM ROAD RIGHTS-OF-WAY/CENTER LINE (1) (7) (11)					
LIMITED ACCESS	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA
PRINCIPAL ARTERIAL	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125
MINOR ARTERIAL	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90
URBAN COLLECTOR	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65
RURAL MAJOR COLLECTOR	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65
RURAL MINOR COLLECTOR	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65
LOCAL, 60' R/W, or greater	30 / 60	30 / 60	30 / 60	30 / 60	25 / 55
LOCAL, 41- 60' R/W	30 / 60	30 / 60	30 / 60	30 / 60	25 / 50
LOCAL, 40' R/W	30 / 55	30 / 55	30 / 55	30 / 55	25 / 45
MINIMUM SETBACKS (Principal Structure / Accessory Structures) (12)					
INTERIOR SIDE (3) (4) (7) (8)(11) (14)	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15
INTERIOR REAR(3) (4) (7) (8) (9) (11)	15 / 15	15 / 15	15 / 15	15 / 15	30 / 10
MAX. STRUCTURE HEIGHT (ft) (2)(5)(6) (10) (12) (13)	50	35	00	25 (19)	25

Footnotes for Table 4.2b

1. Front, exterior side, and exterior rear setbacks for principal and accessory structures shall be determined by the distance from the road right-of-way (R/W).

Table 4.2b Dimensional Regulations for the I-4 NE/Parkway Selected Area Plan

Setbacks from private roads shall be calculated in the same manner or from the edge of pavement, whichever is greater. All linear dimensions are given in feet. All setbacks are to be measured perpendicular to the building at its closest point (including but not limited to walls, eaves, balconies, car ports, and awnings) to the appropriate point depending on if the setback is a right of way setback, side or rear setbacks. See Chapter 10 for definitions.

2. Residential structures exceeding 35 feet in height, setbacks shall be increased by one-half of one foot for each one foot of height over 35 feet.

3. All development is subject to Section 610 - Setbacks from lakes and surface waters.

4. All development is subject to Section 220 - Compatibility.

5. Chimneys, smoke stacks, communication towers, and Religious Institution symbols, including but not limited to: minarets, prayer towers, steeples, crosses, menorahs, Stars of David, and bell towers are exempt from the structure height limitations.

6. All structures are subject to compliance with the Polk County Airport Zoning Regulations, adopted and administered by the Joint Airport Zoning Board (JAZB).

7. All residential garage entrances for vehicles shall be setback a minimum of 20 feet from the property line or right-of-way easement.

8. All structures shall comply with Section 214 - Distance between Buildings

9. Minimum interior side setbacks for non-residential uses which adjoin non-residential districts may utilize a zero setback in accordance with the provisions in Section 755, provided that side adjoins a non-residential district.

10. Recreational lighting, seating, press boxes, and other similar appurtenances are excluded from height restrictions when approved through a Level 3 Conditional Use process.

11. The Building Official may approve a reduction in the required setbacks of up to ten percent (10%) of the requirement through a Level 1 Review process

12. On structures greater than 50 feet in height the building setbacks shall be increased by one-half of one foot for each one foot of height over 50 feet. Setbacks can be reduced as part of a master development plan.

13. Height limitation variances may be approved per the requirements of Chapter 9.

14. Townhouses, Duplexes and single family attached units intended to be subdivided and sold as individual units shall have no setback from the common wall between units.

Revised 10/6/10 – Ord. 10-070

Section 401.02 Ronald Reagan Parkway Plan District *(Revised 11/09/05 Ord. - 65; 06/08/04 Ord. 03-94)*

A. *Purpose and Intent*

The Ronald Reagan Parkway Plan district implements the Ronald Reagan Parkway Selected Area Plan (SAP) portion of the Polk County Comprehensive Plan. The Ronald Reagan Parkway Selected Area Plan vision is to create a series of urban communities and neighborhoods interspersed within the natural environment while creating commerce nodes and villages to foster community interaction and public gathering spaces. The district encompasses a wide residential spectrum, commercial centers, corporate centers and natural preserves arranged in a manner to ensure an environmental, economic, and socially sustainable community.

The Ronald Reagan SAP is intended to develop as a more urban community relative to the rest of Polk County. The majority of the housing stock in this community serves three main residential markets; Orlando Metro Area Commuter, Extended Stay Tourist, and Empty Nesters. Retail and employment uses must be granted flexibility to meet the needs of these three different markets. Within the selected area plan there is a mix of regional retail, regional employment centers, and residential neighborhoods that form an interconnected hierarchy of streets, public spaces and vistas.

B. *Applicability*

Development within the CR 54 plan district shall comply with all land use requirements and development standards contained in the CR 54 SAP in Section 2.131-B of the Polk County Comprehensive Plan. This Section applies to development within the CR 54 plan district, the boundaries of which are shown on the FLUMS.

C. *Use Table*

Ronald Reagan Selected Area Plan (SAP) establishes modified future land use districts that include urban uses and urban design aspects that more specifically target the positive market forces attracting development to the area. These vary from those allowed under the general provisions for each specific land use category in with the Comprehensive Plan because of the differences in development styles and urban perspective that this area of the County embodies. Where plan language is in conflict between the standards and characteristics of this Selected Area Plan and other areas of the Comprehensive Plan the provisions of this Selected Area Plan shall apply. The land use categories and uses allowable in this district are shown in Table 4.3. Land use categories and uses not shown are prohibited. Land uses shown with a C1, C2, C3 or C4, shall comply with applicable review processes that correspond with their number.

D. ***Density and Dimensional Regulations***

The density and dimensional regulations for these SAP districts are outlined in Table 4.4, Density limits for the Ronald Reagan Parkway SAP.

Table 4.3 Use Table for Standard Land Use Districts for the Ronald Reagan Selected Area Plan (For revision history, please see last row in table)

	RL-1X	RL-4X	RMX	CCX	NACX	TCX	CACX	RACX	OCX	ECX	BPC-1X	BPC-2X	INDX	INST1X	INST2X	ROSX	PRESVX
Key to Table: P = Permitted by right; C = Conditional Use/Level of Review; if blank = Not Permitted																	
Residential Uses																	
Duplex or Two-family Attached	C3	C2	P			C2											
Group Home, Small (6 or less residents)	C1	C1	C1														
Group Home, Large (7-14 residents)			C1											C1	C1		
Group living Facility (15 or more residents)	C3	C3												C2			
Mobile Home Park			C3														
Mobile Homes, Individual & Subdivision	C1	C4															
Multi-family	C3	C2	P	C2	C2	C2	C2	C2	C2	C2	C3			C3	C3		
Short-Term Rental Unit	C3	C2	C2				C2										
Single-family Detached Home & Subdivision	P	P	C2														
Mixed Uses																	
Planned Development	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3
Residentially Based Mixed Development (RBMD)	C3	C3	C3														
Transitional Area Development	C3	C3	C3														
All Other Uses																	
Adult Day Care Center (7 or more clients)	C3	C3	C3											C2	C2		
Adult Use							C1	C1									
Alcohol Package Sales				C1	C1	C1	C1	C1	C3	C1	C1	C1	C1				
Bars, Lounges, and Taverns				3	C2	C2	C1	C1	C3	C1	C2	C2	C2				
Bed and Breakfast	C3	C3	P			C2				C2							
Car Wash, Full Service							P	P									
Car Wash, Incidental				C2	C2		P	P									
Car Wash, Self Service							P	P									
Cemetery														C2	C2	P	
Childcare Center	C3	C3	C2		P	P	P	P	C2	C2	C2	C2		P	P		
Clinics & Medical Offices				C2	C2	C2	P	P	P	C2				C2	C2		
Commercial Vehicle Parking							C2	C2			C2	P	P				
Communication Towers, Guyed and Lattice							C3	C3		C3	C3	C2	C2	C2	C2	C3	C3
Communication Tower, Monopole							C2	C2		C2	C2	C2	C2	C2	C2	C3	C3

Table 4.3 Use Table for Standard Land Use Districts for the Ronald Reagan Selected Area Plan (For revision history, please see last row in table)

	RL-1X	RL-4X	RMX	CCX	NACX	TCX	CACX	RACX	OCX	ECX	BPC-1X	BPC-2X	INDX	INST1X	INST2X	ROSX	PRESVX
Community Center	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	
Construction Aggregate Processing													C3				
Construction Aggregate Storage													C3				
Cultural Facility	C3	C3	C3	C2	C2	P	C2	C2	C2		C2	C2	C2	C2	C2	C2	
Emergency Shelter, Small (6 or less residents)	C1	C1	C1														
Emergency Shelter, Medium (7-14 residents)			C1											C1	C1		
Emergency Shelter, Large (15 or more residents)	C3	C3	C3											C2	C2		
Financial Institution				P	P	C2	P	P	C2	C2	C2	C2	C2	C3			
Financial Institution, Drive Through				C2	P		P	P	C3		C2	C2	C2				
Flea Market								C3									
Funeral Home & Related Facilities									C2						C2		
Gas Station				P	P	C2	P	P		C2	C2	C2	C2	C3			
Golf Course	C1	C1	C3			C1				C1	C1	C1	C1	C1	C1	C1	C2
Government Facility	C3	C3	C2					C3	P		P	P	P	P	P	C3	
Heavy Machinery Equipment Sales and Services								C3			C2	C2	P		C2		
Heliports							C2	C2		C2	C2	C2	C2	C2	C2		
Helistops	C3	C3	C3	C3	C3		C3	C2	C2	C2	C2	C2	C2	C2	C2	C2	
Hospitals									C3					C3	C2		
Hotels and Motels					C3	C3	P	P		C2	C2	C2	C2				
Institutional Campground	C3	C3												P	P		
Kennels, Boarding and Breeding					C2		C1	P			C3	C2	P				
Lime Stabilization Facility											C3	C3	C3	C3	C3		
Manufacturing, Explosives/ Volatile Material													P				
Manufacturing, General													P				
Manufacturing, Light											C2	P	P				
Mining, Non-phosphate	C4	C4	C4	C4	C4	C4	C4	C4	C4	C4	C4	C4	C4	C4	C4	C4	C4
Motor Freight Terminal												P	P				
Nightclubs and Dance Halls						C3	C3	C1		C2							
Nurseries, Retail					P		P	P			C2	C2	C2				
Nurseries and Greenhouses	P										P	P	P				
Nursing Home			C2				C2	C2						C2	C2		
Office				C2	C2		P	P	P	P	P	P	P	C2	C2		

Table 4.3 Use Table for Standard Land Use Districts for the Ronald Reagan Selected Area Plan (For revision history, please see last row in table)

	RL-1X	RL-4X	RMX	CCX	NACX	TCX	CACX	RACX	OCX	ECX	BPC-1X	BPC-2X	INDX	INST1X	INST2X	ROSX	PRESVX
Office Park									P	P	P	P	P	C2	C2		
Personal Service				C2	C2	C2	P	P	C2	C2	P	P	P				
Recreation, High Intensity	C3	C3	C3							C2				C1	C1	C1	C3
Recreation, Low Intensity	C2	C2	C2							C2				C2	C2	C2	C3
Recreation, Passive	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1
Recreation, Vehicle Oriented	C3	C3	C3							C3				C2	C2	C2	
Recreation & Amusement Intensive				C3	P	C3	C2	C2	C3	C2							
Recreation & Amusement General				C2	C2	C2	C2	C2		C2							
Religious Institution	C3	C3	C3	C2	C2	C3	C2	C2	C2		C2	C2	C2	C2	C2	C2	
Research & Development								P	P	P	P	P	P	C2	C2		
Restaurant, Drive-thru/Drive-in				C2	C2		C2	C2			C2	C2	C2				
Restaurant, Sit-down/Take-out				C2	P	P	P	P			C2	C2	C2				
Retail, Less than 5000 sq. ft.			C2	P	P	P	P	P	C3	P	C2	C2	C2				
Retail, 5,000 – 34,999 sq. ft.				C3	P	P	P	P	C3	P	C2	C2	C2				
Retail, 35,000 - 64,999 sq. ft					C3	C3	P	P		C2	C2	C2	C2				
Retail, More than 65,000 sq. ft.					C3		P	P			C3	C3	C3				
Retail, Outdoor Sales/Display							C3	C3				P	P				
Riding Academies	C3	C3														C3	
Salvage Yard													C4				
School, Elementary	C2	C2	C2											P	C2		
School, Middle	C2	C2	C2											P	C2		
School, High	C3	C3	C2											C3	P		
School, Leisure/Special Interest	C3	C3	C3	C3	C2		P	P	C3	C2	C2	C2	C3	P	P	P	
School, Technical/Vocational/Trade & Training				C3	C3		C2	C2	C2	P	C2	C2	P	C3	P		
School, University/College		C3	C3		C3		C3	C3		P	C2	C2	C3	C3	P		
Self-storage Facility							C4	C3			C2	C2	C2				
Solar Electric-Power Generation Facility											C2	C2	C2	C2	C2		
Studio, Production								P	P	P	P	P	P	P	P		
Truck Stop								P			C2	C2	C2				
Utilities, Class I	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities, Class II	C1	C1	C1	P	P	P	P	P	C1	P	P	P	P	P	P	P	
Utilities, Class III	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C2	C3	C3	C3	
Vehicle Recovery Service/Agency												C2	C2				
Vehicle Repair, Auto Body												P	P				
Vehicle Service, Mechanical					P		P	P			C3	P	P				

Table 4.3 Use Table for Standard Land Use Districts for the Ronald Reagan Selected Area Plan (For revision history, please see last row in table)

	RL-1X	RL-4X	RMX	CCX	NACX	TCX	CACX	RACX	OCX	ECX	BPC-1X	BPC-2X	INDX	INST1X	INST2X	ROSX	PRESVX
Vehicle Sales, Leasing							C2	P			C2	C2					
Veterinary Service				C1	P		P	P	P			C2	C2				
Warehousing/Distribution											P	P	P		C3		
Wholesale, Enclosed											P	P	P				
Revised 4/19/16 – Ord. 16-022; 6/23/15 – Ord. 15-038; 1/6/15 – Ord. 15-001, 8/5/14 – Ord 14-045; 10/2/12 – Ord. 12-030; 12/6/11 – Ord. 11-033; 12/06/11 – Ord. 11-032; 6/28/11 – Ord. 11-008; 3/17/10 – Ord. 10-012; 2/3/10 – Ord. 10-007; 12/01/09 – Ord. 09-073; 09/16/09 – Ord 09-060; 09/02/09 – Ord. 09-055; 07/22/09 – Ord. 09-047; 11/12/08 – Ord. 08-056; 11/09/05 - Ord. - 65; 01/03/05 - Ord 04-80; 03/25/03 - Ord. 03-23; 01/30/03 - Ord. 03-14; 10/23/02 - Ord. 02-71; 4/23/02 - Ord. 02-20; 12/28/01- Ord. 01-92; 11/1/01 - Ord. 01-44; 7/25/01 - Ord. 01-57																	

Table 4.4 Density and Dimensional Regulations for the Ronald Reagan Selected Area Plan(rRevised 11/09/05 - Ord. - 65)

	RL-1X	RL-4X	RMX	CCX	TCX	NACX	CACX	RACX	OCX	ECX	BPC-1X	BPC-2X	INDX	INST1X	INST2X	ROSX	PRESVX
RESIDENTIAL GROSS DENSITY(1)(2)(3)3 MINIMUM *MAXIMUM*	1 du/ac *1 du/ac*	3 du/ac *5 du/ac*	6 du/ac *15 du/ac*	5 du/ac *10 du/ac*	15 du/ac 25 du/ac	5 du/ac *10 du/ac*	15 du/ac *25 du/ac*	15 du/ac *25 du/ac*	5 du/ac *10 du/ac*	10 du/ac *15 du/ac*	N/A	N/A	N/A	N/A	N/A	N/A	N/A
AVERAGE RESIDENTIAL LOT AREA	40,000 sf	5,000 sf	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MAX. NON-RESIDENTIAL IMPERVIOUS SURFACE RATIO (ISR)(4)(15)	0.50	0.70	0.80	0.80	0.90	0.80	0.80	0.80 0.70-GS	0.80	0.80	0.80 0.70-GS	0.80 0.70-GS	0.75	0.70	0.70	0.20	0.0001
MAX. NON-RESIDENTIAL FLOOR AREA RATIO (FAR)(5)(2)	0.25	0.25	0.30	0.25	0.5	0.25	0.40	0.40	0.30	0.75	0.75	0.75	0.75	0.25	0.25	0.10	0.00005
MINIMUM SETBACKS FROM ROAD RIGHTS-OF-WAY (6) (9) (12)																	
LIMITED ACCESS	100'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	100'
PRINCIPAL ARTERIAL	65'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	65'
MINOR ARTERIAL	50'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	50'
URBAN COLLECTOR	35'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	35'
LOCAL ROAD	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'
MINIMUM SETBACKS (Principal Structure / Accessory Structures)																	
INTERIOR SIDE (9) (10) (15)(12)	10' / 5'	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	15 / 15
INTERIOR REAR(9) (10)(13)	15' /10'	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	30 / 10
MAX. STRUCTURE HEIGHT (ft) (7)(10)(11)	50'	50'	50'	50'	50'	50'	75'	75'	50'	75'	75'	100'	N/A [18]	50'	130'	25' [(19)]	25'

See footnotes following table.

Footnotes for Table 4.4

1. Residential density is the average number of dwelling units per acre of land. Gross density is calculated by dividing the total number of dwelling units on a site by the gross site area, exclusive of existing water bodies *(Note: The term "water bodies" does not include man-made wet-retention/detention areas, man made lakes, or man made ponds)*. The area for computing gross density shall include all public and institutional land areas (e.g. internal streets, sewer plants, schools, and parks) located within a site, as well as one-half of the right-of-way area for perimeter local streets, and one-fourth of the right-of-way area for perimeter local street intersections.

2. Higher densities and Floor Area Ratio (FAR) may be achieved through a Planned Development. See Sections 303 and 401.02.E.7

3. Residential is only permitted in NACX, CCX, and OCX when accessory to commercial or office development.

4. The impervious surface ratio (ISR) is the relationship between the total amount of impervious surface which is present on a site and the total site area. Impervious surfaces are those which do not absorb water. They include buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt. The ISR is calculated by dividing the total area of all impervious surfaces on a site by the gross site area, excluding existing water bodies *(Note: The term "water bodies" does not include man-made wet-retention/detention areas, man-made lakes, or man-made ponds).*

5. The floor area ratio (FAR) is the relationship between the total floor area on a site and the total site area. The FAR is calculated by adding together all floor areas of all floors and dividing this total by the gross site area, exclusive of existing water bodies *(Note: The term "water bodies" does not include man-made wet-retention/detention areas, man-made lakes, or man-made ponds).*

6. Front, exterior side, and exterior rear setbacks for principal and accessory structures shall be determined by the distance from the road right-of-way (R/W). Setbacks from private roads shall be calculated in the same manner or from the edge of pavement, whichever is greater. All linear dimensions are given in feet.

7. Residential structures exceeding 35 feet in height, setbacks shall be increased by one-half of one foot for each one foot of height over 35 feet.

8. All development is subject to Section 610 - Setbacks from lakes and surface waters.

9. All development is subject to Section 220 - Compatibility.

10. Chimneys, smoke stacks, communication towers, and Religious Institution symbols, including but not limited to: minarets, prayer towers, steeples, crosses, menorahs, Stars of David, and bell towers are exempt from the structure height limitations.

11. All structures are subject to compliance with the Polk County Airport Zoning Regulations, adopted and administered by the Joint Airport Zoning Board (JAZB).

12. All residential garage entrances for vehicles shall be setback a minimum of 20 feet from the property line or right-of-way easement.

13. All structures shall comply with Section 214 - Distance between Buildings.

15. Impervious surface ratio (ISR) does not apply to single family residential development. GS indicates lower ISR standard for properties in the Green Swamp Area of Critical State Concern.

16. Minimum interior side setbacks for non-residential uses which adjoin non-residential districts may utilize a zero setback in accordance with the provisions in Section 755, provided that side adjoins a non-residential district.

17. Recreational lighting, seating, press boxes, and other similar appurtenances are excluded from height restrictions when approved through a Level 3 Conditional Use process.

18. The Building Official may approve a reduction in the required setbacks of up to ten percent (10%) of the requirement through a Level 1 Review process.

E. ***Performance Standards***

The performance standards for development in the Ronald Reagan Parkway SAP are embodied in seven primary categories; Vehicle Transportation, Pedestrian Accessibility, Recreation, Wetlands, Landscaping, Signs, and Specific Use Standards.

1. Transportation - To accommodate the urban densities and intensities intended for this planning area, a network of collector roads is needed to provide multiple routes to the major transportation corridors that connect this area with the Orlando Metropolitan Area. Ronald Reagan Parkway (CR54), US Highway 27, Lake Wilson Road, and U.S. Highway 17/92 alone cannot provide the needed capacity in the long run. Parallel routes must be created to divert traffic seeking a multitude of destinations. Employment, retail, and residential development must be interconnected to mitigate the burden of growth upon this area. The following standards apply to all development within the SAP:

   a. Where a future roadway is indicated on the Comprehensive Plan Future Land Use Map to lie within the property to be developed, there are two options

      i. The developer may construct the road, as set forth in the SAP, through the property from the general location depicted on the FLUMS where it enters the property to the general location where it terminates; or,

      ii. The developer may dedicate, fee simple prior to Level 2 development approval, the maximum amount of right-of-way to the County for the road type specified in the plan per the Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.

   b. Where different types[1] of development meet there shall be at least one direct vehicle connection to the greatest extent practicable.

   c. All residential development of two hundred (200) units or more shall have more than one access or entrance.

   d. All residential development of more than five hundred units shall have at least three forms of access or entrance.

[1]General types such as residential, commercial, office, service, employment etc.

e. Within developments that have an internal roadway system, streets will be designed to be as narrow as possible, without compromising auto safety and access to public service vehicles. Table 4.5 shall be used as a guide:

Table 4.5

TYPE OF ROADWAY	ROW	TRAFFIC LANES	FRONT SETBACK	MIN. SIDEWALK WIDTH	MIN. PLANTER WIDTH	SIDE W/ PARALLEL PARKING
RESIDENTIAL STREETS						
Residential Alley	14'	2	5'	N/A	*	N/A
Parkside Neighborhood Street	24'-32'	2	15'	4'-5'	5'	**
Frontage Road	24'-32'	2	15'	4'-5'	5'*****	1**
Minor Neighborhood St.	24'-32'	2	15'	4'-5'	5'	2**
Neighborhood Collector	30'-38'	2	7' or 15'****	4'-5'	5'	2**
Mid-Block Green	46' min.	2 one-way loop	15'	4'-5'	5'& 10' min.	2
Neighborhood Boulevard	56' min	2	15'	4'-5'	8'***	2***&**
COMMERCIAL STREETS						
Commercial Main Street	34'	2	10'	15'	8'**	2**
Commercial Street	36'	2	10'	15'	6'	2
Collector	58'	4	20'	6' Bike (opt.)	7'	N/A
Arterial	112'	6	20'	6' Bike (opt.)	7'	N/A

NOTES:
* 5' planter within rear yard setback.
** See CR 54/ Loughman Development Handbook.
*** Parallel parking and planter share same 7 foot width of ROW and alternative.
**** 7' setback at side yard.
***** Tree wells at 40' on-center in parking areas.

2. Pedestrian Accessibility - In order to ensure adequate safety for the non-motorized public in an area developed to an urban intensity, it is imperative that stabilized pedestrian facilities are provided internally and externally in all development to create an efficient, effective and safe circulation throughout the plan=s area. All development shall include an internal pedestrian network that links directly to adjacent development and to existing or planned external pedestrian facilities. The following criteria identify the minimum extent of internal sidewalk patterns and pedestrian connections:

a. Where streets exceed an uninterrupted[2] distance of 800 feet or more, there shall be sidewalks on both sides.

b. Where streets terminate with a cul-de-sac, sidewalks may be discontinued within 150 feet of the end of pavement unless there is a corresponding pedestrian connection located within that distance.

[2] Street intersection or traffic calming device.

c. Where open space areas, recreation areas, utility easements or stormwater tracts from neighboring developments meet, a pedestrian connection shall be constructed. Such facility shall be a minimum 4 feet wide and constructed of a dust free surface or clearly marked stabilized base surface.

3. Recreation Facilities - 380 square feet of park-and-recreation space per unit shall be provided within each residential development and related specifically to that development. Each dwelling unit shall be within 1/4 mile of park or recreation facility within the residential development. The following types of land shall be allowed to meet the park-and-recreation space requirements:

   a. Right-of-way over-sizing with accommodation for pedestrian sidewalks, bicycle pathways and pocket parks.

   b. Stormwater retention/detention provided it is designed in an aesthetically pleasing manner that creates a sense of place and opportunities for community gatherings and includes a pedestrian/bicycle path that is connected to a linked system;

   c. Passive recreation areas; and

   d. Active recreation areas.

4. Wetlands - All wetland areas deemed under the jurisdiction of the Army Corps of Engineers, Florida Department of Environmental Protection or the Water Management District (South or Southwest Florida) are considered Preservation (PRESVX) regardless of their appearance on the generalized Future Land Use Map. The purpose of the preservation district is to offset and mitigate the impact upon the regional environmental system that is anticipated to result from the urbanization of the area. The following uses shall be the only development allowed in wetlands:

   a. access to the site where other alternatives do not exist;

   b. internal traffic or pedestrian circulation, where other alternatives do not exist, or for purposes of public safety;

   c. utility transmission and collection lines;

   d. passive recreation facilities; and,

   e. pre-treated storm-water management.

5. Landscaping and Reforestation - It is essential when creating an urban environment to replenish and protect the natural landscape. The benefits are: reduction of ambient temperatures, creation a more drought tolerant environment, mitigation of the

hardscape of urban areas, restoration of wildlife habitat, reduction of noise pollution, and the reduction of light pollution. The Ronald Reagan Parkway SAP requires the following minimum standards for Canopy Tree Planting, Roadway Landscape and Parking Lot Areas in all development:

a. Canopy trees shall be planted in all development and consist of mixture of deciduous and non-deciduous trees. The minimum number of canopy trees, exclusive of buffers, to be planted or preserved as follows:

   i. Residential Low (RLX) -- 1 tree shall be planted or preserved for every 5,000 square feet of developable residential land area or fraction thereof, up to a maximum of 8 trees.

   ii. Residential Medium (RMX) and Residential High (RHX) -- 8 trees per gross developable acre shall be planted or preserved.

   iii. Activity Centers (RACX, CACX, NACX, CCX, OCX, and ECX) and Institutional (INSTX) -- 6 trees per gross developable acre shall be planted or preserved.

   iv. Industrial (INDX), Business Park Center (BPCX) -- 4 trees per gross developable acre shall be planted or preserved.

b. Roadway Landscape Design within all development shall conform to the following:

   i. A 25'-wide landscape/buffer area shall be provided on both sides of all arterial collector roads. This landscape/buffer area shall be landscaped with trees and shrubs to achieve a 25% coverage after one year of planting. Landscape/Buffer areas are in addition to the street right-of-way.

   ii. Landscaping shall also be encouraged within road rights-of-way but must be based on a plan approved by the County.

   iii. Developers of properties shall plant Live Oak trees along collector and arterial roadways at a ratio of one tree for every 40 linear feet of right-of-way frontage.

   iv. A site plan showing the easement landscape plan and driveway access points shall be required prior to the approval of horizontal plans.

c. Parking lots shall be landscaped pursuant to the following provisions:

i Parking lots shall be required to be landscaped so that no less than 50% of the parking is underneath a canopy at tree maturity.

ii Minimum Landscaped Area - A minimum area not less than 5% of the total off-street parking area shall be devoted to landscaping.

iii Location - Not more than 20% of the parking area landscaping requirement may be provided adjacent to the building it is intended to serve. All other landscaping shall be provided in the form of interior islands, divider medians, and perimeter landscape strips. Landscaped areas shall be located in such a manner as to divide and breakup the expanse of paving and to guide traffic flow. Landscape islands and divider medians shall measure not less than 5 feet in width. At least 1 tree shall be provided in each landscaped area. The remainder of the area shall be landscaped using grass, ground cover, mulch, shrubs, trees, or other landscaping material excluding sand or pavement. All landscaped areas shall avoid overhang encroachment with curb stops or bumpers. If curbing is used abutting landscaped areas, it shall be perforated to permit drainage where necessary.

iv Required Landscaping Adjacent to Public ROWs -- Where a paved off-street parking area is abutting a public right-of-way, landscaping shall be provided between the off-street parking area and the right-of-way in accordance with the following:

1) landscaped strip of land, a minimum of five feet in width, shall extend along the length of the boundary between the parking area and the abutting right-of-way except at point of access. This landscaped strip shall contain at least one (1) tree for each 75 lineal feet, or fraction thereof. Trees may be planted separately or in clusters.

2) The required landscaped strip shall contain a hedge, wall, fence, berm, or other opaque screen, a minimum of 3 feet high, but no more than 6 feet high attained within one year of installation. If non-living barriers are used, one shrub or vine shall be planted along the street side for each 15 lineal feet of screen. The remainder of the landscaped strip shall be landscaped with grass, ground cover, or other appropriate landscaped treatment.

d. Parking shall be minimized and provided the least priority in the Ronald Reagan SAP to provide for more desired open space or to encourage pedestrian activity in an urban environment. Parking requirements of Section 720 may be reduced through shared parking agreements and for all mixed use and interconnected developments by approval of the Land Development Director.

6. Signs - Signage shall be more restrictive than typical standards for Polk County. The SAP shall use visually pleasing, lower height and smaller signs to compliment the overall selected-area site and building design. Flapping flags, blinking lights, and portable signs shall be prohibited. The construction of billboards along the roadways and Interstate 4 shall be specifically prohibited except for temporary billboards advertising the availability of industrial and commercial space located within the SAP for the respective property(ies).

7. Planned Development - Densities may be increased and a greater floor area ratio may be sought provided the following is accomplished with design and approved by the Planning Commission:

   a. substantial effort is made to soften the hardscape of development through:

      i. preservation of mature landscaping or increased and more mature plantings; and,

      ii. curved streets and drive aisles,

   b. multiple connections a provided to adjacent properties (both pedestrian and vehicle); and

   c. a substantial effort has been made to step down intensity and ease the transition to abutting existing developments of lesser intensity.

Table 4.6 and 4.7 Deleted due to Ordinance 05-65 Adopted November 14, 2005

Section 401.03 North US 27 Selected Area Plan

A. ***Purpose and Intent***

This Selected Area Plan (SAP) was adopted in the Polk County Comprehensive Plan to recognize the anticipated high level of urbanization during the next twenty years. The districts and performance standards that follow implement the public/private initiatives outlined in the Plan. In order to achieve an efficient and highly desirable urban growth pattern, a balance of residential and non-residential uses is required, as well as a range of housing opportunities and short trips between housing, employment, and shopping. The approach utilized in the SAP districts includes the creation of traditional neighborhood villages and a town center while preserving sensitive environmental resources.

B. ***Applicability***

This Section applies to development within the North US 27 SAP, the boundaries of which are shown on the FLUMS.

C. ***Use Table***

The land use categories and uses allowable in this district are shown in Table 4.8. Land use categories and uses not shown are prohibited. Land uses shown with a C1, C2, C3 or C4 shall comply with applicable Criteria for Conditional Uses in Chapter 3.

D. ***Density and Dimensional Regulations*** ***(Revised 2/11/02 - Ord. 02-05)***

The allowable densities for this SAP are shown in Table 4.9. Density bonuses are shown in Table 4.10. Excess density credit, earned above the actual constructed density[3], may be transferred off-site throughout the SAP so long as the gross density of the receiving area does not exceed the maximum permitted density within the district. To receive density transfers, a minimum of 30 bonus points is required of the receiving development. Town Center (TC) is a mixed-use district that has both a density by right as well as a floor-area-ratio.

For the entire SAP, height and setbacks are based upon compatibility with adjacent uses and not limited by table 2.2. This SAP also has a minimum gross density per district. To develop below the minimum gross density, bonus points must also be achieved (see Table 4.11).

E. ***Performance Standards*** ***(Revised 4/4/02 - Ord. 02-18; 2/11/02 - Ord. 02-05)***

In addition to all other applicable provisions in this Code, the following conditions and performance standards are imposed for all development within this SAP. Additional standards for the Town Center are outlined in Subsection H.

1. Linked recreation and open space system shall be provided in compliance with Section 401.C.

2. Buffers shall be utilized to create reforestation opportunities and to reduce visual and noise impacts on residential uses. A landscaped buffer 25 feet in width shall be required, according to Buffer Type C in Section 720, along all collector and arterial roads.

3. Special landscaping standards shall apply to all public rights-of-way and private lands used for parking and located along rights-of-way in compliance with Section 401.02.E.3. Xeriscape design is encouraged.

[3]Actual constructed density must be above the density permitted by right to qualify for TDRs.

4. Billboards and other off-site signs are prohibited except as outlined below.

   a. Entrance features may incorporate signs for off-site uses within the SAP.

   b. Temporary signs for real estate sales and special events are permitted as per Section 760.

5. Transportation improvements shall comply with the following:

   a. Arterial and collector roadways shall adhere to the adopted road plan for US 27.

   b. Arterial roads shall be considered controlled direct access roads and access points shall be at least 300 feet apart.

   c. Rights-of-way shall be dedicated for roads designated on the FLUMS and shall comply with the widths required in Section 823.

   d. Curb cut criteria shall be:

US 27	
Median opening (full access)	2640 feet on center
Median opening (directional)	1320 feet on center
Curb cuts right in/right out	660 feet on center
Arterial roadways	
Median opening	600 feet on center
Curb cuts	300 feet on center
Collector roadways	
Curb cuts	200 feet on center

6. In order to provide safe and efficient local traffic movement, the County may designate cross-access corridors along certain roadways. Said corridors shall be designed to provide unified access and circulation among parcels on each block of the thoroughfare. Each corridor shall include the following elements:

Section 401.01 Use Table for U.S. 27 Selected Area Plan

Table 4.8 Use Table for U.S. 27 Selected Area Plan Land Use District (For revision history, please see last row of table.)

Green Swamp ACSC Districts Outlined in Heavy Border	TC X	RAC X	PI X	OC X	RH X	RM X	RL-1 X	RL-2 X	RL-3 X	RL-4 X	INST X	TC X	RAC X	PI X	NAC X	RH X	RM X	RL-1 X	RL-2 X	RL-3 X	RL-4 X	L/R X
RESIDENTIAL USES																						
Duplex, Two-Family Attached						C2	C3	C3	C3	C3							C2	C3	C3	C3	C3	C3
Group Home, Small (6 or less residents)					C1	C1	C1	C1	C1	C1						C1	C1	C1	C1	C1	C1	
Group Home, Large (7-14 residents)					C1	C1					C1					C1	C1					
Group Living Facility (15 or more residents)			C2		C2	C3	C3	C3	C3	C3	C2			C2		C2	C3	C3	C3	C3	C3	
Mobile Home Park & Subdivision						C3	C3	C3	C3	C3							C3	C3	C3	C3	C3	C3
Mobile Homes-Individual						C1	C1	C1	C1	C1							C1	C1	C1	C1	C1	
Multi-Family	C3	C3	C2	C2	P	P	C3	C3	C3	C3		C3	C3	C2		P	P	C3	C3	C3	C3	C3
Residential Infill Development							C2	C2	C2	C2								C2	C2	C2	C2	
Short-Term Rental Unit			C2		P	P	C3	C3	C3	C3				C2		P	C3	C3	C3	C3	C3	P
Single-Family Detached Home & Subdivision						P	P	P	P	P							P	P	P	P	P	
MIXED USES																						
Planned Development	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3
Residentially Based Mixed Development					C3	C3	C3	C3	C3	C3						C3	C3	C3	C3	C3	C3	
Residentially Based Mixed Use Structure	C1	C2			C2	C2	C3	C3	C3	C3		C1	C2			C2	C2	C3	C3	C3	C3	
Transitional Area Development		C3											C3				C3	C3	C3	C3	C3	
ALL OTHER USES																						
Adult Day Care Center (7 or more clients)			C2		C2	C3	C3	C3	C3	C3	C2			C2		C2	C3	C3	C3	C3	C3	
Agricultural Support, On-Site	P	P				P	P	P	P	P	P	P	P				P	P	P			P
Alcohol Package Sales	C1	C1	C1									C1	C1	C1	C1							C1
Bars, Lounges, and Taverns	C3											C3	C1		C2							C1
Bed & Breakfast	P				C3	P	C3	C3	C3	C3		P				C3	C3	C3	C3	C3	C3	P
Car Wash, Incidental	C2	C2										C2	C2		C2							
Cemeteries		C2									P		C2									
Childcare Center	P	P	C2	C3	P	C3	C3	C3	C3	C3	P	P	P	C2	P	P	C3	C3	C3	C3	C3	C3
Clinics and Medical Offices	P	P	P	P							P	P	P	P	C2							
Commercial Vehicle Parking													C2									
Communication Towers, Guyed and Lattice		C3									C2		C3									
Communication Towers, Monopole	C3	C3	C3								C2	C3	C3	C3								C3
Community Center	P	P		C2	P	C2	C2	C2	C2	C2	C2	P	P		C2	P	C2	C2	C2	C2	C2	P

Table 4.8 Use Table for U.S. 27 Selected Area Plan Land Use District (For revision history, please see last row of table.)

Green Swamp ACSC Districts Outlined in Heavy Border	TC X	RAC X	PI X	OC X	RH X	RM X	RL-1 X	RL-2 X	RL-3 X	RL-4 X	INST X	TC X	RAC X	PI X	NAC X	RH X	RM X	RL-1 X	RL-2 X	RL-3 X	RL-4 X	L/R X
Cultural Facilities	P	P	P	C2	P	C3	C3	C3	C3	C3	P	P	P	P	C2	P	C3	C3	C3	C3	C3	P
Emergency Shelter, Small (6 or less residents)					C1	C1	C1	C1	C1	C1						C1	C1	C1	C1	C1	C1	
Emergency Shelter, Medium (7-14 residents)					C1	C1					C1					C1	C1					
Emergency Shelter, Large (15 more residents)			C2	C3	C2	C3	C3	C3	C3	C3	C2			C2		C2	C3	C3	C3	C3	C3	
Financial Institution	P	P	P	P								P	P	P	P							
Financial Institution, Drive-thru	P	P	P	C3								P	P	P	P							
Gas Stations	P	P										P	P		P							C2
Golf Course						C3	C1	C1	C1	C1						C3	C3	C1	C1	C1	C1	C1
Government Facility	P	P	C3	C3	C3	C3	C3	C3	C3	C3	P	P	P	C3		C3	C3	C3	C3	C3	C3	C3
Heliports	C3		C2								C3	C3		C2								
Helistops	C2	C2	C2								C2	C2	C2	C2								C2
Hospitals	C3	P	C3								P	C3	P	C3								
Hotels and Motels	P	P	C2									P	P	C2	C3							C2
Lime Stabilization Facility											C3											
Marina																						C1
Nightclubs and Dance Halls	C3											C3										C3
Nursery, Retail	P	P										P	P		P							
Nursing Home		C2	C2		C3	C3					C2		C2	C2		C2	C2					
Offices	P	P	P	P								P	P	P	C2		C3					C3
Office Park	C2	C2	C2	P								C2	C2	C2								
Personal Services	P	P	C2	C2								P	P	C2	C2							C2
Recreation, High Intensity	C3				C3	C3	C3	C3	C3	C3	C1					C3	C3	C3	C3	C3	C3	C1
Recreation, Low Intensity					C3	C3	C2	C2	C2	C2						C3	C3	C2	C2	C2	C2	C2
Recreation, Passive	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1
Recreation and Amusement, Intensive	P	P										C3	C2		P							C3
Recreation and Amusement, General	C2	C2										C2	C2		C2							C2
Recreational Vehicle Park																						C2
Recreation, Vehicle Oriented												C4	C3			C3	C3	C3	C3	C3	C3	C1
Religious Institution	P	P	C3	C2	C3	C3	C3	C3			P	P	P	C3	C2	C3	C3	C3	C3			C3
Research & Development			P	C3							C2			P								

Table 4.8 Use Table for U.S. 27 Selected Area Plan Land Use District (For revision history, please see last row of table.)

Green Swamp ACSC Districts Outlined in Heavy Border	TC X	RAC X	PI X	OC X	RH X	RM X	RL-1 X	RL-2 X	RL-3 X	RL-4 X	INST X	TC X	RAC X	PI X	NAC X	RH X	RM X	RL-1 X	RL-2 X	RL-3 X	RL-4 X	L/R X
Residential Treatment Facility											C4											
Restaurant, Drive-thru/Drive-in	C2	C2										C2	C2		C2							
Restaurant, Sit-down/Take-out	P	P	C2	C2								P	P	C2	P							C2
Retail, Less than 5,000 square feet	P	P	C2	C2								P	P	C2	P							C2
Retail, 5,000 - 64,999 square feet.	C2	P	C3	C2								C2	P	C3	P							C2
Retail, More than 65,000 square feet	C3	P										C3	P		C3							
Retail, Outdoor Sales/Display	C3	C3										C3	C3									C3
Schools, Elementary							C2	C2	C2	C2	P							C2	C2	C2	C2	
Schools, Middle							C2	C2	C2	C2	P							C2	C2	C2	C2	
School, High			C3				C3	C3	C3	C3	P			C3				C3	C3	C3	C3	
School, Leisure/Special Interest	C2		C2	C2	C3	C3	C3	C3	C3	C3	P	C2		C2		C3	C3	C3	C3	C3	C3	
School, Technical / Vocational/Trade & Training	C2		C2	C2							P	C2		C2								
School, University/College	C3		C3	C2							P	C3		C3			C3				C3	
Solar Electric-Power Generation Facility											C2											
Transit, Commercial													C2									
Transit Facilities		C3											C3									
Utilities, Class I	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities, Class II	C1	P	P	C1	C1	C1	C1	C1	C1	C1	C1	C1	P	P	P	C1	C1	C1	C1	C1	C1	C1
Utilities, Class III	C3	C3	C3		C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3
Vehicle Service, Mechanical	C3											C3			P							C3
Vehicle Sales, Leasing	C3	P										C3	P									
Veterinary Services	P	P	C2	C2								P	P	C2	P							
Water Ski Schools	C3										C3	C3										C3

Revised 4/21/15 – Ord. 15-015; 8/5/14 – Ord. 14-45; 08/19/14 – Ord. 14-052; 03/19/13 – Ord. 13-004; 12/6/11 – Ord. 11-033; 12/06/11 – Ord. 11-032; 6/28/11 – Ord. 11-008; 11/16/10 - Ord. 10-079; 8/18/10 – Ord. 10-060; 9/1/10 – Ord. 10-065; 2/3/10 – Ord. 10-007; 12/01/09 – Ord. 09-073; 09/16/09 – Ord. 09-059; 07/22/09 – Ord. 09-047; 03/18/09 – Ord. 09-009; 11/12/08 – Ord. 08-056; 5/21/08 – Ord. 08-016; 7/25/07 – Ord. 07-39; 02/16/05 - Ord. 05-05; 3/25/03 - Ord. 03/23; 4/23/02 - Ord. 02-20; 2/11/02 - Ord. 02-05; 12/28/01 - Ord. 01-92; 11/1/01 - Ord. 01-44; 7/25/01 - Ord. 01-57)

Table 4.9 Density Limits for U.S. 27 SAP (Revised 1/6/10 – Ord. 10-003; 05/21/08 – Ord. -08-016; 7/25/07 – Ord. 07-39; 02/11/02 - Ord. 02-05; 11/1/01 - Ord. 01-44)

Land Use	DU/A	FAR	ISR
RL-1X	0-8 (1)	0.25	0.6
RL-2X	0-8 (1)	0.25	0.6
RL-3X	0-8 (1)	0.25	0.6
RL-4X	0-8 (1)	0.25	0.6
RMX	0-15 (2)	0.25	0.7
RHX	15-25 (3) (4)	0.7	0.7
RACX	15-25	0.35	0.7
TCX	25 (2)	0.50	0.5
L/RX	10	0.35	0.5
PIX	6-10	0.7	0.6
INSTX	0	0.35	0.5
ROSX	0	0	0.25

(1) Densities over 4 du/a may be achieved by following the Density Bonuses outlined in Table 4.10.
(2) Densities over 6 du/a may be achieved by following the Density Bonuses outlined in Table 4.10.
(3) Densities and intensities in the GSACSC shall conform to Table 5.3.
(4) The maximum density for RHX shall be 20 units per acre unless the RHX is adjacent to a RACX or TCX, in which case the maximum density shall be 25 units per acre.

a. A continuous linear travel corridor extending the entire length of the block which it serves, or at least 1,000 feet of linear frontage along the thoroughfare, and having a design speed of 10 mph. Final design of the facility shall be approved by the County Engineer.

b. Sufficient width to accommodate two-way travel aisles for automobiles, service vehicles, and loading vehicles.

c. Stub-outs and other design features which make it visually obvious that the abutting properties may be tied in to provide cross-access, shall be constructed at the time of development.

d. Linkage to other cross-access corridors in the area.

e. Where a cross-access corridor is designated by the County, no subdivision plat, site plan, or other development shall be approved unless the property owner grants an easement allowing general cross-access to and from the other properties in the affected area. Such easement shall be recorded in the public records of Polk County and shall constitute a covenant running with the land.

Table 4.10 (Revised 02/11/02 - Ord. 02-05)

US 27 Density Bonus Point System (proposed amendment)		**POINTS AWARDED**
INFRASTRUCTURE AND SERVICES		
Donation for Usable Land (Public Safety, Schools, Parks)		2 per acre
Extending Sidewalks Beyond the Site along Collector and/or Arterial Road Frontage		2 per 1/4 mile
Internal Sidewalks per Units Connected		1 per 50 units
Right of Way Dedication for Planned Connectors		1 per 2 ac
Street Lighting Internal		2
DESIGN		
Decorative Streetlights Internal		2
Canopy Tree in Common Area (over and above buffering requirements and other canopy coverage requirements)		1 per 5000 sf of coverage at maturity
Upland Open Space above the Required 10% for Planned Development		2 for every extra 5% Open Space
Vertical Development		2 per story above 1
Mixed Use Building		2 per story above 1
Size Variations of Single Family Lots (10 % of Total Min /Max)		2 per 3X variation
Width Variations of Single Family Lots (10 % of Total Min /Max)		2 per 2X variation
Traffic Calming - (See Guidelines)		0-8 (decided by DRC)
Alternative Driveways for Single Family, Duplex and Town Homes (Shared Alleys, Rear entrances, Common Parking)		2 per phase
Zero Lot Line or Cluster Development (20% min reduction)		2
Landscaping of Storm Water Ponds (Type A Buffer Standards or better)		2
Landscaping of all sides of External Walls (Type A Buffer Standards or better)		2
TRANSPORTATION		
Access to more than one collector road or better (includes Green Swamp Parkway)		2
Interconnectivity (direct links to adjoining developments and properties)		
	vehicular	2
	pedestrian	2
	residential to non-residential (and vice-versa)	2
Internal capture (mixtures of uses that prevent potential automobile traffic from exiting the site or entering collector or arterial roads)		2
Curb and gutter at lower densities (less than 3 du/ac.)		2
Connector road from one public road to another		5
Distance to Retail Commercial Districts		

Table 4.10 (Revised 02/11/02 - Ord. 02-05)

US 27 Density Bonus Point System (proposed amendment)		**POINTS AWARDED**
	Connected by Sidewalk within One Mile	1
	Connected by Sidewalk within 2 mile	2
	Within 1/4 mile	1
RECREATION		
Community Recreation Facilities Provided within the Development		
	pool	4 / facility (2,000 s.f. minimum)
	athletic courts or ball fields	2
	tot lot	2 / facility
	clubhouse	3 / facility
	facilities centrally located within the development	2
	golf course	3/ 9 holes
	horseback riding stables	1/ each 5 stalls
	community gardening area	1/ acre
	passive recreation (walking paths, trails)	1 to 3 (decided by DRC)
Proximity to Public Recreation		
	connected by sidewalk within one mile	1
	connected by sidewalk within 2 mile	2
	within 1/4 mile	1
RESOURCE PROTECTION		
Wetland Buffer		
	100 feet upland	1
	150 feet upland	2
	200 feet upland	3
Upland Conservation		
	15% of Site	1
	20% of Site	2
	25% of Site	3
Xeriscaping		1
Preservation of 40% of natural vegetation		1
Maintain Original Hydrologic Pattern		1

Table 4.11 (Revised 05/21/08 – Ord. 08-016; 7/25/07 – Ord. 07-039; 02/11/02 - Ord. 02-05)

U.S. 27 BONUS POINTS WORKSHEET

	Residential Low		**Residential Medium**		**Residential High** [1]		**Town Center**	
Density by Right:	**4**		**6**		**15**		**10**	
Density based on bonus points:	# Points	New Density	# Points	New Density	# Points	New Density		
	25 pts or more	1.5	30 pts or more	3	25 pts or more	15		
	20 pts or more	2	25 pts or more	3.5	20 pts or more	16		
	15 pts or more	2.5	20 pts or more	4	15 pts or more	17		
	10 pts or more	3	15 pts or more	4.5	10 pts or more	18		
	5 pts or more	3.5	10 pts or more	5	5 pts or more	19		
	0 pts	4	5 pts or more	5.5	0 pts	20	# Points	New Density
	5 pts or more	5	0 pts	6		21	20 pts or more	6
	10 pts or more	6	5 pts or more	7		22	15 pts or more	7
	15 pts or more	7	10 pts or more	8		23	10 pts or more	8
	20 pts or more	8	15 pts or more	9		24	5 pts or more	9
			20 pts or more	10		25	0 pts	10
			25 pts or more	11			5 pts or more	11
			30 pts or more	12			10 pts or more	12
			35 pts or more	13			15 pts or more	13
			40 pts or more	14			20 pts or more	14
			45 pts or more	15			25 pts or more	15
							30 pts or more	16
							35 pts or more	17
							40 pts or more	18
							45 pts or more	19
							50 pts or more	20
							55 pts or more	21
							60 pts or more	22
							65 pts or more	23
							70 pts or more	24
							75 pts or more	25

PROFESSIONAL INSTITUTIONAL (PIX)	
10 pts or more	7
8 pts or more	8
6 pts or more	9
4 pts or more	10

[1] The maximum density for HRX shall be 20 units per acre unless the RHX is adjacent to a RACX or TCX, in which case the maximum density shall be 25 units per acre

f. Wherever a cross-access corridor has been designated, the sites shall be so designed for coordinated or joint parking, access and circulation systems. These sites shall include stub-outs and other design features necessary to make it visually obvious that the abutting properties may be connected to a unified system.

g. If a site is developed prior to an abutting property, it shall be designed to ensure that its parking, access, and circulation may be connected to a unified system at a later date.

h. If a site abuts an existing developed property, it shall be so designed to connect to the abutting parking, access and circulation unless the Planning Director determines this to be impractical.

F. ***Environmental Protection*** ***(Revised 02/11/02 - Ord. 02-05)***

All development within this SAP shall be designed to protect upland wildlife habitats, native plant communities, wetlands, and other natural resources.

1. If land proposed for development contains a native plant community or communities which equals or exceeds 50 percent of the total pervious open space of the project it shall retain this native vegetation including understory vegetation. If the area of existing native plant community or communities is less than 50 percent of this total pervious open space, then all of the natural vegetation shall be retained. Stormwater ponds or conveyance areas are exempt from this calculation.

2. Land alteration activity which destroys, reduces, impairs a wetland or natural body of water, shall be prohibited, unless there is no recourse in order to allow reasonable use of the land.

3. Wider setbacks may be required by the County to mitigate potential adverse impacts to environmentally sensitive areas.

4. Building setbacks shall be 50 feet from environmentally sensitive areas. Wider setbacks may be required by the County depending on the environmental sensitivity of the area and the intensity of the development proposed adjacent to the area.

5. No filling, excavating, or placement of permanent structures or other impervious surfaces shall be allowed within setbacks except for the installation of a sprinkler system, utility lines, or landscaping; or except as approved by the County for the construction of a road essential for access, construction of a stormwater retention or detention basis or stormwater conveyance, construction of a boardwalk or their stilted structure, grade finishing to provide a gradual slope between the setback line and the environmentally sensitive area, or the limited use of pervious paving material.

6. No underground petroleum storage tanks shall be allowed within the North US 27 SAP, unless the tanks are double walled and provide for monitoring of the interstitial space between the inner and outer tanks.

G. ***Town Center-X Performance Standards*** ***(Revised 2/11/02 - Ord. 02-05)***

In order to develop the Town Center-X in accordance with the intent outlined in the Polk County Comprehensive Plan, the following performance standards shall apply. Said standards are in addition to those outlined in this Section, which apply to the entire SAP.

1. The architectural, streetscapes, local road, pedestrian and bicycle network scheme for all public and private improvements shall be consistent.

2. A system of pedestrian walkways shall be provided to link the Town Center-X with surrounding neighborhoods.

3. A street grid system shall be established and continued for all development.

4. Landmarks and focal points shall be incorporated into the Town Center-X to visually connect to the residential areas.

5. Compliance with the linked open space and recreation system as required in Section 401.C.

6. Road networks shall contain a hierarchy of streets based on pedestrian usage as shown in Table 4.7.

7. Alternative parking approaches will be considered if proven to be adequate to serve the project while encouraging an improved pedestrian environment and design compatibility.

8. Lands within the TCX designation are entitled to 10 units per acre and 1.0 non-residential floor-area-ratio by right. Higher densities may be achieved through a density bonus system provided in Table 4.10 and 4.11 not to exceed 25 dwelling units per acre (25 du./ac.).

H. ***Professional Institutional -X Performance Standards*** ***(Revised 1/6/10 – Ord. 10-003; 7/25/07 – Ord. 07-039)***

1. Development shall be consistent with the following:

   a. On-premise signs shall meet the requirements of Section 760 for the Community Activity Center (CAC) and shall be reduced by 15 percent for sign height and area within the SAP;

b. The setbacks and building height shall meet the requirements of the CAC in accordance with Section 205, Table 2.2.;

c. Multifamily residential development, as a primary, shall be permitted to a maximum of 15 percent of the total developable area of a PIX area at densities ranging from 6 du/ac to 10 du/ac and shall comply with all other requirements of Chapter 3 for multifamily developments within activity centers (CAC, RAC, and BPC-1). Residential units above non-residential uses, at Medium Density Residential density, are encouraged and are not included in the 15 percent residential cap;

d. Retail uses that complement office establishments are permitted to a maximum of 25 percent of the total developable area of a PIX area

e. Single-family attached, single-family detached, duplex, and three unit residential buildings shall be prohibited from being used in the PIX; and

f. Development within the Professional Institutional district shall comply with the following criteria (Policy 2.131-C4f.3. of the Comprehensive Plan).

i. Non-residential Floor Area Ratio (FAR) shall not exceed 0.70;

ii. Impervious Surface Ratio shall not exceed 0.60;

iii. Residential densities shall not be less than 6 dwelling units per gross acre nor exceed 10 dwelling units per gross acre.

iv. Lands shall only be divided as part of a master subdivision plan and all individual lots shall be accessible via internal local roadways;

v. No direct access to US Highway 27 shall be permitted for either driveway connections or parking areas located within the district;

vi. All developments shall provide on-site pedestrian pathways connections to provide access from all parking areas and abutting residential development where appropriate, to the primary uses of the district;

vii. Non-residential building entrances shall be oriented towards abutting rights-of-way in order to create a village like appearance along primary streets; furthermore, no more than two rows of parking shall be placed forward of the front building facade;

viii. Off street parking areas for non-residential uses shall be designed to complement the building facade and emphasize the building appearance and relationship to abutting rights-of-way;

ix. Single occupancy, detached residential dwellings and duplexes are prohibited in the Professional Institutional district;

x. Short-term rental units shall include a management office on the same site as the individual units; and

xi. Loading docks, drive-thru facilities, utility facilities, and storage areas shall be designed to minimize their visibility from abutting collector and/or arterial rights-of-way without diminishing their utility of intended function.

2. For purposes of this section, total developable area of a PIX shall be the group of contiguous parcels designated as PIX not bisected by collector or arterial roads or any physical natural barriers.

I. ***Residential High-X Performance Standards*** ***(Added 5/21/08 – Ord. 08-016)***

In order to develop the residential High-X in accordance with the intent outlined in the Comprehensive Plan, and to complement the creation of a viable mixed-use development pattern, the following performance standards shall apply (Policies 2.131 – C. 2 .f, and 2.131 – C. 4 e, of the Comprehensive Plan):

1. The base density for a RHX district is established at 15 dwelling units per acre (15 DU/AC).

2. The maximum density for a RHX district that does not abut RACX or TCX shall not exceed 20 dwelling units per acre (20 DU/AC), in accordance with Table 4.9, and the density bonus point system identified in Tables 4.10 and 4.11.

3. Residentially Based, Mixed-Use Development may be permitted within the RHX district per the development standards listed in both Chapter 3 of the LDC and this SAP.

4. In addition to residential dwelling units, limited, non-residential uses are allowed in a Residentially Based, Mixed-Use structure, in accordance with Table 4.8 and Section 401.03 J (Residentially Based Mixed-Use).

5. In addition to the landscaping and tree requirements contained in Sections 720 and 721 of this Code, a minimum of six (6) canopy trees per gross developable acre shall be planted or preserved.

J. ***Residentially Based Mixed –Use Standards*** ***(Added 5/21/08 – Ord. 08-016)***

The North US 27 SAP shall encourage Mixed-Use Development through Residentially Based Mixed-use Development and/or Residentially Based Mixed-Use Structure (RBMS) within RLX, RMX, and RHX:

1. Residentially Based, Mixed-Use Development shall be reviewed in accordance with Section 303 of this Code and the criteria outlined and/or modified within the North US 27 SAP and shall be consistent with the following:

   a. The Development Review Committee (DRC) shall evaluate the proposed development to determine how the project is consistent with the items listed in Chapter 3 of this Code and in this SAP. The DRC decision shall be considered as required by the Code in site plan design for Levels 2 through 4 reviews.

   b. The non-residential portion shall be permitted to include uses within the Convenience Center (CC) and Neighborhood Activity Center (NAC) as listed in Table 2.1 of this Code. The population support shall be based not only on current population within and outside of the project boundaries but future estimated population from a source such as the Bureau of Economic and Business Research (BEBR) and/or Polk County population projections within the next five years within the market area radius for the CC or NAC.

   c. The various non-residential uses may be phased. In no instance shall the non-residential uses of a project be constructed prior to completion of at least 50 percent of the residential dwelling units.

   d. All new landscape planting shall consist of mainly native and/or drought tolerant plants that are xeric.

   e. The Development Review Committee shall review the proposed development to determine the project is consistent with items a. through d. above and this SAP. Items a. through d. above may be modified based on circumstances that create a significant hardship on the property through a Planned Development. However, the applicant shall demonstrate how each requirement is being met by the site plan or why a specific requirement should be modified.

2. Residentially Based Mixed-use Structure (RBMS) shall be permitted through a unified master plan as a Level 2 review and shall be consistent with the following:

   a. Residentially Based Mixed-Use Structures shall contain non-residential use(s) vertically integrated. The non-residential uses shall consist of only those uses permitted within the Convenience Center (CC) and Neighborhood Activity Center (NAC).

   b. A RBMS must be developed within a master plan in order to ensure that the overall development is well integrated and shall be based on a consistent architectural, streetscape, local, and bicycle network scheme developed through an urban design component.

   c. In no instance shall a RBMS be constructed without the residential component

d. Lot areas, setbacks, height, and other site and performance standards shall be shown on the permitted use site plan or subdivision construction plans.

e. Non-residential uses within a RBMS shall be constructed as an integral part of the overall construction of the structure, including residential uses.

f. RBMS, located within a development containing other uses, shall be integrated with the remainder of the development by the use of pedestrian connections in addition to automobile connections.

g. RBMS, located adjacent to a RACX or TCX district, shall be integrated with the adjacent development by the use of pedestrian and automobile connections. In these instances, the RBMS shall be permitted in accordance with this section and not as a component of a RBMD unless single use non-residential structures are proposed consistent with the RBMD definition

h. A RBMS shall incorporate safe pedestrian and bicycle oriented design which shall include the following:

i. Pedestrians shall have the choice of walking along a safe a dedicated pathway from the parking areas to the building;

ii. Five foot sidewalks shall be provided along building facades and where required in this SAP and this Code;

iii. Clearly marked pedestrian paths must be provided from sidewalks, parking lots, and other access points to the entrance of buildings;

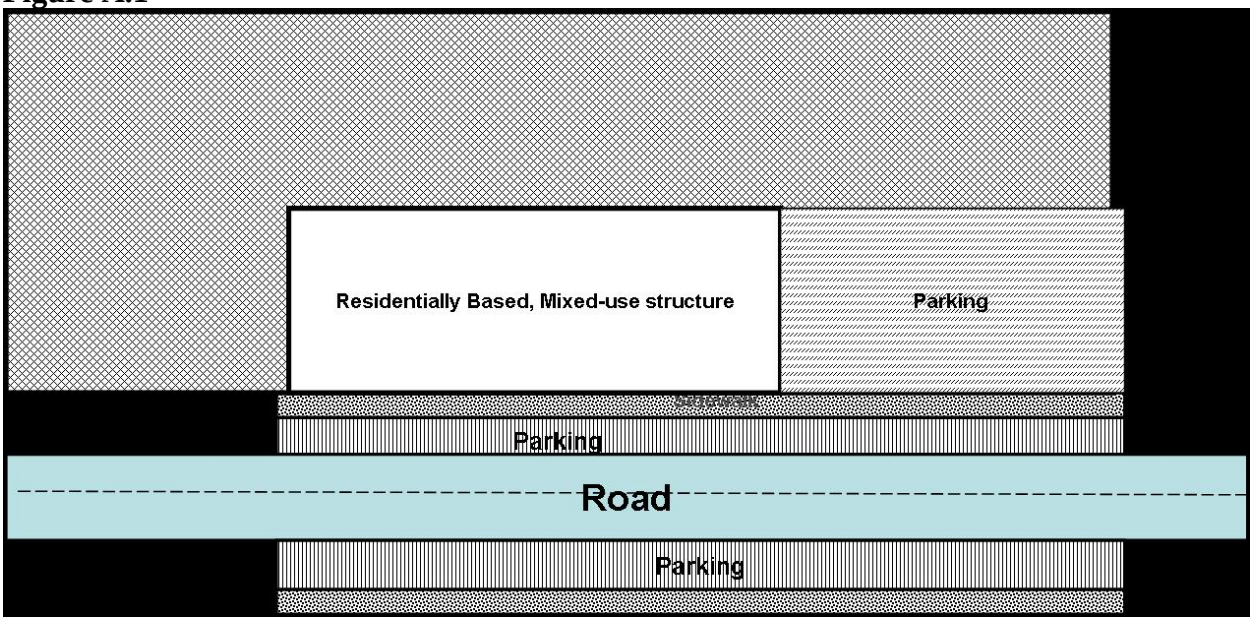
iv. Adequate access and parking facilities (racks, storage, etc.) to support bike riding;

v. All development shall have, at a minimum, pedestrian interconnection with adjacent uses;

vi. Multiple aisle parking shall be allowed on only one side of the structure. All other at grade parking shall be limited to one row (See Figure A.1) and,

vii. All development shall incorporate pedestrian friendly parking areas. At a minimum, parking areas shall include five foot wide paved sidewalks between parking rows every other parking isle.

Figure A.1



i. Structured parking is not a requirement; however, if a developer chooses to create structured parking, it shall incorporate the following:

i.. All structured parking shall be architecturally integrated or designed with an architectural theme similar to the main building(s);

ii. The perimeter of each parking garage floor shall incorporate an opaque screen or other screening mechanism and/or landscaping to ornament, enhance, or embellish automobiles from public view while still maintaining a safe environment; and

iii. Structured parking, starting at the first floor, may include retail, personal, and professional uses.

j. The Development Review Committee shall review the proposed development to determine the project is consistent with items a. through j. above and this SAP. Items a. through j. above may be modified based on circumstances that create a significant hardship on the property through a Planned Development. However, the applicant shall demonstrate how each requirement is being met by the site plan or why a specific requirement should be modified.

Section 401.04 US Highway 98 Selected Area Plan **(Revised 12/1/10 – Ord. 10-082; 5/18/05 - Ord. 05-18)**

A. ***Purpose and Intent***

This Selected Area Plan (SAP) was adopted in the Polk County Comprehensive Plan to recognize the anticipated high level of urbanization during the next twenty years along the

US Highway 98 corridor between the Cities of Lakeland and Bartow. The districts and performance standards that follow implement the initiatives outlined in the Plan. In order to achieve an efficient, sustainable, and highly desirable urban growth pattern, a balance of residential and non-residential uses, wide range of housing types and choices, and short trips between housing, employment, and shopping are all required. Pedestrian and bicycle connections between development will help reduce the need for short vehicular trips and better accommodate those not able to drive. The Fort Fraser Trail is an important non-motorized, linear pedestrian connection linking all development within this SAP and needs to be protected from incompatible uses and connected to all development by a network of sidewalks and bike lanes. Access management required in this section is consistent with the Florida Department of Transportation=s (DOT) US Highway 98 Corridor Access Management Plan (CAMP).

B. ***Applicability***

This section applies to development within the US Highway 98 SAP, the boundaries of which are shown on the Future Land Use Map (FLUM).

C. ***Allowable Use and Intensity of Development*** (***Revised 11/4/2014 – Ord. 14-066; 04/23/08 – Ord. 08-011; 10/11/06 - Ord.06-64***)

The land use categories and uses allowable in this district are shown in Table 4.12. Land use categories and uses not shown are prohibited. Table 4.13a, 4.13b, 4.13c, and 4.13d displays the Density and Dimensional standards separated by residential and non-residential.

1. All development that is permitted (P) or permitted with density bonus points (B) shall require a Level 2 Review in accordance with Table 4.13a, 4.13b, 4.13c, and 4.13d.

2. Land uses shown with a C1, C2, C3 or C4 shall comply with applicable Criteria for Conditional Uses in the US 98 SAP in addition to the requirements of Chapter 3 of the Land Development Code, and all other standards of this code and other applicable governmental agencies.

3. Uses listed as needing Planned Development (PD) approval shall require a Level 3 Review in accordance with this Code.

4. All development shall (development is defined in Chapter 10 of the LDC):

    a. Connect to public potable water and sanitary sewer (except uses in A/RRX, RSX, PRESVX, and ROSX). The connection to sewer may be waived if determined that the project's estimated sewer generation does not meet the definition of availability in Chapter 10 and the service provider's Utility Director, in a written statement, grants an exemption to the applicant for the specific project in accordance with the following criteria through a waiver or Planned Development according to the following criteria:

i. The utility provider issues a letter signed by the Utility Director that connection for reasons including, but not limited to the utility provider's inability to provide service because the expansion is not within the permitted or physical capabilities of the utility provider; and,

ii. Is not meant to circumvent the existing requirement to connect to sewer when the definition of availability is met per this Code.

b. Provide reuse when determined to be available by the utility provider;

c. Install utilities underground for all subdivisions and non-residential development;

d. Provide pedestrian, mass-transit, and non-motorized vehicular (i.e. bicycle) connections and accommodations as provided for in this SAP; and

e. Bona-fide agricultural uses, Family Farms, Family Homesteads, and Lots of Record Are Exempt from this requirement.

f. These requirements do not apply for a one time split of a Lot of Record for residential purposes within a residential land use district. Development on a Lot of Record shall be required to connect to public sewer if the development on that lot meets the definition of availability.

5. Prior to land alteration and as part of a Level 1 Review, a property owner or representative shall submit the following:

a. Any findings from a site survey/walkover by a qualified professional which identifies any threatened or endangered plant or animal species on site. If any are discovered, the applicant shall properly protect the specie(s) or mitigate any impacts consistent with federal, state and local law;

b. A statement verifying the proposed site is not part of the Master File of archeological sites from the Department of State, Division of Historical Resources, or Bureau of Archeological Research. If the site is found to be of historical and/or archeological significance, then the property owner shall ensure proper mitigation pursuant to state and federal law;

c. A tree survey which shall identify, at a minimum,

i. All trees of 12 inch diameter breast height (d.b.h.) and greater;

ii. All trees that will be preserved to meet the requirements as part of Section J of this SAP which is 25 percent (%) of trees with a 12 inch diameter breast height or greater; and,

iii. Any trees included in an applicant=s request and qualifying for a credit of existing trees as defined in Section 721 of the LDC;

d. Existing, bona fide agricultural uses as defined in Florida Statutes, shall be exempt from this requirement; and,

e. This requirement, C., 5, may be reviewed as part of a Level 2 review if the applicant wishes to combine land clearing activities concurrent with Level 2 reviews.

6. All Development Projects - In addition to all requirements of this Code, development in all districts, except ROSX and PRESVX and bona-fide agricultural uses, Family Farms, Family Homestead, and Lots of Record, shall be consistent with the following (this criteria shall be evaluated by the DRC at Levels 2, 3 and 4 to determine the consistency of each development request with the following criteria):

a. Transit stops shall be incorporated into the development every 1/4 mile along U.S. Highway 98. This shall include a bench, signage, and pedestrian cover at the discretion or approval of the Transit Director;

b. All development shall incorporate safe pedestrian and bicycle oriented design which shall include the following:

i. Pedestrians shall have the choice of walking along a safe and dedicated pathway from the parking area to the building;

ii. *5* foot wide Sidewalks shall be provided where required in this SAP and the LDC;

iii. Clearly marked pedestrian paths must be provided from sidewalks, parking lots, and other access points to the entrance of the business(es), (See Figure C);

iv. Adequate access and parking facilities (racks, storage, etc.) in non-residential developments to support bike riding for non-residential uses; and,

v. All development shall have, at a minimum, pedestrian interconnection with adjacent parcels and development in addition to the sidewalks required along road frontages. The interconnection does not have to be public (i.e. a locked pedestrian gate in a gated community).

c. Parking shall be provided to meet the needs of the uses in an efficient manner and may employ optional methods such as shared parking and permeable surfaces. The intent of Chapter 7 shall be met and if any deviations from Chapter 7 are requested, the request shall be made through a waiver as

provided for in Chapter 9 or alternative parking strategy as provided for in Chapter 7;

d. Structured parking is not required, however, if it is used structured parking shall incorporate architectural designs to the facade of the building compatible and consistent with that of the surrounding development. These buildings may include retail, personal, and professional uses in the same structure if in a Land Use sub district that permits these uses;

e. Building height shall be in accordance with Section 205 of the LDC, Table 2.2 with the exception of the Employment Center (ECX) and Town Center (ECX) land use districts (see Section D. Modified Land Use Requirements);

f. Building setbacks and impervious surface ratios shall be in accordance with Section 205 of the LDC, Table 2.2., with the exception of the Employment Center (ECX), Town Center (TCX), and Office Center (OCX) land use districts (see Section D. Modified Land Use Requirements);

g. Floor Area Ratios for non-residential land uses are addressed in Section O of this SAP;

h. Applicants for mixed use developments, including two or more uses (i.e., residential and retail) or retail for projects above 20 acres, shall make the necessary contacts to ensure that public safety services (fire, EMS, and Sheriff), and educational facilities are available to the proposed development. At time of application for a Level 2, 3, or 4, the applicant for a mixed use development shall provide letters, from the provider for Fire, EMS, Sheriff, School Board, and Emergency Management, on the status of each provider=s ability to meet their level of service and what is needed to ensure the needed level of service;

i. Setback and height requirements for non-residential development on vacant property with established non-residential adjacent development shall be used according to the averaging standards in Section 219 of the LDC. The infill non-residential uses shall be limited to office and retail uses under 20,000 total square feet; and,

j. New development and redevelopment of property shall construct all necessary improvements to ensure the minimum roadway standards are met for the entire road frontage of the development according to subsection M., 1.

k. Where outdoor strorage is allowed as an accessory use, the following standards shall apply:

   i. All outdoor storage shall be at a minimum of 50 feet from any residential use or land use district;

ii. All activity shall be limited to operation between the hours of 8 a.m. and 8 p.m.;

iii. All speakers shall be setback 100 feet from any residential use or residential land use district; and,

iv. All speakers shall be directed away from any residential use or land use district.

Table 4.12 - Allowable Uses for US Highway 98 SAP (For revision history, please see last row in table.)

	A/RRX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RHX	ECX	CEX	LCCX	NACX	OCX	TCX	BPC-1X	BPC-2X	INDX	L/RX	INST-1X	ROSX	PRESVX
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																					
Residential Uses																					
Family Farm	C1	C1	2	C2	C2	C2	C2	C2													
Family Homestead	C1	C1	C1	C1	C1	C1															
Fly-in Community	C3	C3	C3	C3	C3	C3	C3	C3													
Group Home, Small (6 or Less residents)	C1	C1	C1	C1	C1	C1	C1	C1													
Group Home, Large (7-14 Residents)	C3	C3					C1	C1											C1		
Group Living Facility (15 or more residents)	C3	C3	C3	C3	C3	C3	C3	C2	C2										C2		
Seasonal Farm Worker Housing	C2	C2	C3	C3	C3	C3	C3	C3													
Mobile Home (Park & Subdivision)	C3	C3	C3	C3	C3	C3															
Mobile Homes, Individual	C1	C1	C1	C1	C1	C1	C1	C1													
Multi-family					C3	C3	C2	C2	C2		C3	C2		C2	C3			C2	C3		
Residential Infill Development		C2	C2	C2	C2	C2															
Rural Residential Development (RRD)	C3	C3																			
Single-family Attached, Duplex			C3	C3	C2	C2	C2							C2							
Single-family Detached Home & Subdivision	P	P	P	P	P	P															
Suburban Planned Development		C3																			
Mixed Uses																					
Planned Development	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3
Residentially Based Mixed Development (RBMD)	C3	C3	C3	C3	C3	C3	C3	C3													
Rural Mixed Development (RMD)	C3	C3																			
Transitional Area Development		C4	C4	C4	C4	C4	C4	C4													

Table 4.12 - Allowable Uses for US Highway 98 SAP (For revision history, please see last row in table.)

	A/RRX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RHX	ECX	CEX	LCCX	NACX	OCX	TCX	BPC-1X	BPC-2X	INDX	L/RX	INST-1X	ROSX	PRESVX
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																					
All Other Uses																					
Adult Day Care Center (7 or more clients)	C3	C3	C3	C3	C3	C3	C3	C2											C2		
Agricultural Support, Off-Site	C3	C3	C3							C2	C2		C3		C3	P	P				
Alcohol Package Sales									C1	C1	C1	C1		C1	C1	C1	C1	C1			
Animal Farm, Intensive	P	C1													C3	P	P				
Bars, Lounges, and Taverns									C3	C3	C1	C1		C1	C1	C1	C1	C1			
Bed and Breakfast	C2	C2	C2	C2	C2	C2	C3	C3						C2							
Breeding, Boarding, and Rehabilitation Facility, Wild or Exotic	C3																				
Car Wash, Full Service and Self Service											C2	C2			C2	C2	C2				
Car Wash, Incidental									C2	C2	C2	C2		C2	C2	C2	C2				
Cemetery	C3																		C2		
Childcare Center	C3	C3	C3	C3	C3	C3	C3	C3	P	C2	P	P	C3	P				C2	P		
Clinics & Medical Offices									C2	C2	C2	C2	C2	C2					C2		
Commercial Vehicle Parking										C2	C2				C2	P	P				
Communication Towers, Guyed and Lattice	C2	C3													C3	C2	C2		C2	C3	C3
Communication Tower, Monopole	C2	C3							C3	C3	C3				C2	C2	C2	C3	C2	C3	C3
Community Center	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	
Construction Aggregate Processing																	C3				
Construction Aggregate Storage																	C3				
Correctional Facility	C4																				
Cultural Facility	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C4
Emergency Shelter, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1	C1													

Table 4.12 - Allowable Uses for US Highway 98 SAP (For revision history, please see last row in table.)

	A/RRX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RHX	ECX	CEX	LCCX	NACX	OCX	TCX	BPC-1X	BPC-2X	INDX	L/RX	INST-1X	ROSX	PRESVX
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																					
Emergency Shelter, Medium (7-14 residents)	C3	C3					C1	C1											C1		
Emergency Shelter, Large (15 or more residents)	C3	C3	C3	C3	C3	C3	C3	C2	C2										C2		
Financial Institution									P	C2	P	P	C2	C2	C2	C2	C2				
Financial Institution, Drive Through									C2	C2	C2	C2	C3	C3	C2	C2	C2				
Funeral Home & Related Facilities									C2	C3	C2										
Gas Station									C2	C2	C2	P		C2	C2	C2	C2				
Golf Course	C1	C1	C1	C1	C1	C1	C3	C3							C1	C1	C1	C1	C1	C1	C2
Government Facility	C3	C3	C3	C3	C3	C3	C3	C3	P	P	P	P	C3	P	P	P	P	C3	P	C3	
Hazardous Waste Transfer, Storage																	C4				
Heavy Machinery Equipment Sales and Service																C2	P				
Heliports	C2								C3		C3				C2	C2	C2		C2		
Helistops	C2	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C3	C3	C3	C2	C2	C2	C3	C2	C2	
Hospitals													C3						C3		
Hotels and Motels									C2	C2	C2			P	C2	C2	C2	C2			
Institutional Campground	C3	C3																P	P		
Kennels, Boarding and Breeding	C1	C3								C2	C2			C2		C2	C2				
Light Assembly									C2						C2	P	P				
Lime Stabilization Facility	C3	C3								C3	C3				C3	C3	C3		C3		
Livestock Sale, Auction	P	C1	C1													C2	P				
Lodges and Retreats, Private	C3									C2	P							P	P		
Manufacturing, Explosives/ Volatile Material																	C2				
Manufacturing, General																	P				

Table 4.12 - Allowable Uses for US Highway 98 SAP (For revision history, please see last row in table.)

	A/RRX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RHX	ECX	CEX	LCCX	NACX	OCX	TCX	BPC-1X	BPC-2X	INDX	L/RX	INST-1X	ROSX	PRESVX
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																					
Manufacturing, Light									C2						C2	P	P				
Marinas and Related Facility	C3									C1	C1			C1				C1			
Mining, Non-phosphate	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	
Motor Freight Terminal										C3	C3				C3	C2	P				
Nightclubs and Dance Halls									C3	C2	C2	C1		C1				C3			
Nurseries, Retail	C2									C2	P	P			C2	C2	C2				
Nurseries and Greenhouses	P	C1	C1							C2	P	P			P	P	P				
Nursing Home							C2	C2		C2	C2								C2		
Office									C2	C2	C1	C2	P	P	C1	C1	C1		C2		
Office Park									P		P		C2	C2	P	P	C3		C2		
Personal Service									C2	C1	P	C2	C2	P	C2	C2	C2	C2			
Printing & Publishing									C2		C2		C3		P	P	P				
Railroad Yard																	C3				
Recreation, Passive	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1
Recreation, High Intensity	C3	C3	C3	C3	C3	C3	C3	C3										C1	C1	C1	C3
Recreation, Low Intensity	C2	C2	C2	C2	C2	C2	C2	C2										C1	C1	C1	C3
Recreation & Amusement, Intensive										C3				C3				C3			
Recreation & Amusement, General										C2	C2	C2		C1				C1			
Recreation, Vehicle Oriented	C3	C3	C3	C3	C3	C3	C3	C3										C2	C2		
Recreational Vehicle Park																		C2			
Religious Institution	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	
Research & Development									P				C3		P	P	P		C2		
Residential Treatment Facility	C4	C4								C4	C4								C4		
Restaurant, Drive-thru/Drive-in									C3	C2	C2	C2		C3	C2	C2	C2	C2			
Restaurant, Sit-down/Take-out									C2	C2	P	P	C2	P	C2	C2	C2	P			
Retail, Less than 5000 sq. ft.									C2	P	P	P	C 2	P	C2	C2	C2	C2			

Table 4.12 - Allowable Uses for US Highway 98 SAP (For revision history, please see last row in table.)

	A/RRX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RHX	ECX	CEX	LCCX	NACX	OCX	TCX	BPC-1X	BPC-2X	INDX	L/RX	INST-1X	ROSX	PRESVX
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																					
Retail, 5,000 – 34,999 sq. ft.									C2	C2	P	P	C3	P	C2	C2	C2	C2			
Retail, 35,000 - 64,999 sq. ft									C2		P	P		P	C2	C2	C2				
Retail, More than 65,000 sq. ft.									C3			C3		C3							
Retail, Home Sales Offsite										C3	C2										
Retail, Outdoor Sales/Display										C4	C2					C3	C3				
Riding Academies	C1	C2	C3															P		C2	
Salvage Yard																	C2				
School, Elementary	C3	C2	C2	C2	C2	C2	C2	C2	C2										P		
School, Middle		C3	C2	C2	C2	C2	C2	C2	C2						C3				P		
School, High		C3	C3	C3	C3	C3	C2	C2	C2						C3				C3		
School, Leisure/Special Interest	C3	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	C3	P	C2	C2	C3	C1	P	C2	
School, Technical/ Vocational/Trade & Training									C2	C3	C3	C3	C2	C2	C2	C2	P		C3		
School, University/College							C3	C3	C3			C3		C3	C2	C2	C3		C3		
Seaplane Base	C3	C3															C3	C3	C3		
Self-storage Facility									C2		C2	C2			C2	C2	C2				
Solar Electric-Power Generation Facility	C2	C3													C2	C2	C2		C2		
Studio, Production									P	P	P		P		P	P	P		P		
Transit, Commercial											C3					C2	C2				
Transit, Facility									C2		C2	C2		P	P	P	P		C3		
Truck Stop																C3	C2				
Utilities, Class I	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities, Class II	C1	C1	C1	C1	C1	C1	C1	C1	C1	P	P	P	C1	P	P	P	P	P	P	P	
Utilities, Class III	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C2	C3	C3	C3	
Vehicle Recovery Service/Agency		4								C2	C2										

Table 4.12 - Allowable Uses for US Highway 98 SAP (For revision history, please see last row in table.)

	A/RRX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RHX	ECX	CEX	LCCX	NACX	OCX	TCX	BPC-1X	BPC-2X	INDX	L/RX	INST-1X	ROSX	PRESVX
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																					
Vehicle Repair, Auto Body										C3	C3					P	P				
Vehicle Service, Mechanical									C2	C3	C2	P				P	P				
Vehicle Sales, Leasing										C2	C2										
Veterinary Service	P	C2							C2	C1	C1	C1	C2	C1	C2	C2	C2	C1			
Warehousing/Distribution									C2						P	P	P				
Water Ski Schools	C4	C4							C3		C3	C3		C3	C3	C3	C3	C3	C3	C3	
Revised 4/19/16 – Ord. 16-022; 11/4/14 – Ord. 14-066; 8/7/14 – Ord. 14-045; 1/22/13 – Ord. 13-002; 12/6/11 – Ord. 11-033; 12/6/12 – Ord. 11-032; 6/28/11 – Ord. 11-008; 2/15/11 – Ord. 11-002; 2/3/10 – Ord. 10-007; 12/01/09 – Ord. 09-073; 09/16/09 – Ord. 09-06009/02/09 – Ord. 09-055; 07/22/09 – Ord. 09-047; 11/12/08 – Ord. 08-056; 1/06 – Ord.06-64																					

D. ***Modified Land Use Requirements*** (*Revised 1/22/13 – Ord. 13-002; 12/1/10 – 10-082; 04/23/08 – Ord.08-011; 10/11/06 - Ord.06-64*)

1. Neighborhood Activity Center (NACX) - In addition to the other requirements of this Code, all development shall be consistent with the following:

   a. Residential development is not permitted as a primary use in NACX, but is permitted above retail, office, or personal service developments in a mixed-use building as an accessory use for up to four stories of residential over non-residential uses (a five story mixed-use building).

2. Linear Commercial Corridor (LCCX) -In addition to the other requirements of this Code, all development shall be consistent with the following:

   a. New development in infill areas shall be limited to office, professional and retail uses.

   b. Residential development is not permitted as a primary use, but is permitted above retail, office, or personal service developments in a mixed-use building as an accessory use for up to two stories of residential above the non-residential uses (a three story mixed-use building);

   c. Non-conforming uses cannot be intensified; and,

   d. Outdoor display, as part of a retail business, is allowed for no more than 25 percent of the impervious area, and shall be limited to the hours of operation.

3. Commercial Enclave (CEX) - In addition to the other requirements of this Code, all development shall be consistent with the following:

   a. Residential development is not permitted as a primary use, but is permitted above retail, office, or personal service developments as an accessory use for up to a total of one story of residential over one story of retail development (a two story mixed-use building);

   b. Non-conforming uses cannot be intensified; and,

   c. Outdoor display, as part of a retail business, is allowed for no more than 25% of the impervious area, and shall be limited to the hours of operation.

4. Business Park Centers (BPCX) - In addition to the other requirements of this Code, all development shall be consistent with the following:

   a. In BPCX-2, outdoor storage, when 100 percent (%) screened from off-site view and not adjacent to the Ft. Fraser Trail, is permitted only in the rear yard of building site (see Figure B);

b. Outdoor display, which is accessory to a retail use consistent with the 15 percent (%) limit of the total area of the BPCX, shall be limited to 25 percent (%) of the impervious area of the retail use; and,

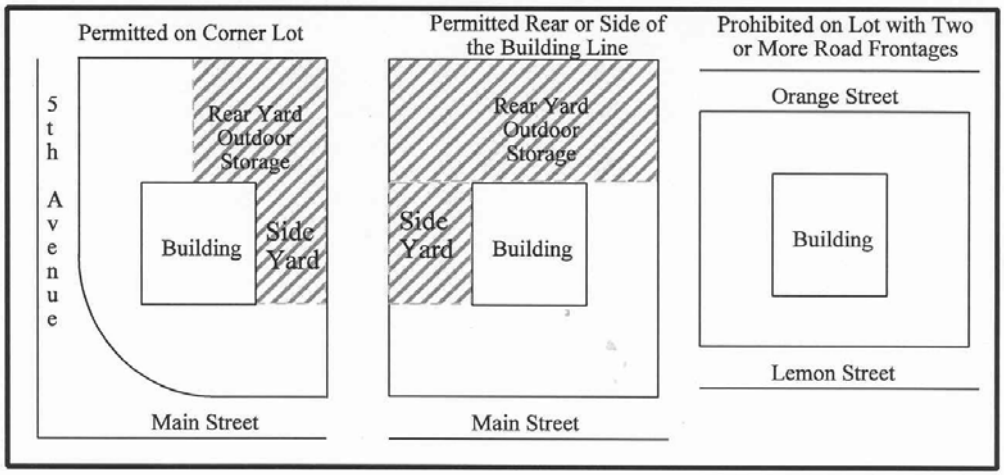
c. In addition to the buffering requirements of Section 720 of the LDC, a Type C Buffer is required when adjacent to a residential land use district or existing residential. (See Figure B)

5. Industrial (INDX) - In addition to the other requirements of this Code, all development shall be consistent with the following:

a. Outdoor storage, when 100 percent (%) screened from off-site view and not adjacent to the Ft. Fraser Trail, is permitted only in the side and rear yard of building site (see Figure A); and,

b. In addition to the buffering requirements of Section 720 of the LDC, a Type C Buffer is required when adjacent to a residential land use district or existing residential.

Figure A Outdoor Storage – Permitted and prohibited areas



6. Employment Center (ECX) B In addition to the other requirements of this Code, all development shall be consistent with the following:

a. On-premise signs shall use the Community Activity Center (CAC) standards of Section 760 (reduced by 15 percent (%) for the SAP) of the L D C;

b. Structure and use setbacks shall meet the Community Activity Center (CAC) requirements of Table 2.2, Density and Dimensional Regulations for Standard Districts of the LDC;

c. Residential development shall be limited to a maximum of 25 percent of the total area of an ECX utilizing High Density Residential density (10 to 15 du/ac) and shall comply with all other requirements of Chapter 3, Conditional Uses, for multifamily developments within activity centers (CACX, RACX, and BPC-1X). Residential units above non-residential uses (vertical mixed-use) are encouraged and do not count towards the 25 percent residential cap. The setbacks for High Density Residential shall conform to the setbacks for the RH Future Land Use district as listed in Table 2.2, Density and Dimensional Regulations for Standard Districts of the LDC;

d. Single-family attached or detached, duplex, and three unit (triplex) residential buildings shall be prohibited in the ECX;

e. Light industrial uses that include at least 50 percent (%) office space, assemble products, and conduct research and development, but do not manufacture any products shall be permitted without a Level 3 Review;.

f. The maximum FAR shall be 0.70. Higher FARs will be allowed through bonus points per the Land Development Code for a total of 1.5. The ISR shall be limited to 0.60 in all cases;

g. Retail and personal services are limited to 30 percent of the ECX district. The maximum FAR for retail uses shall be 0.60. Higher FARs, up to 0.75 may be allowed with bonus points and a Planned Development;

h. Warehouse uses as an accessory use (where at least 50 percent (%) of the square footage is office space) shall be permitted without a Level 3 Review;

i. The maximum building height shall be 100 feet. This may be increased through a variance or a Planned Development; and,

j. The building setbacks shall comply with those listed in Table 2.2 for Community Activity Center (CAC). All footnotes to Table 2.2 shall apply.

k. Area of an ECX shall only include property contiguous within that district irrespective of local or collector roads.

7. Office Centers (OCX) - In addition to the other requirements of this Code, all development shall be consistent with the following:

a. Retail activities and personal services to support activity within an Office Center shall not exceed ten (10) percent of the total area of the Office Center and shall be limited to specialized retail stores. These activities shall not have any outdoor storage;

b. Vehicle parking areas shall not front on roadway systems (along right-of-way) unless a hardship based on the physical constraints of the parcel can be demonstrated by the applicant during a Level 2 Review. Alternative parking proposals shall meet the waiver requirements of Section 932 of the LDC. This waiver may be considered as part of a PD;

c. Residential development is not permitted as a primary use, but is permitted above retail, office, or personal service developments in a mixed-use building as an accessory use for up to two stories of residential above the non-residential uses (a three story mixed-use building); and,

d. Development within the OCX district shall meet 0 to 15 feet build to lines from roads. A Build to Line is a line parallel to the property line adjacent to rights-of-way, along which a building shall be built. The maximum distance that any building can be from the property line is 15 feet. This is to allow for the parking area required in item b above as well as any required pedestrian and bicycle facilities. To allow for maximum development flexibility in meeting the standards within this item and item b, there shall be no pre-determined side or rear setbacks or side or rear build to lines other than those that are required for public safety. However, if the adjoining parcel(s) are developed with an existing residential use or has a Future Land Use district of ROSX, PRESVX, ARRX, RSX, RLX, RMX, or RHX the building(s) shall be consistent with the side and rear setbacks for OC in Table 2.2. Variances to these requirements may be granted according to Section 931 or in association with a PD.

8. Town Center (TCX) - Development within the Town Center shall conform to the following criteria in addition to all other regulations within this Code:

a. Buildings within the TCX shall build to property lines rather than setback back from property lines as follows:

i. Build to lines from roads - (0-15 feet) - A Build to Line is a line parallel to the property line adjacent to rights-of-way, along which a building shall be built. The maximum distance that any building can be from the property line is 15 feet. This area between the building and the property line shall incorporate sidewalks, sidewalk cafes/eating areas, or retail display areas. The building shall be in close proximity to the streets and pedestrian friendly parking areas, pathways, and gathering spaces shall be oriented toward the interior of the development rather than the traditional strip development where a large parking area is in front of a building; and,

ii. Side and Rear build to lines - To allow for maximum development flexibility, there shall be no pre-determined side or rear setbacks or side or rear build to lines other than those that are required for public safety. However, if the adjoining parcel(s) are developed with an

existing residential use or have a Future Land Use district of ROSX, PRESVX, ARRX, RSX, RLX, RMX, or RHX the building(s) shall be consistent with the side and rear setbacks for CAC in Table 2.2.

b. Impervious Surface Area Ratio (ISR) - The ISR shall be 0.70 for all development within the TCX. If a true hardship on the property can be determined, a waiver may be requested pursuant to Section 932;

c. Building design and uses shall include the following:

i. Developments shall have a consistent streetscape and architectural style. The first buildings to be constructed in the Town Center are expected to set the tone of the remaining building design. This may include various frontage types such as terraces, awnings, galleries, or arcades, etc. These terms are not strictly defined but are based on architectural standards of traditional downtowns (i.e. downtowns similar to historic areas of Tampa, Orlando, or Tallahassee);

ii. At least 60 percent (%) of the parcel frontage on the rights-of-way of all roads and the Ft. Fraser Trail shall be lined with buildings;

iii. Pedestrian shelters, awnings, roof overhangs, or other forms of shelter from the weather shall be incorporated along all building sides adjacent to pedestrian walkways; and,

iv. Front building facade architecture shall be incorporated into any building side adjacent to right-of-way.

d. Parking design shall include the following:

i. Parking lots shall be specifically prohibited between the building and US Highway 98 unless the parking is on-street parking, such as parallel parking;

ii. All development shall incorporate pedestrian friendly parking areas. At a minimum, parking areas shall include five foot wide paved walkways between parking rows every other parking isle (See Figure C); and

iii. Structured Parking is not a requirement; however, if a developer chooses to create structured parking, it shall incorporate the following:

1) All structured parking shall be architecturally integrated or designed with an architectural theme similar to the main building(s);

2) The upper floor of parking facilities, if not covered with a roof, shall be landscaped in accordance with parking lot landscaping standards for vehicular use areas, or some other design scheme so that the upper floor does not resemble a field of parking from the upper deck or from the ground elevation. Suggestions, other than landscaping may include trellis work, or treated with a combination of architectural/landscaped elements;

3) The perimeter of each parking garage floor shall incorporate an opaque screen or other screening mechanism and/or landscaping to ornament, enhance, or embellish, automobiles from public view while still maintaining a safe environment; and,

4) Structured parking, starting at the first floor, may included retail, personal, and professional uses.

e. Development proposals of ten acres or more shall provide the following in addition to the other items in this section:

i. A central focal feature such as a park, sculpture, fountain, or plaza that shall include public gathering spaces for pedestrians. Other central focal feature types may be considered by the DRC if based on neo-traditional design;

ii. The central feature shall be pedestrian friendly and allow users of the site to walk from the central feature to all buildings and uses within the development. The central feature shall also include benches or other seating facilities that are incorporated into the architecture of the space; and,

iii. All development shall have, at a minimum, pedestrian interconnection with adjacent parcels and development.

f. Roadway and/or Alley Construction shall be consistent with the following:

i. US Highway 98 and collector roads shall be lined with pedestrian-oriented features which are constructed in a uniform arrangement;

ii. On-street parking shall be provided for any internal roads constructed that meet the County=s local or collector standards. This shall be parallel parking; and,

iii. Internal roads meeting the County=s local or collector road standards shall also incorporate sidewalks and bike lanes.

g. Sign standards within the TCX shall conform to the following:

i. All signs shall be based on the standards for the CAC in Chapter 7 and reduced by 15 percent. Prior to any development, a sign plan shall be submitted for review and final approval.

ii. All signs erected in the TCX shall be reviewed by the DRC to ensure the design of the sign is aesthetically consistent and in harmony with the architecture of the TCX. The first buildings and signs erected within the TCX shall set the tone and style of all signs;

iii. Signs shall be monument-style or building-mounted only; freestanding pole signs shall be specifically prohibited;

iv. Banners attached to lighting fixtures will be permitted if allowed by the owner of the light fixture; and,

v. All signs and lighting of signs shall be consistent with architecture of the buildings.

h. Residential uses shall be limited to Special Residential densities as a primary use for up to 25 percent of the TCX district. Residential units above non-residential uses as an accessory use (vertical mixed-use) are encouraged and are not counted against the maximum residential percentages and densities. Residential development shall be apartment-style or townhouse-style;

i. Any loading docks, utility facilities, car washes and storage areas abutting rights-of-way shall be landscaped from off-site view;

j. The maximum building height shall be 75 feet. This may be increased through a variance or a Planned Development;

k. The Development Review Committee (DRC) shall evaluate proposed development projects to determine how the projects are consistent with items a through k above. The DRC=s decision shall be considered as required by this Code in site plan design for Level 3/4 Conditional Use, and Level 2 Review; and,

l. Any use with a drive-through shall be reviewed as a Planned Development. To minimize the interaction between pedestrians and the drive-through traffic within the Town Center, uses with drive-throughs shall only be located at the intersection of a local commercial, collector or arterial roadway and shall be no closer than 550 feet as measured from the two closest points of the principal structures. This distance may be reduced if a collector or arterial road intersects within the 550 foot separation and the drive-through use is at the intersection of a collector or arterial road.

m. Any use with a driveway aisle between the Fort Fraser Trail and the principal structure within the TCX shall comply with the standards listed in 401.04.I.7 to provide for safe pedestrian crossing points.

n. Items a through k above may be modified based on circumstances that create a significant hardship on the property through a Planned Development. However, the applicant shall demonstrate how each requirement is being met by the site plan or why a specific requirement should be modified.

9. All Residential Future Land Use Designations - In addition to other standards in this Code, the following provision shall apply to all residential development within a residential Future Land Use Designation and Residentially Based Mixed-Use Developments (RBMDs) (Deviations in the maximum lot size, proposing Residentially Based Mixed-Use Developments [RMBDs], or deviations from one of the following amenities shall require a Planned Development [PD] application, see sub section O in this SAP):

a. The dedication of future right-of-way (stub-out) for access to any adjacent undeveloped parcel(s) or to any existing adjacent connections;

b. Pedestrian and/or bicycle connections to adjacent development and parcels;

c. Sidewalks along both sides of the internal roadway network;

d. Sidewalks along frontage of the external roadway network consistent with other requirements in this SAP;

e An approved bench or other appropriate facility on designated transit routes;

f. Fifty percent of the required park and recreation level-of-service acreage shall be provided on site. These recreation areas shall meet the following:

i. No lot shall be more than 1320 feet from any recreation area, measured by way of provided pedestrian connections;

ii. A minimum of 2000 square feet;

iii. Designed with a 2:1 length to width ratio;

iv. Dedicated within a separate tract and maintained by a home owner=s association upon its inception. The developer shall provide all maintenance until such time. All tracts shall be accessible by a means other than an easement;

v. At least one recreation space per development shall include at a minimum one active recreation facility (tennis, racquet ball, basketball, volleyball, equestrian, football, soccer, skate park, etc.); and,

vi. Shall be comprised of upland areas only.

g. All new lots, created after the adoption of the US Highway 98 SAP, which contain a portion of the mapped 100-year flood plain or wetland area(s), shall consist of a usable non-floodplain and/or non-wetland area which is at least as large as the lot size required for the applicable land use sub-district;

h. Setbacks, lot sizes, and general intensity within this SAP favor more compact and efficient development while allowing the most flexibility for varying housing types and layouts. The standards provided in this section are the sole exceptions and deviations from Table 2.2. All other development standards shall apply;

i. To allow for maximum development flexibility, the established minimum side setbacks for residential development shall be five feet unless the zero lot line provisions of Chapter 7 are utilized;

ii. All garage door entrances facing rights-of-way shall be set back no less than 20 feet. Right-of-way setbacks for houses with side loading garages may be reduced to 10 feet provided the entrance does not face the right-of-way and two parking spaces are provided on the property within the driveway;

iii. Where multi-family is adjacent to single-family development, the height of multi-family structures shall be limited to no more than 150 percent (%) of the adjacent single-family structures if the multi-family structure is within a distance equal to the proposed height of that multi-family building (i.e. the farther away the multi-family structure is from the single-family structure then the taller the multi-family structure can be);

iv. Setbacks along local road rights-of-way may be reduced to ten feet as long as a porch is provided along the front facade and the main entrance to the structure is from this porch;

v. The maximum average lot size per unit permitted by right (Level 2 Review) within each district shall be:

RL-1: 30,000 square feet	RL-2: 15,000 square feet
RL-3: 10,000 square feet	RL-4: 8,000 square feet

Lots used to meet the transition lot requirements in item h., vi below, are exempt from the maximum average lot size calculation provided the overall density of the subdivision meets the provisions of Table 4.13b; and,

vi. This section (vi) applies to proposed lots or parcels of a development within a100 feet of the site boundary to be called transition lots. The intent of transition lots or parcels along edges of a development boundary is to provide for better compatibility to existing residential lots or parcels created prior to the adoption of this section (May 18, 2005) that are within 100 feet beyond the site boundary. Divisions of land created after the adoption of this code shall not be used to avoid this requirement. All other lots or parcels beyond the 100 feet of a site boundary, within the development site, shall be permitted in accordance with the maximum average lot sizes provided in Table 4.13b. The figure below this section (Figure A-1) is used to provide better explanation. These transition lots shall:

1) be no smaller than75 percent (%) of the off-site adjacent parcels;

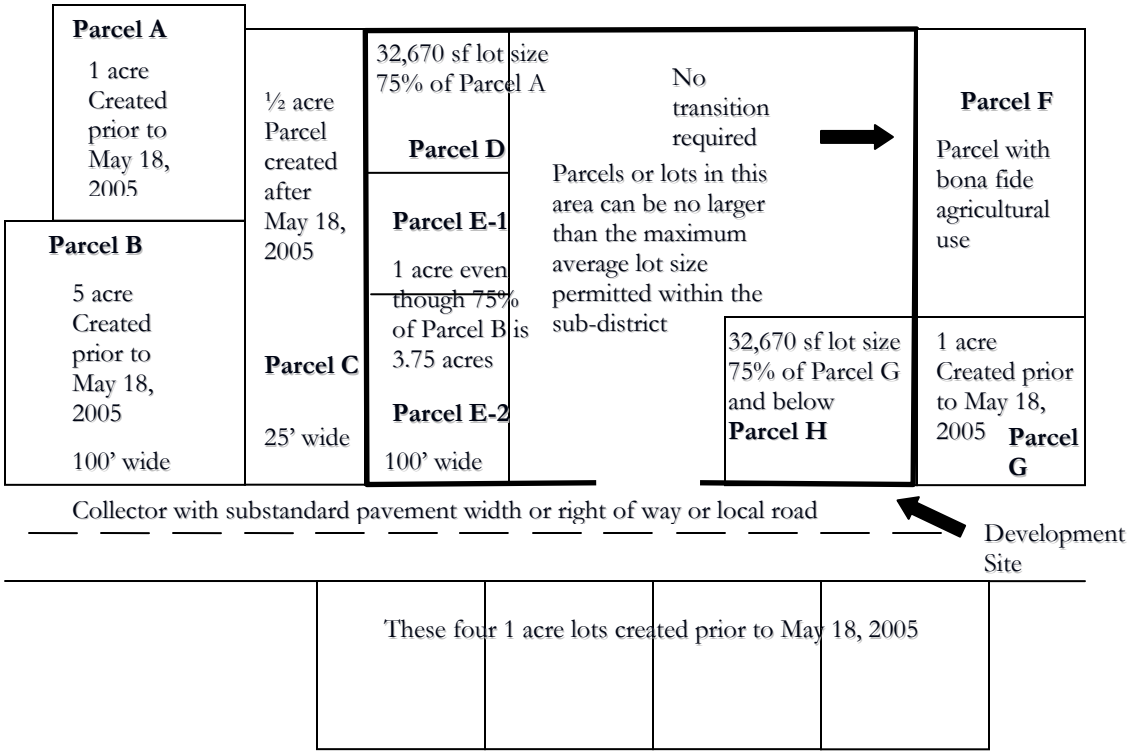
2) be required from lots or parcels separated from the development site by a local road, or a collector road with substandard pavement or substandard right-of-way width;

3) not be required to be larger than one acre:

4) not be required if adjacent to property with a bona-fide agricultural use that has maintained a green belt tax exemption for more than a year (see exhibit below); and

5) not be required if the development site is adjacent to a non-residential future land us district.

i. Bona-fide agricultural uses, Family Farms, Family Homestead, Lots of Record, and land divisions of Lots of Record creating less than three lots and consistent with Policy 2.128-C3 of the Comprehensive Plan are exempt from this section. The Development Standards for these lots shall be consistent Table 2.2, Chapter 3, and Chapter 8.



The Development site is bounded by a dark bold line. Parcels D, E-1, E-2, and H are transition lots from Parcels A, B, and G respectively. Parcel C was created after May 18, 2005 and is not consistent with the Maximum Lot size. Parcel F has a bona fide agricultural use with a green belt tax exemption and therefore no transition is required. In addition, Parcels E and H also have to transition from lot on the south side of the street. All other lots can be designed based on the permitted density, maximum average lot size, and other requirements of this code.

E. ***Conditional Use Requirements*** (*Revised 11/4/14 – Ord. 14-066; 215/11 – Ord. 11-002; 2/3/10 – Ord. 10-007; 10/11/06 - Ord.06-64*)

In addition to applicable provision in Chapter 3, the following conditions shall apply:

1. ***Agricultural Support, off-site*** -Any outdoor storage of equipment or equipment repair areas shall be screened from existing residential uses with a Type B Buffer;

2. ***Boarding of animals*** - Boarding of animals at a veterinary office shall be considered accessory provided the boarding area is within an enclosed building. Exterior run for exercise purposes is permissible.

3. ***Hotel/Motel*** - Hotel/motel uses within the ECX and BPC-1X and BPC-2X districts shall be limited to the percentage cap for retail uses listed in the Comprehensive Plan for this SAP;

4. ***Family Farm*** - The requirements of Chapter 3 shall apply as well as the requirements of the US 98 SAP unless otherwise exempted.

5. ***Family Homestead*** - the requirements of Chapter 3 shall apply as well as the requirements of the US 98 SAP unless otherwise exempted.

6. ***Financial Institutions*** - In addition to all applicable regulations, the following standards shall apply:

   a. All financial institutions, within BPCX and INDX, shall support the existing developed uses. The financial institution has to support uses that are existing within the BPCX or INDX land use district; and,

   b. Financial institutions shall not exceed fifteen percent of the total developed area of the subject land use district. The total developed area shall be calculated based on the inclusion of all existing uses in the subject land use district and those with approved and valid site plans, construction plans and plats.

7. ***Financial Institutions drive-thru*** - In addition to all applicable regulations, the following standards shall apply:

   a. The minimum distance from the 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 lanes, service equipment, or speaker box, whichever is closer;

   b. All speaker boxes shall be oriented away from adjoining residential property;

   c. All drive-thru facilities, including windows and stacking lanes, adjacent to property with a residential use shall be screened with a Type C Buffer; and,

   d. The primary frontage and access shall be on a collector road or better unless contained within a master planned development with access to a collector road or better.

8. ***Light Assembly*** -The following standards shall apply:

   a. No outdoor storage of any materials shall be permitted;

   b. There shall be no external activity beyond loading and unloading of materials to and from an enclosed structure; and,

   c. A buffer equal to a Type C buffer (see section 720) shall be provided between a residential use and any structure requiring loading and unloading of a commercial vehicle(s).

9. ***Retail, Home Sales Offsite*** - The following standards shall apply:

   a. Any display of homes shall be limited to an outdoor display area of up to 50 percent of the total developable square footage of the subject site;

   b. Any site adjacent to a residential use shall provide a Type C buffer (see section 720); and,

   c. Any on-site repairs shall be screened from off-site view.

10. ***Nurseries, Retail*** - The following standards shall apply:

   a. Nurseries and Greenhouses conditions in Section 303 of this code shall be applicable;

   b. In the A/RR land use district:

      i. any retail activity shall be accessory and subordinate to the bona fide agricultural use of the property; and,

      ii. any structure(s) used for retail activity shall not exceed 1,200 square feet.

11. ***Office Park*** - The following standards shall apply:

   a. Offices shall not exceed 30 percent of the total developable area of the subject TCX district. The total developed area shall be calculated based on the inclusion of all existing uses in the subject land use district and those with approved and valid site plans, construction plans and plats; and,

   b. Offices shall not exceed 50 percent of the total developable area of the subject ECX district.

12. ***Retail, Outdoor Sales/Display*** - In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

   a. 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;

   b. Retail establishments shall be required to provide a landscaped buffer at a minimum equal to a Type C buffer (see Section 720); and,

   c. All activity shall be limited to operation from 8:00 a.m. to 9:00 p.m.

13. ***Research and Development*** - Research and development uses within the Institutional district shall support the surrounding uses, i.e., the use has to be related or work in association with the surrounding uses within INST;

14. ***Restaurant, sit down/take out*** - Restaurants, sit down/take out, within the OCX, as part of the ten (10) percent (%) retail and personal services restriction listed in Section D., 7, shall be limited to small sandwich and/or coffee shops intended to serve the OCX;

15. ***Retail*** - Retail uses are limited to 15 percent (%) of the total area of BPCX and INDX and ten (10) percent (%) within the OCX district. Total area includes all the property within the contiguous Future Land Use district of BPCX and INDX even if across a road. Only natural water bodies can be removed from the total area calculations;

16. ***Self Storage Facilities*** -These facilities shall not be more than ten (10) percent (%) of the total area of the ECX district. In addition, the individual spaces shall not be permitted to be accessed from the outside. All users shall access the individual rented space through a common access. Each facade of the facility shall have an office or similar appearance;

17. ***Special Residential*** - If special residential is placed on the edge of the district, the height of the building cannot be more than twice the height of the building in the adjoining district/parcel. Parking areas for special residential uses shall not be adjacent to RLX Future Land Use districts. Light poles, used for special residential uses, shall not be adjacent to existing residential or property designated with a residential Future Land Use district and the lighting shall be directed toward the interior of the development. A lighting plan that includes the fixture type, location, intensity, and photometric calculations shall be submitted for development review with any special residential project;

18. ***Transit Facilities*** - All outdoor storage shall be screened from off site view and shall be setback 50 feet from any property with a residential structure or residential land use designation;

19. ***Truck Stop*** - The following shall apply:

    a. A Type C Buffer 25 feet in width shall be required where the truck stop abuts a residential district or a school;

    b. A Type B Buffer shall be required where a truck stop abuts a non-residential district or use; and,

    c. No truck parking, gasoline sales, fuel storage, or truck servicing activities are allowed within 65 feet of the property line that abuts any residential district or a school.

20. ***Vehicle Service, Mechanical*** - The following shall apply within the ECX land use district:

a. There shall be no external activity beyond loading and unloading of materials. All vehicle repair and servicing of vehicles shall be conducted within enclosed structures.

b. There shall be no outdoor storage.

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

d. All vehicle service structures shall be setback 50 feet from the property line when abutting a residential or professional district.

e. The only mechanical/automotive services permitted are routine maintenance, including but not limited to, tire services, alignment services, cooling system services, oil changes, wheel and brake services, suspension services, electrical services, battery services and preventive maintenance services.

f. All garage bay doors or openings for vehicles shall not face US Highway 98, residential uses or residentially designated properties.

g. A buffer equal to a Type C Buffer (see Section 720) shall be provided between the vehicle service facility and all abutting residential districts and uses. Also, additional canopy trees equal to one tree per 30 linear feet shall be provided adjacent to residential areas.

h. No vehicles shall be stored outdoors overnight.

i. This use shall be considered part of the retail limitation of 30 percent for the ECX land use district unless varied from by the Planning Commission through a Level 3 Review.

j. If this use is part of a Planned Development that is associated with the TCX land use district, the architecture of the building(s) shall be consistent with the initial buildings constructed in the TCX.

k. There shall be at least one pedestrian access point on each side of the site boundaries if the request is part of a Planned Development.

21. ***Warehouse and/or distribution facilities*** - There shall be no loading or unloading forward of the front building line, adjacent to the Fort Fraser Trail, or adjacent to residentially developed property, or to property with a residential Future Land Use designation .

F. ***Development Design Standards and Requirements***

In addition to all other applicable provisions in this code, the following conditions are imposed:

1. Any Development fronting along SR 540 shall conform to the following:

    a. Any new non-residential buildings or expansion of existing non-residential buildings shall provide a facade resembling a typical office; and,

    b. No outdoor storage shall be visible (100% screened) from US 98, SR 540 or adjacent to residential lots.

2. All development at the intersection of SR 540 and US 98 shall provide, at a minimum, a Type "A" Buffer along these road rights-of-way;

3. Residentially Based Mixed Use Development (RBMD) - In addition to other standards in this Code and in addition to D.10, the following shall apply:

    a. Parcels abutting US 98 or Colbert Road shall provide a landscaped buffer between the off-street parking areas and internal or external roadways in accordance with the following:

        i. In addition to Section 720 of the LDC, the minimum width shall be 25 feet and shall contain one canopy tree for each 75 linear feet or fraction thereof. Trees may be planted separately or in clusters. Existing trees may remain and credited to meet this standard; and,

        ii. The required buffer shall be designed to minimize water use and contain indigenous plants and/or grassed berms. The remainder of the landscaped strip shall be landscaped with water-wise Florida-friendly landscaping techniques.

4. Off Premise Signs - Additional off-premise signs (i.e. Billboards) shall be prohibited within this SAP. Existing conforming off-premise signs can be replaced as per Chapter 7 of the LDC; and,

5. New Non-Residential Future Land Use Districts and expansion of all non-residential districts except BPCX, INDX, INSTX, OCX, PRESVX and ROSX shall not be permitted unless, at least, 80 percent (%) of the total area of TCX is developed.

G. ***Open Space/Greenways*** (*Revised10/11/06 - Ord.06-64*)

1. Open Space - For the purpose of this SAP, open space may consist of the following:

   a. Retention ponds meeting the following design requirements:

      i. Resemble natural land/water body features;

      ii. Landscaped in accordance with the planting requirements of a Type A Buffer. These landscape requirements may include plant clustering or alternative planting schemes approved by the Development Review Committee; and,

      iii. Include pedestrian trail(s) paved or unpaved, benches or gazebo and aerobic fountain(s), or picnic pavilions with amenities;

   b. Wildlife habitat, native plant communities including wooded areas and wetlands that remain in a natural state and platted as such in perpetuity; and

   c. Upland areas or open field(s).

2. The following additional standards shall apply:

   a. All development shall provide a minimum of ten percent open space;

   b. A minimum of ten percent of the open space requirement shall be upland;

   c. Open Space shall not be counted as active Recreation areas;

   d. Lots of record are exempt from providing open space as required by this SAP; and

   e. For all residential developments, open space areas shall be designated within separate tracts and made accessible to all of the residents of the development.

3. Greenways - The Greenway Corridor is designated on the FLUM and shall be established as follows:

   a. Recreation amenities and stormwater retention areas shall be located adjacent to the Greenway Corridor, unless an alternative location is approved by the Development Review Committee (DRC);

   b. Recreational trails shall be allowed within designated Greenway Corridors; and,

   c. All new residential development shall provide pedestrian access to and through the development, connecting to parks, schools and activity centers.

Developments providing multiple direct and convenient links to existing or planned routes and trails beyond each development shall receive density bonuses per Section "O" of this SAP. These connections are in addition to sidewalk requirements achieved through interconnected streets.

4. Bona-fide agricultural uses, Family Farms, Family Homestead, and Lots of Record are exempt from this section

H. ***Recreation***

In addition to the other recreation standards in this Code, the following shall apply:

1. Passive recreation areas may be used to meet the Open Space requirement under the following conditions:

   i. Passive recreation such as parks or pedestrian paths shall be incorporated into the open space plan; and,

   ii. The recreation areas shall be linked via greenways/trails, wetlands, floodplains, and other natural areas within and adjacent to the development.

2 . The recreation areas shall be linked to any proposed internal pedestrian network within the development; and,

3 . Recreation areas shall be accessible to all residents within the development.

I. ***Ft. Fraser Trail*** (*Revised 1/22/13 – Ord. 13-002; 04/23/08 – Ord. 08-011; 10/11/06 - Ord.06-64*)

1. All new development or expansions of existing development, except bona fide agricultural uses, Family Homesteads, Family Farms, and Lots of Record, on parcels adjacent to the Ft. Fraser Trail shall plant a Type A Buffer adjacent to the Trail and maintain buffering in accordance with the planting requirements of this section. The buffering shall be consistent with the planting design installed with the construction of the Trail.

   In addition to this buffer, canopy trees shall be installed and maintained every 50 linear feet on center. These canopy trees shall be native to this part of Polk County i.e., Pignut Hickory, Live Oak, etc. Pursuant to the per tree credit schedule of Section 721, existing trees may be used to satisfy up to 50 percent (%) of either the per unit tree planting requirements of J.2.a-c or the landscape buffering requirements of Section 720 of the LDC.

2. No single sub-species shall be counted for more than 50 percent (%) of the required plantings. Species diversification and variety shall be incorporated into landscape plans.

3. For non-residential uses that are adjacent to the trail, outdoor storage is prohibited between the trail and any buildings.

4. All outdoor storage for non-residential uses shall be setback 100 feet and screened from the trail property line.

5. Any use, structure, or equipment that generates noise, vibrations, or noxious odors shall be setback 100 feet from the trail right-of-way.

6. Any new walls or fences adjacent and adjoining the trail are limited to four feet in height and shall be made of decorative brick or wrought iron or similar material to those used on the trail. Any new fences that are not adjacent and adjoining shall not be within three feet of the trail. Any new fences located between three feet and twenty feet from the property line for the Trail shall be permitted according to the following:

   a. made of vinyl coated chain link material not to exceed six feet in height;

   b. if a fence is constructed between three feet and twenty feet from the property line for the Trail, a combination of Canopy trees and understory trees, native to this part of Polk County, shall be required within the first three feet of property adjacent to the Trail property. These trees shall be located every forty feet on center. Pursuant to the per tree credit schedule of Section 721, existing native trees may be used to satisfy this requirement. Alternative plantings that meet the intent of providing a vegetative buffer may be permitted if approved through a Wavier or Planned Development approval;

   c. Existing Bona-fide agricultural uses and animal husbandry uses located adjacent to the Ft. Frasier Trail are exempt form this requirement and shall be allowed to maintain existing barbed wire and woven wire fencing customarily used for animal containment.

7. In addition to all applicable regulations, the following standards shall apply to provide a safe crossing point for pedestrians from Ft. Fraser Trail to any use with a drive aisle between the trail and the principal structure:

   a. One-way traffic to allow pedestrians to scan for traffic in only one direction;

   b. Crosswalk markings that require motorists to stop for pedestrians;

   c. A raised crosswalk that provides direct access to a building entrance or curb extensions to reduce vehicle speed and reduce the pedestrian crossing distance; and

   d. The provision of adjacent bicycle and pedestrian amenities, e.g., bicycle rack and benches, to help channel pedestrians to the enhanced crosswalk. This may be permitted within the required buffering.

J. ***Tree Preservation and Planting Requirements*** (*Revised10/11/06 - Ord.06-64*)

All development shall plant and maintain trees in accordance with the requirements of this section as follows:

1. In order to meet the requirements of this section, all newly planted trees that are required by this SAP and Chapter 7 of the LDC, shall be:

    a. One and one-half (1.5) inch caliper or larger;

    b. Florida native canopy trees selected from Appendix B of this Code; and,

    c. Located outside of all rights-of-way, and any access, drainage, and utility easements.

2. All new development shall plant trees in accordance with the following sub-section. Up to 50 percent (%) credit shall be granted for existing Florida Native trees in accordance with the provisions of Section 721 (new plantings shall constitute the remaining 50 percent [%]).

    a. Single-family and duplex residential developments shall provide two canopy trees per unit. These two trees shall be distributed on the site so that one tree is located in the front yard and one is located in either the rear or side yard;

    b. All other residential developments shall provide canopy trees at a ratio of one tree for every three units. Fractional measurements shall be rounded up;

    c. All non-residential development shall provide trees meeting the canopy coverage requirements of Section 720 of the LDC. No more than 50 percent of the required canopy trees shall be within landscape buffers;

    d. Trees species shall be selected and planted to minimize the danger to humans and damage to structures;

    e. For residential development, newly planted trees within required landscape buffers shall not be used to satisfy the canopy coverage requirement;

    f. No more than 50 percent (%) of the required plantings shall be of any one sub-species; and,

    g. Plantings within separate buffers shall be required to be installed prior to Certificate of Occupancy for non-residential development or prior to first Certificate of Occupancy for residential development. Plantings on individual residential lots shall be required prior to Certificate of Occupancy.

3. All new development shall preserve at least 25 percent (%) of all on-site Florida Native trees 12 inches in diameter breast height (d.b.h.) or greater. Preserved trees shall comply with the Section 721.B, Tree Protection Guidelines;

4. Pursuant to the per tree credit schedule of Section 721, existing trees may be used to satisfy up to 50 percent (%) of either the per unit tree planting requirements of J.2.a-c or the landscape buffering requirements of Section 720 of the LDC;

5. Alternatives to items 2 and 3 above may be requested, through a waiver or PD and reviewed by the DRC, if the following standards are met:

   a. All reasonable use of the property is prevented by the planting and preservation requirements of 2 and 3 above. For example, the trees that would be required to be preserved are on the most developable portion of the property or within the entrance to the property and cannot be avoided; and,

   b. Alternative tree planting or tree preservation standards shall be proposed so that the required number of trees are planted and preserved according to 2 and 3 above.

6. Property owners found in violation of J., 3., shall, in addition to any other requirements, sanctions or penalties imposed through the Polk County Code enforcement process, be required to select one option from the following table and plant Florida Native Trees to replace each tree taken down that would have been necessary to meet the requirement listed in item J.3, above. These plantings shall not be counted toward any buffer [planting or landscaping requirement] listed anywhere in this code.

Option	Number of Trees	Diameter at Breast Height (DBH)
1	2	6 inch
2	4	4 inch
3	6	3 inch

7. Bona-fide agricultural uses, Family Farms, Family Homestead, and Lots of Record are exempt from this requirement except as otherwise required in Section C., and J. 3., except for bona-fide agricultural uses.

K. ***Landscape Buffers*** *(Figure B)* (*Revised 12/1/10 – 10-082)*

1. Non residential Development in all non-residential land use districts except INDX - A five foot landscaped buffer consistent with the plantings of a Type B Buffer, in accordance to Section 720 of the LDC, shall be required between all non-residential development as follows:

a. Where a proposed non-residential use abuts an existing non-residential use, half the required plantings and width of a Type B Buffer, in accordance to Section 720 of the LDC, shall be required, unless the existing use has an equivalent full Type B Buffer than the Type B Buffer shall not be required;

b. Where the proposed non-residential use abuts a non-residential use , that is vacant and without approved development plans from the County, the proposed use shall provide the equivalent of half of the required plantings and width of the Type B Buffer, in accordance to Section 720 of the LDC and the abutting parcel when developed will provide half of the required plantings and width of a Type B Buffer, in accordance to Section 720 of the LDC so that between the two uses will be a full Type B Buffer with half of the plantings and width on each lot;

c. If the abutting non-residential use, whether it is an existing use or received development approval from the County, has a clustered landscaped buffer, the abutting use shall cluster the landscaped buffer on-center between the proposed or existing clustered landscaping. The proposed non-residential use in this situation, cannot apply for a waiver from the required landscaping;

d. The plantings of the required landscape buffer between non-residential uses may be clustered, provided the separation between clusters is no greater than 30 feet;

e. No more than 50% of the required plantings shall be of any one sub-species;

f. Half of the required understory tree and shrub plantings from the Type B Buffer between non-residential uses may be transferred from the perimeter landscape to landscaping surrounding the building(s) for the development;

g. Where the buildings abut each other and utilize shared parking areas, a landscape buffer shall not be required to separate the two uses; and,

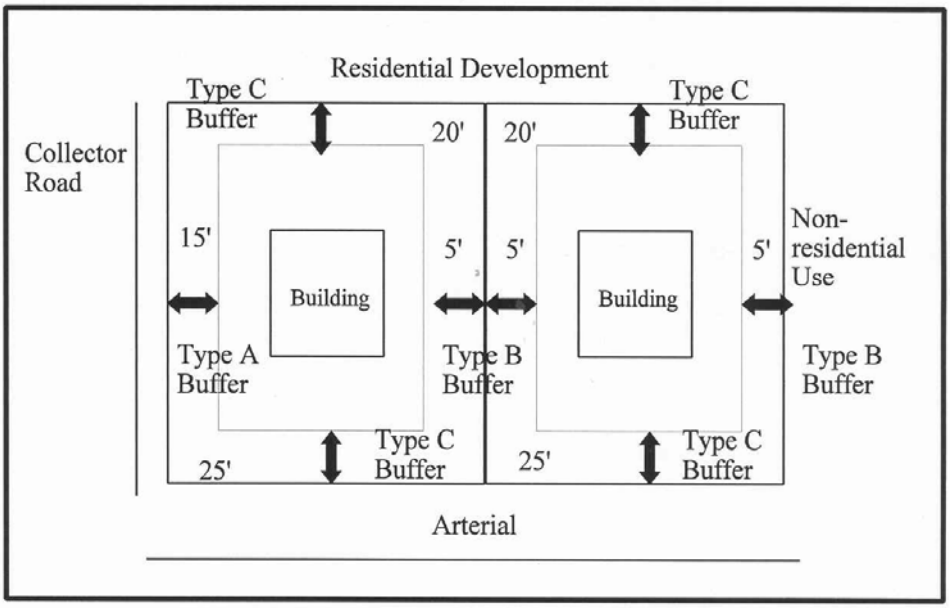
h. All landscaped buffers, including those within the building setbacks, are allowed to be counted toward the required Open Space for non-residential development.

2. Walls - Only block with stucco, brick, or decorative precast masonry walls shall be permitted as part of the landscape buffer as required by Section 720 of the LDC. Privacy fences for residential and non-residential uses that are not part of the landscape buffer are allowed as permitted by Section 210 of the LDC.

3. Buffer locations - All buffers required for residential development shall be located in separate tracts.

4. Alternatives to 1 and 2 above may be proposed through a waiver or PD in accordance with the standards in section 932 of the LDC. The standards are not to be waived entirely but altered based on property hardships.

Figure B Landscape Buffer Between Non-Residential Uses



L. ***Parking Lot Landscaping (See Figure C)*** (*Revised 12/1/10 – 10-082)*

All parking lot landscaping and buffer requirements shall meet the requirements of this section in addition to the requirements of Section 720 of the LDC. Where conflicts occur, the more restrictive shall apply.

1. Xeriscape landscaping and native plant materials are encouraged to be incorporated into the parking lot landscaping.

2. At least 30 percent of the required canopy trees in the parking lot landscaping shall be native.

3. No more than 50 percent (%) of the required plantings shall be of any one sub-species.

4. The minimum landscaping for each parking lot shall be provided within the interior of a required paved off-street parking area as follows:

   a. Each aisle of parking spaces shall be terminated by landscaped islands which measure not less than nine feet in width, as measured from face of curb to face of curb, and not less than 18 feet in length. At least one canopy tree shall be planted in each terminal island;

b. Mandatory terminal islands shall be surrounded with a continuous, raised curb;

c. Landscaped divider medians may be used to meet interior landscape requirements. If divider medians are used, they shall form a continuous landscaped strip between abutting rows of parking spaces. The minimum width of divider median shall be a minimum six foot wide divider median, as measured from face of curb to face of curb. One under story tree shall be planted for each 30 linear feet of divider median, or fraction thereof. Trees in a divider median may be planted singly or in clusters. The maximum spacing between clusters shall be 60 feet;

d. A minimum six foot wide divider median, as measured from face of curb to face of curb, shall be required every fourth bay of parking as shown in Figure C. A minimum of one understory tree shall be planted for each 30 linear feet of divider median. An alternative option, three diamond shaped islands may be substituted for the continuous six foot wide divider median, as shown in Figure C;

e. Optional interior islands and divider medians shall be protected by curbing or wheel stops; and,

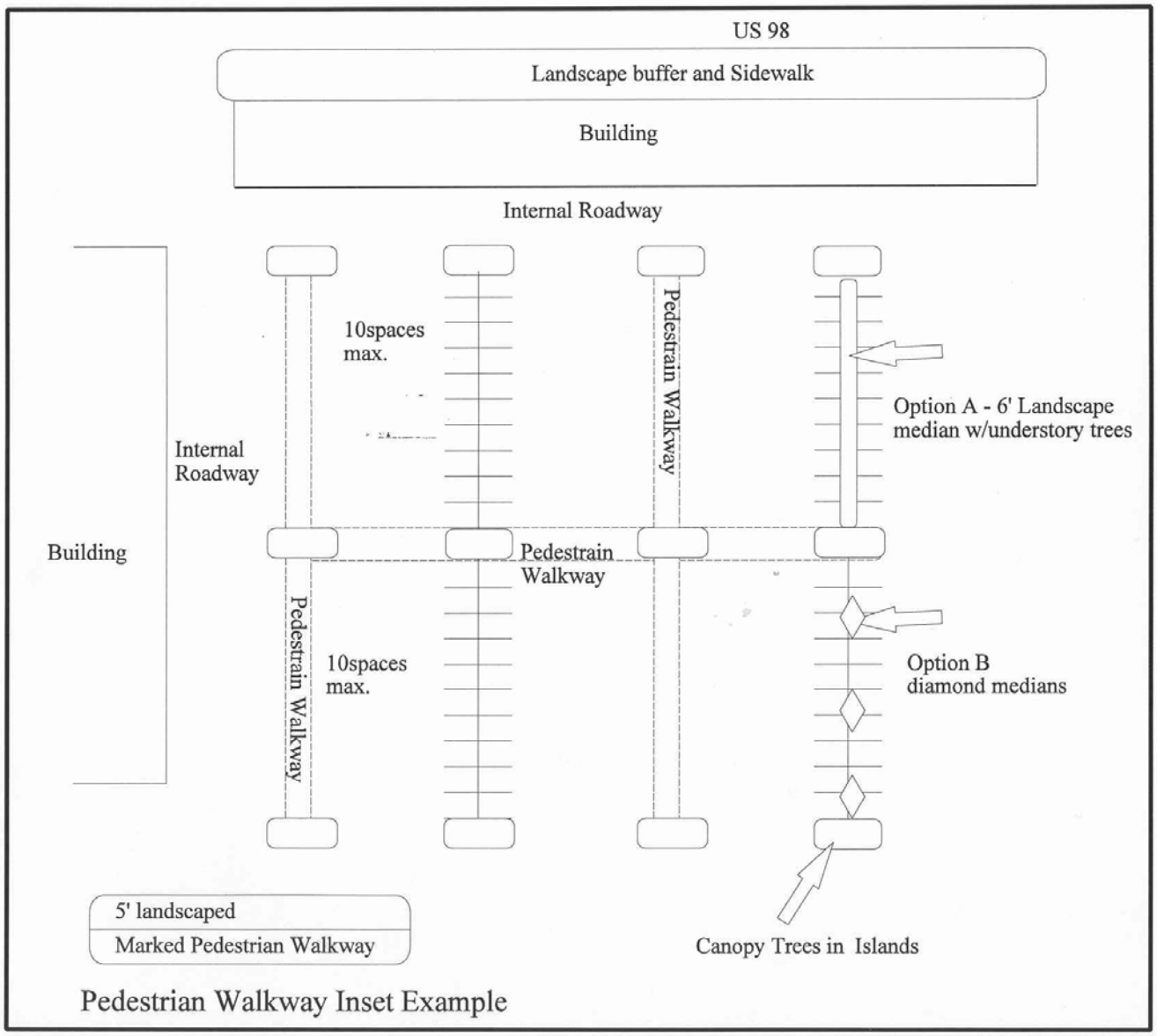
f. Each parking bay shall have no more than ten continuous parking spaces unbroken by a landscape island that shall be the width of a parking space, as measured from face of curb to face of curb.

5. Location of landscaping B Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and to guide traffic flow.

6. A Type A buffer 15 feet in width shall be required between all frontage roads and parking lots in accordance with Section 720 of the LDC.

7. Required landscaping where off-street parking abuts public right-of-way: A landscaped strip of land shall be provided consistent with this section and Section 720 of the LDC with at least one drought resistant, native to the ridge, tree for each 75 lineal feet, or fraction thereof shall be planted. Trees may be planted separately or in clusters.

Figure C Parking Lot Landscaping/Pedestrian Design



8. No landscaping shall be provided in the right-of-way unless the County or FDOT gives the owner approval to do so. In addition, a completed agreement as to who will maintain the landscaping within the right-of-way shall be submitted by the developer and the owner of the right-of-way(s) prior to Level Review 2 approval.

9. Alternatives to the above items may be proposed through a waiver or PD in accordance with the standards in section 932 of the LDC. The above standards are not to be waived entirely but altered based on property hardships.

M. ***Transportation Network***

The following standards shall apply for all roadways within this SAP:

1. Transportation improvements shall comply with the following:

   a. Improvements or new construction of any roadway shall be consistent with all standards within the US 98 CAMP, and the County=s Multi-modal Collector Road System for this SAP, and other applicable adopted plans and regulations;

   b. In addition to other requirements for roadway improvements listed in the LDC, the following shall apply within existing, dedicated, and/or donated rights-of-way:

      i. If a property to be developed for residential or non-residential uses generates 27 AADT per day or more and is adjacent to a roadway that does not meet the requirements of Table 8.3 of the LDC, the developer shall construct this road to a width meeting County standards for that type of roadway facility along the entire development frontage. Bona fide agricultural uses and residential lots of record are exempt from this requirement;

      ii. Any change to pavement width shall incorporate appropriate striping to ensure a safe transition between improved and unimproved sections of the subject roadway. In addition, the centerline of the roadway shall be maintained.

      iii. Where sufficient right-of-way is not available or obtainable by the developer, alternative roadway construction designs may be proposed based on sound and acceptable engineering practices and roadway construction hardships. These alternative roadway designs may be evaluated and considered as part of the Level II process. Examples of construction hardships include, but are not limited to, the presence of wetlands within the right-of-way, utility re-location, and/or drainage constraints.

   c. Prior to Level 2 Review approval or at time of Level 5 Review approval, right-of-way shall be dedicated for the Multi-Modal Collector Road System designated on the FLUM for this SAP by all development, and shall comply with all standards as listed within relevant sections of the LDC; and,

d. Road access connection criteria shall be consistent with the relevant sections of the LDC, this SAP, and with Rule 14-96 and Rule 14-97, Florida Administrative Code, as amended, and the access management plan for the jurisdiction of that facility as well as the US 98 Corridor Access Management Plan.

2. All access and subdivision of land shall comply with the following:

a. Access to US 98 shall be permitted according to the requirements listed in the US 98 CAMP;

b. Any subdivision of property with frontage along US 98, south of the Polk Parkway, shall have a minimum frontage of 660 feet. The minimum frontage may be reduced if access is from a shared driveway or access, side road, cross access easement, or other internal road. Final design shall be consistent with the Land Development Code and approved by the County Engineer and the Planning Division;

c. All new lots with frontage on US 98 north of the Polk Parkway shall have a minimum frontage of 440 feet wide. The minimum frontage may be reduced if access is from a shared driveway or access, side road, cross access easement, or other internal road. Final design shall be consistent with the Land Development Code and approved by the County Engineer and the Planning Division; and,

d. Where access to any road is shared by more than one user, an easement shall be located on the site plan at Level 2 Review and any required plat. A completed shared access agreement shall be provided prior to any Level 2 Review approval. Final design shall be consistent with the Land Development Code and approved by the County Engineer and the Land Development Division.

3. In order to provide safe and efficient local traffic movement, the County may designate cross-access easements on property along US 98 and collector roads within this SAP that would be appropriate for future cross-access to gain access to a median openings along US 98 and collector roads. Said easements shall be designed to provide unified access and circulation among parcels on each block of the easement thoroughfare. These easements may be designated during Level 1, 2, 3 or 4 reviews. Each easement shall include the following elements unless altered for safety purposes:

a. If the easement is a continuous linear travel corridor or at least 1,000 feet long with a design speed of 10 miles per hour than the easement corridor should meet the County=s standards for a local road as well as meet items b through h below;

b. At a minimum, meet the County=s road requirements of Appendix A of the LDC in order to maintain sufficient width to accommodate two-way travel aisles for automobiles, service and loading vehicles;

c. Stub-outs to adjoining property and other design features which make it visually obvious that the abutting properties may be tied in to provide a cross-access corridor, shall be constructed at the time of development;

d. Linkage to other cross-access easements or corridors to adjacent property ;

e. Where a cross-access easement is designated, no subdivision plat, site plan or other development shall be approved unless the property owner grants an easement allowing general cross-access to and from the other properties in the affected area. Such easement shall be recorded in the public records of Polk County and shall constitute a covenant running with the land;

f. Wherever a cross-access easement has been designated, the sites shall be so designed for coordinated or joint parking, access and circulation systems. These sites shall include stub-outs to adjoining properties and other design features necessary to make it visually obvious that the abutting properties may be connected to a unified system;

g. If a site is developed prior to an abutting property, it shall be designed to ensure that its parking, access, and circulation may be connected to a unified system at a later date; and,

h. If a site abuts an existing developed property, it shall be so designed to connect to the abutting parking, access, and circulation unless the Growth Management Director or his designee determines this to be infeasible or impractical.

4. At a minimum, sidewalks shall be required along both sides of the Multi-Modal Collector Road System as designated on the SAP FLUM and on all collector roads that connect to US 98. This is not available for a waiver.

5. At a minimum, sidewalks shall be required on at least one side of roads that will connect or currently connect the Multi-Modal Collector Road System as designated on the SAP FLUM to US 98.

6. At a minimum, bike lanes, or appropriate paved shoulders, shall be required along both sides of the Multi-Modal Collector Road System as designated on the SAP FLUM and on all collector roads that connect to US 98.

7. At a minimum, bike lanes, or appropriate paved shoulders, shall be required on at least one side of roads that will connect or currently connect the Multi-Modal Collector Road System as designated on the SAP FLUM to US 98.

8. Multi use facilities may be used in lieu of bike lanes, or appropriate paved shoulders, and sidewalks in accordance with state standards.

9. In addition to the sidewalk and bike lane requirements already listed in this SAP, safe pedestrian and bicycle facilities shall be provided if deemed appropriate by the DRC for those developments required to complete a Major Traffic study or Segment Analysis.

10. Alternatives to the items above may be proposed through a waiver or PD in accordance with the standards in Section 931, A and 932, A, respectively, of this LDC. The standards are not to be waived but altered based on property hardships.

N. ***US Highway 98*** (*Revised 12/1/10 – 10-082)*

1. Property north of CR 540A - Development along US 98 north of CR 540A shall comply with the following:

   a. Sidewalks shall be constructed along both sides of US 98. If a frontage road is proposed adjacent to the Ft. Fraser Trail, the sidewalk may be placed adjacent to the frontage road rather than US 98. The Ft. Fraser Trail may meet this sidewalk requirement for development on the east side of US 98 depending on site plan design. Alternative to this item may be considered through the request of a waiver meeting the requirements of Section 932 of this LDC; and,

   b. Service roads, frontage roads, or backage roads are encouraged. However, joint or shared driveways or access, side roads, or cross access easements, or other internal road shall be required, at a minimum, consistent with M., 3 above.

2. Property south of CR 540A - Service roads, frontage, or backage roads, as described in the US 98 CAMP, shall be constructed by the developer of property within this SAP. These roads are designated in their general locations on the FLUM maps for this SAP. Bike lanes, or paved shoulders where appropriate, and sidewalks shall be required on both sides of these roads; this is not available for a waiver. The exact location of these roads and bike lanes and sidewalks shall be determined by jointly through the Transportation Planning Organization, Planning Division, and the County Engineer=s Office. The construction of the service roads, frontage, or backage roads shall be completed in accordance with state and local regulations.

O. ***Density and Dimensional Regulations***

Changes to the standards as listed in Section D of this SAP shall comply with the following:

1. Non-residential Development Floor Area Ratio (FAR) Range Table - The maximum FAR ranges for non-residential land use designations are provided in Table 4.13a below. The lowest number in the table for each Future Land Use designation is the maximum FAR permitted. However, FARs up to the highest shown in the table, for

each Future Land Use designation, may be achieved through bonus points and/or a Planned Development (PD) pursuant to the Land Development Code. FAR standards will not apply to residential development;

Table 4.13a

	Future Land Use Designations										
	CEX	**LCCX**	**NACX**	**ECX**	**INSTX**	**INDX**	**BPCX**	**TCX**	**LRX**	**OCX**	**CCX**
P	**0.30**	**0.35**	**0.35**	**0.70**	**0.50**	**0.65**	**0.60**	**0.50**	**0.50**	**0.35**	**0.25**
B	0.60	0.60	0.60	0.80	0.75	0.80	0.80	0.75	0.75	0.50	**0.50**
PD	0.75	0.75	0.70	1.50	1.00	1.50	1.50	1.0	1.0	0.70	**0.65**

Notes:
P = Permitted with a Level 2 Review in the US 98 SAP.
B = Density Bonus Points (Table 4.13d) are required and permitted with a Level 2 Review in the US 98 SAP.
PD = Planned Development with the necessary Density Bonus Points (Table 4.13d) are required and permitted with a Level 3 Review in the US 98 SAP.

2. Non Residential Ratio FAR Development - Table 4.13a shall be implemented as follows:

   a. The FAR shown in the row designated with a “P” will be reviewed through a Level 2, unless other requirements of this Code require a different Level of Review;

   b. Any FAR above those shown in the row designated as “P” and up to those shown in the row designated B, shall be reviewed through a Level 2, unless other requirements of this Code require a different Level of Review. However, to achieve a higher FAR than those shown in the row designated with a P, shall require 5 bonus points, using Table 4.13d, for an increase of .05 FAR. In addition, bonus points shall be used from at least three sections, even if the amount of bonus points achieved is more than needed. The purpose is to ensure variety of amenities for any development.

   c. Any FAR above those shown in the row designated as “B” and up to those shown in the row designated as PD, shall be reviewed through a PD. Applicants requesting to use this option shall specifically demonstrate the following in the Level 3 application:

      i. How the development is different and unique than other developments within the County either incorporated or unincorporated;

      ii. How the development would improve the area surrounding the proposed development; and,

      iii. Residential development within non-residential districts is required to obtain five bonus points for every one dwelling unit per acre du/ac of density.

3. Residential Development - The US 98 Selected Area Plan is planned for compact, efficient growth. In order to determine how to achieve a certain density, refer to Table 4.13b. This table indicates the maximum average lot size, the density range required, and the steps needed to achieve them. The maximum average lot size describes how development in this SAP may contain a variety of lot sizes provided the average for the entire development does not exceed the maximum allowed in that district. Development exceeding the allowable maximum average size may be requested as part of a Planned Development which includes bonus points from at least three different categories of those listed in Table 4.13d. If a desired density requires bonus points (B) or a Planned Development (PD) approval, the following shall apply:

   a. FAR standards will not apply to residential development;

   b. Each request that is required to use bonus points shall, at a minimum, obtain bonus points from at least three different categories even if the points obtained is above the needed amount;

   c. Suburban Planned Developments within the RSX land use district shall require 10 points to achieve a maximum of two du/ac and then 10 points for each half unit per acre (or fraction thereof) increase up to three units per acre; and,

   d. Increases or decreases in density within the RLX land use districts as provided in table 4.13b, shall require five points for every half unit per acre (or fraction thereof) change;

   e. Bonus points for Increases in density for RMX and RHX land uses are provided in Table 4.13b.

Table 4.13b US 98 SAP Density Schedule *(Revised 01/24/12 – Ord. 12-003)*

Residential Land Use Districts (Maximum Density - du/ac) Maximum Average Lot Size (Square Feet) [1][2]							
Density (du/ac)	RL-1X 30,000 [1]	RL-2X 15,000 [1]	RL-3X 10,000 [1]	RL-4X 8,000 [1]	Density (du/ac)	RMX[3]	RHX[3]
#1	P	B			> 5 - 8	B	
> 1 - 2	B	P	B		> 8 - 10	B	B
> 2 - 3	B	B	P	B	> 10 - 12		B
> 3 - 4	PD	B	B	P	> 12 - 15		B
> 4 - 5	PD	PD	B	B			
> 5 - 6	D	D	PD	B			

Notes for Table 4.13b:

P = Permitted with a Level 2 Review in the US 98 SAP.

B = Density Bonus Points are required and permitted with a Level 2 Review in the US 98 SAP.

PD = Planned Development (a Level 3 Review) approval with the necessary Density Bonus Points is required in the US 98 SAP.

D = Maximum density in the RL-1X and RL-2X can only be achieved with the donation of a public school site.

(1) Maximum Average Lot Size - A development may contain a variety of lot sizes as long as the average for the entire development does not exceed the maximum allowed in that district.

(2) Each single-family attached unit (including each duplex unit) shall be placed upon an individual lot and shall be bound to the maximum average lot restrictions of this table.

(3) RMX and RHX do not have minimum lot sizes. The density requirements dictate land usage.

Table 4.13c Planned Development (PD) Density Bonus Points			
RM		RH	
Points Achieved	Maximum Density du/ac (#)	Points Achieved	Maximum Density du/ac (#)
35	#5.5	35	#8.0
30	6.0	33	8.5
25	6.5	31	9.0
20	7.0	29	9.5
15	7.5	27	10.0
10	8.0	25	10.5
15	8.5	23	11
18	9.0	21	11.5
21	9.5	19	12
24	10.0	17	12.5
		15	13
		13	13.5
		11	14
		9	14.5
		7	15

Table 4.13d Density and Floor Area Ratio Bonus Point Schedule (1)

Type of Amenity	Type of Bonus
INFRASTRUCTURE AND SERVICE CATEGORY	
Donation of usable land for public safety (2)	An increase in density of 5% for every acre donated. If an entire site is donated, accepted, and can be used for more than one services such as Fire and EMS, the maximum density or FAR of Table 4.13a and 4.13b can be used
Donation of usable land for schools (elementary, middle, or high) (2)	If the site is accepted by the School Board, the maximum density or FAR of Table 4.13a and 4.13b can be used. Only entire sites may be counted towards this density increase
Donation of usable land for community or regional parks (2)	2 pts per acre up to the amount needed by the County - If the site is accepted by the County, the maximum density or FAR can be used

Table 4.13d Density and Floor Area Ratio Bonus Point Schedule [1]

Type of Amenity	Type of Bonus
INFRASTRUCTURE AND SERVICE CATEGORY	
Extending sidewalks beyond frontage	1 point for every 100 feet beyond the 100 additional feet required by the Chapter 7
Decorative Internal street lighting (historical, art deco, or neo-traditional street lighting). Binding lighting details required	1 pts
DESIGN	
Public Art (murals and sculptures)	2 pts
Open space (beyond requirements)	2 pts per 5% (up to 12 pts)
Vertical development for mixed use buildings (does not include single unit residential development)	2 pts per story above 1 (up to 10 pts)
Traffic calming	
(1) On street parking outside the TCX	1 point
(2) Crosswalks with cobblestone or other similar pavers	2 points
(3) Intersections with cobblestone or other similar pavers	3 points
(4) Internal Tree lined roads with sidewalks	3 points
(5) Tree lined medians	3 points
(6) Roundabouts	3 points
(7) Others approved by DRC	3 points
Alternative driveways (alleys)	3 pts per phase
Garage entrance to side or recessed garage	1 pt for each 50% of development
Zero lot line/cluster development	2 pts
Village design (See definition)	5 pts
If not part of open space, landscaping the perimeter of storm water ponds with at least a type “A” buffer	2 pts
If not part of open space, shaping wet or dry retention ponds in a natural shape that exists in nature	2 pts per pond
Picnic areas, trails, open space, and natural areas connecting to adjacent offsite land	3 pts
Landscape on all sides of external wall	2 pts
TRANSPORTATION	
Open space with pedestrian use area or corridors to break up parking areas	2 pts
Sidewalks in divider median of parking lots to separate pedestrian and vehicular traffic provided at least every other drive isle	5 pts
Curb and gutter for internal roads (less than 3 du/ac)	1 pts
Mass transit stop including shelter and benches (if on a planned or committed route)	3 pts
Parking Structure (exempt from FAR calculation)	6 pts
RECREATION	

Table 4.13d Density and Floor Area Ratio Bonus Point Schedule [1]

Type of Amenity		Type of Bonus
INFRASTRUCTURE AND SERVICE CATEGORY		
More than one active recreation site with amenities		5 pts
Publicly accessible passive recreation (walking paths/trails, bikeway, nature/hiking trail)		5 pts
CONSERVATION		
Florida Friendly, water-wise landscaping (does not need supplemental irrigation) for the entire project		6 pts
Restoration/creation of wildlife habitat that FFWCC certifies is capable of supporting wildlife		6 pts
Greenway Corridor (land area containing a multi-use paved trail that connects to proposed, committed, or existing greenway facility)		1 pt per 1/5 acre
Upland conservation, existing vegetation retained for (add 3 pts when adjacent to an off-site conservation area):		
	15% of site	3 pts (6 pts)
	20% of site	4 pts (7 pts)
	25% of site	5 pts (8 pts)
Existing Wildlife habitat or native plant community open space		5 pts per whole acre
Wetland/Waterbody buffer (in addition to the required vegetative buffer) averages an additional:		
	25 feet upland	2 pt
	50 feet upland	3 pts
	75 feet upland	4 pts
Wildlife habitat/Native plant community buffer		
	15 feet upland	1 pt
	30 feet upland	2 pts
	50 feet upland	3 pts
Land reserved for active agricultural production (platted)		4 pts per acre
Land planted as wildflower field (platted)		3 pts per 5000 square feet (may be linear)
DEVELOPMENT		
Affordable housing (based on HUD standards)		10% of project = 0.5 du/ac increase 5% of project = 0.25 du/ac increase

Notes:

(1) At a minimum, all development required to provide Density Bonus Points shall select points from at least three of the categories from this table.

(2) An agreement must be made with the service provider prior to any approvals/acceptance that the site will be used by the public safety provider. Applicant may use property adjoining the proposed facility site, not within the proposed development, to ensure the total amount of acreage needed by the service provider for the service is secured. Commitment letter will be required by the adjoining land owner with a legal description attached, and final dedication prior to any construction.

Section 401.05 State Road 559 Selected Area Plan

A. ***Purpose and Intent***

The State Road 559 (SR 559) plan district implements the SR 559 Selected Area Plan (SAP) portion of the Polk County Comprehensive Plan. Development within the SR 559 Plan District shall comply with all land use requirements and development standards contained in the SR 559 Selected Area Plan in Section 2.131-P of the Polk County Comprehensive Plan.

B. ***Applicability***

This Section applies to development within the SR 559 Plan District, the boundaries of which are shown on the FLUMS.

C. ***Use Table***

The land use categories and uses allowable in this district are shown in Table 4.14. Land use categories and uses not shown are prohibited. Land uses shown with a C1, C2, C3 or C4, shall comply with applicable Criteria for Conditional Uses in Chapter 3.

D. ***Density and Dimensional Regulations***

The density and dimensional regulations for these SAP districts are outlined in Table 4.15, Density limits for the SR 559 SAP.

E. ***State Road 559 SAP Performance Standards***

The performance standards outlined below shall apply to development in any district of the State Road 559 SAP.

1. Green Swamp Area of Critical State Concern (GSACSC). In addition to the other applicable provisions, land within the Green Swamp Area of Critical State Concern shall be developed in accordance with the following criteria:

    a. Purpose - It is the specific intent of this GSACSC to allow environmentally responsible development to occur provided that the integrity of the Green Swamp is preserved and the recharge nature of the land is protected.

    b. Development Criteria - All the provisions governing the Green Swamp Area of Critical State Concern in Section 2.123-F 2 of the Polk County Comprehensive Plan shall be followed except as herein amended:

        i. New development shall not be allowed to use septic tanks for disposal of wastewater.

ii. Development shall connect to a regional sewer system, defined as a public central sewer system having a capacity of at least 100,000 gallons per day or greater.

iii. New development and redevelopment bordering the wetlands and flood plains of the Green Swamp shall designate as open space a minimum area of 50 feet upland from the wetlands and flood plains. Passive recreation shall be allowed in the open space area. Any encroachment into the setback 50 feet in width or passive use will be subject to the approval of Polk County and the appropriate regulatory agency at the time of development approval.

iv. All applications for development shall prepare and submit a Green Swamp Impact Assessment Statement in compliance with Policy 2.132-E19. All development applications for non-residential and residential developments of 50 or more lots shall prepare and submit a Polk County impact statement that demonstrates that the policies of Objective 2.123-F, except as provided above, are met. Such development shall also include certification (with supporting data) by a registered Professional Engineer that the requirements of the Green Swamp Overlay District are met.

v. All development shall comply with the requirements and standards of Section 2.132E "Critical Area Resource Management Plan."

2. All buffering and landscaping of the areas adjoining other properties shall meet the standards set forth in the Polk County Comprehensive Plan and other County land development regulations. On all parcels within the SR 559 SAP that either abut SR 559 or abut CR 557A, landscaping shall be provided between the off-street parking areas and rights-of-way in accordance with the following:

a. A landscaped strip of land, a minimum of 25 feet in width, shall extend along the length of the boundary between parking areas and abutting internal rights-of-way except at the point of access. This landscaped strip shall contain one tree for each 75 linear feet, or fraction thereof. Trees may be planted separately or in clusters. Existing trees may be left and credited to meet this standard.

b. The required landscaped strip shall be constructed to minimize water use and contain indigenous plants and/or grassed berms. The strip will achieve a 25 percent coverage within two years. The remainder of the landscaped strip shall be landscaped with xeriscaping techniques, or other appropriate landscape treatment. It shall be the responsibility of the property owner to maintain approved landscaping and provide replacement for dead plant material.

c. Planting of trees within utility easements or that may effect an existing overhead power line shall be permitted upon the submittal of proof that all utility providers using the easement approve of the landscape plan. Proof of acceptance shall be submitted with the landscape plan.

3. In order to provide closer monitoring of this project by Polk County, the Regional Planning Council, and the Department of Community Affairs, this Selected Area Plan shall be submitted for impact review when the development meets the current criteria and thresholds of Chapter 380 of the Florida Statutes and Rule 28-24 or its replacement.

4. Future development shall be consistent with the following guidelines for public water connection:

   a. Connection to public water facilities shall be required. All developments shall use water conservation equipment in accordance with the "Water Conservation Act" of 1983 (Chapter. 553.14(1) and (2), F.S.).

   b. Water main over sizing shall be provided consistent with the public provider's overall plans for the area.

   c. The developer shall pay for line extensions sufficient for the development's need. The provider may pay the incremental cost for any required over sizing.

   d. All proposed development within the Selected Area Plan shall coordinate with the utility provider to ensure that water facilities are extended in accordance with the Polk County/Auburndale or Polk County/Lakeland interlocal agreement, as applicable.

5. Future development shall be consistent with the following guidelines for public sewer connection:

   a. Connection to public sewer facility shall be required.

   b. Sewer main over sizing shall be provided consistent with the City of Auburndale's overall plans for the area.

   c. The developer shall pay for line extensions sufficient for the development's need. The provider may pay the incremental cost for any required over sizing.

   d. All proposed development within the Selected Area Plan shall coordinate with the utility provider to ensure that sewer facilities are extended in accordance with the Polk County/Auburndale Interlocal Agreement, as applicable.

6. The development within the SAP shall comply with Section 3.103 Solid Waste of the County=s Infrastructure Element.

Table 4.14 Use Table for State Road 559 Selected Area Plan Land Use District (For revision history, see last row of table)

All Land Use Districts in the SR 559 SAP are in the Green Swamp ACSC	BPCX-1	BPCX-2	RL-1X	RL-2X	RL-3X	RL-4X	NACX	LRX	TCCX	PRESVX	INSTX
RESIDENTIAL USES											
Duplex, Two-Family Attached					C3	P					
Group Home, Small (6 or less residents)			C1	C1	C1	C1					
Group Home, Large (7-14 residents)											C1
Group Living Facility (15 or more residents)			C3	C3	C3	C3					C2
Mobile Home Park & Subdivision			C4	C4	C4	C3					
Mobile Homes, Individual			C1	C1	C1	C1					
Multi-Family	C3				C3	C2		C2	C2		
Residential Infill Development			C2	C2	C2	C2					
Short, Term Rental Unit			C3	C3	C3	C3		P			
Single-Family Detached Home & Subdivision			P	P	P	P					
MIXED USES											
Planned Development (PD)	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3
ALL OTHER USES											
Adult Day Care Center			C3	C3	C3	C3					C2
Agricultural Support, On-Site	P	P	P	P	P	P	P	P	P		P
Alcohol Package Sales	C1	C1					C1	C1	C1		
Bars, Lounges, and Taverns	C1	C1					C3	C1	C1		
Bed and Breakfast				C3	C3	C3		C3	C3		
Cemeteries											P
Childcare Center			C3	C3	C3	C3	P	C2	P		P
Clinics and Medical Offices	P						P	C3	P		C2
Communication Towers, Monopole	C2	C2						C3	C2		C2
Community Center			C2	C2	C2	C2	P	P	P		C2
Cultural Facilities			C3	C3	C3	C3	P	P	P		P
Emergency Shelter, Small (6 or less residents)			C1	C1	C1	C1					
Emergency Shelter, Medium (7-14 residents)											C1

Table 4.14 Use Table for State Road 559 Selected Area Plan Land Use District (For revision history, see last row of table)

All Land Use Districts in the SR 559 SAP are in the Green Swamp ACSC	BPCX-1	BPCX-2	RL-1X	RL-2X	RL-3X	RL-4X	NACX	LRX	TCCX	PRESVX	INSTX
Emergency Shelter, Large (15 or more residents)			C3	C3	C3	C3					C2
Family Daycare			P	P	P	P					
Financial Institution	C2	C2					P	C2	P		
Financial Institution, Drive-thru	C2	C2					P		P		
Funeral Home and Related							P				
Gas Station	C2	C2					P	C2	P		
Golf Course	C1	C1	C1	C1	C1	C1		C1	C1	C1	
Heavy Machinery Equipment Sales and Services		C2									
Heliports	C3	C3					C3		C3		C3
Helistops	C2	C2	C3	C3	C3	C3	C2	C2	C2		C2
Hospitals							C3				P
Hotels and Motels	C2	C2					P	C2	P		
Kennels		C2					C2		C2		
Lime Stabilization Facility	C3	C3									C3
Lodges and Retreats, Private								P			P
Manufacturing, Light	C3	C3									
Marina							C1	C1	C1		
Mining, Non-phosphate	C3	C3	C3	C3	C3	C3	C3	C3	C3		C3
Motor Freight Terminal		C3									
Nightclub and Dance Halls								C3	C1		
Nursery, Retail							P				
Nursing Home											C2
Offices	P	P					P	P	P		C2
Personal Services	P	P					P	C2	P		
Recreation, High Intensity			C3	C3	C3	C3		C1	C1		C1
Recreation, Low Intensity	P	P	P	P	P	P	P	P	P	C2	P

Table 4.14 Use Table for State Road 559 Selected Area Plan Land Use District (For revision history, see last row of table)

All Land Use Districts in the SR 559 SAP are in the Green Swamp ACSC	BPCX-1	BPCX-2	RL-1X	RL-2X	RL-3X	RL-4X	NACX	LRX	TCCX	PRESVX	INSTX
Recreation, Passive	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1
Recreation and Amusement, Intensive								C3	C2		C3
Recreation and Amusement, General							C2	C1	C1		C3
Recreation, Vehicle Oriented			C3	C3	C3	C3		C1	C1		
Recreational Vehicle Park								C2	C3		
Religious, Institutional Campgrounds								P		C3	P
Research and Development	P	P					P				P
Residential Treatment Facility			C4		C4				C4		
Restaurant, Drive-thru/Drive-in	C2	C2					C2		C2		
Restaurant, Sit-down/Take-out	C2	C2					C2	C2	C2		C1
Retail, Less than 5,000 square feet							P	C2	C2		C1
Retail, 5,000 - 64,999 square feet	C2	C2					P	C3	C2		
Retail, More than 65,000 square feet	C3	C3					C3		C2		
Retail, Outdoor Sales/Display								C3	C3		
School, Elementary			C2	C2	C2	C2					C2
School, Leisure/Special Interest	C2	C2	C3	C3	C3	C3	C2	P	P		P
School, Technical/Vocational/Trade & Training	C2	C2					C3		C2		P
Schools, University/College	C2	C2				C3	C3		C2		P
Self Storage Facilities	C2	C2					C2				
Solar Electric-Power Generation Facility	C2	C2									C2
Stables, Riding Academies								P			
Studio, Production	P	P									P
Transit Facilities	C3	C3									P
Utilities, Class I	P	P	P	P	P	P	P	P	P	P	P
Utilities, Class II	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1

Table 4.14 Use Table for State Road 559 Selected Area Plan Land Use District (For revision history, see last row of table)

All Land Use Districts in the SR 559 SAP are in the Green Swamp ACSC	BPCX-1	BPCX-2	RL-1X	RL-2X	RL-3X	RL-4X	NACX	LRX	TCCX	PRESVX	INSTX
Utilities, Class III	C3	C3	C3	C3	C3	C3	C3	C3	C3		C3
Vehicle Repair, Auto Body		P									
Vehicle Service, Mechanical		P					P				
Veterinary Services	C2	C2					P				
Warehousing/Distribution	P	P									
Water Ski Schools	C3	C3					C3	C3	C3		C3
Revised 4/19/16 – Ord. 16-022; 8/7/14 – Ord. 14-045; 12/6/11 – Ord. 11-033; 12/06/11 – Ord. 11-032; 6/28/11 – Ord. 11-008; 2/3/10 – Ord. 10-007; 12/01/09 Ord. 09-073; 09/02/09 – Ord. 09-055; 03/25/03 - Ord. 03-23; 11/27/02 - Ord. 84; 10/23/02 - Ord. 02-68; 7/29/02 - Ord. 02-52; 4/23/02 - Ord. 02-20; 7/25/01 - Ord. 01-57											

Table 4.15 SR 559 Density Limits

Land Use	Density du/ac	Open Space Set-aside	FAR [1]	ISR[2]
RL-1X, RL-2X, RL-3X, RL-4X	0-4	0.3	0.25	0.5
BPC - 1X, BPC - 2X (3)(4)	15	N/A	0.75	0.6
PRESVX	0	N/A	N/A	N/A
TCCX	0	N/A	0.25	0.6 (5)
L/RX (6)	N/A	N/A	N/A	N/A
NACX (7)(8)(9)	10	N/A	0.25	0.6
INSTX	0	N/A	0.25	0.6

(1) FAR = Floor Area Ratio

(2) ISR = Impervious Surface Area Density is based on acres above the 100 year floodplain.

(3) Commercial activities within the BPCX shall not exceed 15 percent of the total area of the BPX.

(4) The maximum floor area ratio for commercial activities shall not exceed 0.25.

(5) All development shall be limited to a maximum of 40 percent lot/parcel coverage with all buildings.

(6) No more than 7 percent of the net usable land within a specific L/RX area shall be used for commercial uses.

(7) New Residential uses shall not exceed 20 percent of the total area of the NACX.

(8) Office uses shall not exceed 40 percent of the total area of the NACX.

(9) Commercial uses may constitute 100 percent of the NACX.

7. The following curb cut and joint access criteria shall be approved by the County Engineer and implemented on the following roadway types:

   a. Unified Access and Joint Use Driveways:

      i. All development shall be designed to incorporate unified access and circulation in accordance with the requirements described below.

      ii. The County shall require the establishment of a joint use driveway serving two abutting building sites, with cross-access easements provided in accordance with the criteria below.

   b. The County shall designate cross-access corridors on properties adjacent to roadways. Such designation may be made in connection with the approval of any subdivision or site plan of the affected area, or as part of an overall planning program.

c. Cross-access corridors shall be designed to provide unified access and circulation among parcels on each block of the thoroughfare, in order to assist in local traffic movement. Each corridor shall be designed to include the following elements:

i. A continuous linear travel corridor extending the entire length of the block, which it serves, or at least 500 feet linear frontage along the thoroughfare.

ii. Sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles.

iii. Stub-outs and other design features which make it visually obvious that the abutting properties may be tied in to provide cross-access, shall be constructed at the time of development.

iv. Linkage to other cross-access corridors in the area.

d. Where a cross-access corridor is designated by the County, no subdivision plat, site plan or other development shall be approved unless the property owner shall grant an easement, running with the land, allowing general cross-access to and from the other properties in the affected area. Such easement shall be recorded in the public records of Polk County and shall constitute a covenant running with the land.

e. Wherever a cross-access corridor has been designated, the business sites with the affected area shall be so designed as to provide for mutually coordinated or joint parking, access and circulation systems, and shall include stub-outs and other design features as necessary to make it visually obvious that the abutting properties may be tied in to create a unified system.

f. In the event that the building site is developed prior to an abutting property, it shall be designed to ensure that its parking, access, and circulation may be easily tied in to create a unified system at a later date.

g. In the event that the building site abuts an existing developed property, it shall be so designed as to tie into the abutting parking, access and circulation to create a unified system unless the County Engineer finds that this requirement to be impractical.

8. Land alteration activity which destroys, reduces, or impairs a wetland or natural body of water, shall be prohibited, with the exception of seaplane and/or boat ramps which have been permitted prior to January 1, 1998.

9. Setbacks shall be 50 feet from environmentally sensitive areas. Wider setbacks may be required by the County depending on the wetlands, lakes and other environmental sensitivity of the area and the intensity of the development proposed adjacent to the area.

   a. Removal of native vegetation within a setback as required in Policy 2.131-PC2 is prohibited. The County shall require that all of the vegetation within a setback be retained to provide natural filtration of surface water run off or to prevent soil erosion and downstream sedimentation.

   b. No filling, excavating, or placement of permanent structures (other than those required to maintain existing drainage patterns) or other impervious surfaces shall be allowed within setbacks required in Policy 2.131-PC2 except for the installation of sprinkler systems, utility lines, or landscaping; or except as specially approved by the County for the construction of a boardwalk or other stilted structure, with the exception of seaplane and/or boat ramps which have been permitted prior to January 1, 1998.

10. No underground petroleum storage tanks shall be allowed within the SR559 SAP, unless the tanks are double walled and provide for monitoring of the interstitial space between the two tanks.

11. All applications for development shall comply with Section 507.D, E & G.

F. ***Stormwater Management***

In addition to the requirements of Section 703.H, the following shall be minimum design criteria for stormwater management systems for the Level-of-Service (LOS) standards:

1. All new development within the SAP area shall be constructed at the applicable LOS. All drainage requirements and improvements shall be accomplished by private development with development funds. No capital outlay for drainage improvements will be required by Polk County.

2. Funding mechanisms for fire and EMS facilities beyond the scope of what is currently available will be proposed at the time of development approval and may consist of assessments and or voluntary impact fees.

3. The developers of the SR 559 SAP will be responsible for the following needed roadway improvements:

   a. Internal roadways to the project will be funded by the developer.

   b. A traffic signal at the intersection of CR 557A and SR 559 when warranted. The signal will be funded by the developer through voluntary impact fees when signal warrants are met based on the Manual of Uniform Traffic Control Devices (MUTCD) or LOS issues.

c. The provisions of four travel lanes on SR 559 from the northern terminus of the planned FDOT project on SR 559 (approximately 1/10 mile) to the intersection of CR 557A and SR 559. This improvement will be funded through voluntary impact fees or a special assessment to be exacted by the developer.

d. Right-of-way required for the four laning of SR 559 from the Interstate 4 interchange north will be dedicated by the developer along the eastern edge of SR 559. This right-of-way dedication shall not include land required for deceleration and acceleration lanes on the north side of Interstate 4 and SR 559 related to interchange improvements.

G. ***Site Specific Standards***

1. For all parcels located in the SAP with the exception of one parcel located on the southeast corner of Interstate 4 and SR 559 the following standards will apply:

a. Lighting

i. Cut-off/non-glare fixtures are required.

ii. The maximum height of the light sources shall be 40 feet.

iii. Illumination onto adjacent properties shall not exceed 0.5 foot candles.

iv. The minimum setback of the light source from the property line shall be a horizontal distance of 20 feet, except when adjoining a right-of-way. If the property adjoins a right-of-way, the lighting can be placed within the landscape buffer ten feet in width.

b. Signs shall comply with the following:

i. Two freestanding identification signs are allowed per site. This limitation does not apply to directional, regulatory or temporary signs.

ii. Parcels located further than 3 mile from an exit ramp of the Interstate shall utilize ground mounted signs with a maximum square foot area of 50 feet per sign face. Maximum height of ground signage shall be no more than 16 feet from grade.

iii. Illumination of any sign shall be so lighted and maintained as to not throw a glare or blinding light into any street, highway, or other public thoroughfare, which would be likely to impair the vision of any motorist upon the street, highway or thoroughfare.

iv. Temporary signs, which show property for sale or lease, shall be allowed.

c. Landscape shall comply with the following:

i. Shade trees ten feet in height shall be planted 50 feet on center along all public right of way frontages. 50 percent of required shade trees shall be Live Oaks (Quercus Virginiana).

ii. All vehicular use areas fronting on public right-of-way will be screened by a shrub mass. Shrubs are to attain a height of three feet within one year of planting and have 80 percent opacity at time of planting.

iii. A landscape buffer ten feet in width shall be present around all property boundaries located along public right-of-way and along property edges that are the boundaries of the Selected Area Plan. These buffers are to include a minimum of two canopy trees ten feet in height and two under story trees six feet in height per 100 lineal feet. 50 percent of required shade trees shall be live oaks (Quercus Virginiana). Buffers are not required around wetlands.

iv. The developer of the property shall provide a landscape, which meets the above buffer requirement, between SR 559 and the frontage roads to be constructed by FDOT. This buffer shall meet all FDOT standards.

v. A minimum of one shade tree ten feet in height is required for each 3 acre or fraction thereof of gross site area. Existing trees may be counted towards this total.

d. Pedestrian Access shall comply with the following:

i. A sidewalk five feet in width shall be provided along public right-of-way by the developer of each site, if not already in place.

ii. Connectivity of sidewalks from each site shall be provided to enhance pedestrian accessibility.

iii. A pedestrian connection shall be provided between the sidewalk and the entrance to the building.

2. For the all parcels within the SR 559 SAP located on the southeast corner of Interstate 4 and SR 559, the following standards will apply:

a. Lighting shall comply with the following:

i. Cut-off/non-glare fixtures are required.

ii. The maximum height of the light sources shall be 40 feet.

iii. Illumination onto adjacent properties shall not exceed 0.5 foot candles.

iv. The minimum setback of the light source from the property line shall be a horizontal distance of 20 feet, except when adjoining a right-of-way. If the property adjoins a right-of-way, the lighting can be placed within the landscape buffer ten feet in width.

b. Signs shall comply with the following:

i. Two freestanding identification signs are allowed per site. This limitation does not apply to directional, regulatory or temporary signs.

ii. Illumination of any sign shall be so lighted and maintained as to not throw a glare or blinding light into any street, highway, or other public thoroughfare, which would be likely to impair the vision of any motorist upon the street, highway or thoroughfare.

iii. Temporary signs, which show property for sale or lease, shall be allowed.

c. Landscape shall comply with the following:

i. Shade trees ten feet in height 50 feet on center shall be planted along all public right of way frontages. 50 percent of required shade trees shall be live oaks (Quercus Virginiana).

ii. All vehicular use areas fronting on public right-of-way will be screened by a shrub mass. Shrubs are to attain a height of three feet within one year of planting and have 80 percent opacity at time of planting.

iii. A landscape buffer ten feet in width shall be present around all property boundaries located along public right-of-way and along property edges that are the boundaries of the Selected Area Plan. These buffers are to include a minimum of two canopy trees ten feet in height and two under story trees six feet in height per 100 lineal feet. 50 percent of required shade trees shall be live oaks (Quercus Virginiana). Buffers are not required around wetlands.

iv. The developer of the property shall provide a landscape, which meets the above buffer requirement, between SR 559 and the frontage roads to be constructed by FDOT. This buffer shall meet all FDOT standards.

v. A minimum of one shade tree ten feet in height is required for each 3 acre or fraction thereof of gross site area. Existing trees may be counted towards this total.

3. When the BPCX parcels located north of CR 557A and east of SR 559 are developed, a building setback of 50 feet will apply along the northern property boundary and a barrier wall six feet in height will be constructed running east and west along the northern property line.

H. ***Archeological and Historical Resources***

Prior to initiating any project related land clearing or ground disturbing activities within undisturbed upland portions of the project area, a systematic, professional archeological and historical survey will take place within sites identified by the State Division of Historical Resources. At the time of development approval, all state guidelines shall be followed.

Section 401.06 The North Ridge Selected Area Plan **(Revised 03/06/02 - Ord. 02-13)**

A. ***Purpose and Intent***

This Selected Area Plan (SAP) was adopted in the Polk County Comprehensive Plan to recognize the anticipated high level of urbanization during the next twenty years along the US 27 corridor between Haines City and Interstate 4 and along US 17/92 north of Haines City and south of CR 54. The districts and performance standards that follow implement the public/private initiatives outlined in the Plan. In order to achieve an efficient and highly desirable urban growth pattern, a balance of residential and non-residential uses is required, as well as a range of housing opportunities and short trips between housing, employment, and shopping including access management. The approach utilized in the SAP districts include the creation of traditional neighborhood villages and access management standards while preserving sensitive environmental resources.

B. ***Applicability***

This section applies to development within the North Ridge SAP, the boundaries of which are shown on the FLUM.

C. ***Allowable Uses and Intensity of Development, and Dimensional Regulations*** ***(Revised 6/21/16 – Ord. 16-031; 11/4/14 – Ord. 14-066; 05/07/08 – Ord. 08-013)***

The land use categories and uses allowable in this district are shown in Table 4.16. Land use categories and uses not shown are prohibited.

1. All development that is permitted (P) or permitted with density bonus points (B) shall require a Level 2 Review in accordance with Table 4.20 and Table 4.21.

2. Land uses shown with a C1, C2, C3 or C4 in Table 4.16 shall comply with applicable Criteria for Conditional Uses in the North Ridge SAP in addition to the requirements of Chapter 3 of the Land Development Code.

3. All development that is permitted with a Planned Development (PD) shall require a Level 3 Review in accordance with Table 4.20 and Table 4.21.

4. The dimensional regulations for these SAP districts are outlined in Table 4.17 for the North Ridge Selected Area Plan.

5. Where outdoor storage is allowed as an accessory use, the following standards shall apply:

    a. All outdoor storage shall be at a minimum of 50 feet from any residential use or land use district;

    b. All activity shall be limited to operation between the hours of 6:00 a.m. and 9:00 p.m..;

    c. All speakers shall be setback 100 feet from any residential use or residential land use district; and

    d. All speakers shall be directed away from any residential use or residential land use district.

Table 4.16 Use Table for Standard Land Use Districts (Higher density/intensity development may require bonus points or a planned development in the North Ridge SAP (For revision history, please see last row of table)																							
	A/RR X	RS X	RL 1X	RL2 X	RL3 X	RL4 X	RM X	RH X	CC X	CE X	LCC X	NAC X	CAC X	RAC X	TCC X	BPC 1X	IND X	PI X	L/R X	EC X	INST X	ROS X	PRESV X
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																							
Residential Uses																							
Duplex, Two-family Attached					C2	C2	P	P						C2									
Family Farm	C1	C1																					
Fly-in Community	C3	C3																	C3				
Group Home, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1	C1															
Group Home, Large (7-14 residents)	C3	C3					C1	C1													C1		
Group Living Facility (15 or more residents)	C3	C3	C3	C3	C3	C3	C3	C2										C2			C2		
Farm Worker Housing	C3																						
Mobile Home Park & Subdivision	C3	C4	C4	C4	C4	C4	C3																
Mobile Homes, Individual	C1	C1	C1	C1	C1	C1	C1	C1															
Multifamily					C3	C2	P	P			C3		C2	C2	C2	C3		C2	C2	C2	C2		
Residential Infill Development		C2	C2	C2	C2	C2	C2	C2															
Rural Residential Development	C3	C3																					
Short-Term Rental Unit			C3	C3	C3	C3	C3	C3						C2	P				P				
Single family Detached Home & Subdivision	P	P	P	P	P	P	P																
Suburban Planned Development		C3																					

Table 4.16 Use Table for Standard Land Use Districts (Higher density/intensity development may require bonus points or a planned development in the North Ridge SAP (For revision history, please see last row of table)

	A/RR X	RS X	RL 1X	RL2 X	RL3 X	RL4 X	RM X	RH X	CC X	CE X	LCC X	NAC X	CAC X	RAC X	TCC X	BPC 1X	IND X	PI X	L/R X	EC X	INST X	ROS X	PRESV X
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																							
Mixed Uses																							
Planned Development	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3
Residentially-Based Mixed-Use Development	C3	C3	C3	C3	C3	C3	C3	C3															
Rural Mixed Development	C3	C3																					
Transitional Area Development		C3	C3	C3	C3	C3	C3	C3	C3	C3		C3	C3	C3	C3	C3							
All Other Uses																							
Adult Day Care Center (7 or more clients)	C3	C3	C3	C3	C3	C3	C3	C2										C2			C2		
Agricultural Support, Off-Site	C3	C3								P	P						P						
Agricultural Support, On-Site	P	C3	C3	C3	C3	C3	C3	C3	C3	C3	P	C3	C3	C3	C3	C3	C3		C3	P			
Agriculture Transfer, Packing, Off-site	C3	C3	C3							P	P						P						
Agriculture Transfer, Packing, On-site	P	C3	C3	C3	C3	C3	C3	C3	C3	C3	P	C3	C3	C3	C3	C3	C3		C3				
Airport	C4													C4		C4	C4				C4		
Alcohol Packaged Sales									C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1			
Animal Farm, Intensive	P	C3																					
Assembly, Light																P	P			P			
Bar, Lounge, Tavern										C3	C3	C3	C1	C1	C1	C1	C2		C1				
Bed and Breakfast	C3	C3	C3	C3	C3	C3	C3	C3			C2	C2	C2		C2				C2				

Table 4.16 Use Table for Standard Land Use Districts (Higher density/intensity development may require bonus points or a planned development in the North Ridge SAP (For revision history, please see last row of table)

	A/RR X	RS X	RL 1X	RL2 X	RL3 X	RL4 X	RM X	RH X	CC X	CE X	LCC X	NAC X	CAC X	RAC X	TCC X	BPC 1X	IND X	PI X	L/R X	EC X	INST X	ROS X	PRESV X
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																							
Breeding Facility, Wild or Exotic	C4																						
Car Wash, Incidental									C2				P	P	P					C2			
Cemetery	C2	C3							C3	C3	C3	C3	C2	C2	C3						C2		
Childcare Center	C3	C3	C3	C3	C3	C3	C3	C3		C2	P	P	P	P	P			C2	C2	C2	P		
Clinics & Medical Offices											P	C2	P	P	P			P		C2	C2		
Commercial Vehicle Parking										C2	C2		C2	C2	C2	C2	P						
Communication Towers, Guyed and Lattice	C2												C3	C3		C3	C2				C2	C3	
Communication Tower, Monopole	C2										C3		C2	C2	C2	C2	C2	C2	C3	C3	C2	C3	
Community Center	C3	C3	C3	C3	C3	C3	C3	C3			C2	C2	P	P	P				P	P	P	C2	
Construction Aggregate Processing																	C3						
Construction Aggregate Storage																	C3						
Convenience Stores, Isolated	C2	C2														C2	C2		C2		C2		
Correctional Facility	C4																				C2		
Cultural Facility	C3	C3	C3	C3	C3	C3	C3	C3	P	P	P	P	P	P	P			P	P	P	P	C2	C4
Emergency Shelter, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1	C1															
Emergency Shelter, Medium (7-14 residents)	C3	C3					C1	C1													C1		
Emergency Shelter, Large (15 or more residents)	C3	C3	C3	C3	C3	C3	C3	C2										C2			C2		
Financial Institution									C2	C3	C2	P	P	P	P	C2	C2	C2		P			

Table 4.16 Use Table for Standard Land Use Districts (Higher density/intensity development may require bonus points or a planned development in the North Ridge SAP (For revision history, please see last row of table)

	A/RR X	RS X	RL 1X	RL2 X	RL3 X	RL4 X	RM X	RH X	CC X	CE X	LCC X	NAC X	CAC X	RAC X	TCC X	BPC 1X	IND X	PI X	L/R X	EC X	INST X	ROS X	PRESV X
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																							
Financial Institution, Drive Through									C2	C3	C2	P	P	P	P	C2	C2	C2		P			
Forestry Specialized Operation	C2																P						
Funeral Home & Related Facilities										C3	C2		C2	P				C2					
Gas Station									C2	C2	C2	C2	P	P	P	C2	C2			C3	C3		
Golf Course			C1	C1	C1	C1	C1								C1				C1			C1	
Government Facility	C3	C3	C3	C3	C3	C3	C3	C3	P	P	P	P	P	P	P	P	P	C3	C3	C3	P	C3	
Hazardous Waste Transfer, Storage																	C4						
Heavy Machinery Equipment Sales and Services																	P						
Heliports	C2										C3		C2	C2	C2	C2	C2	C2		C3	C2		
Helistops	C2	C3	C3	C3	C3	C3	C3	C3		C2	C2		C3	C2	C3	C2	C2	C2	C3	C2	C2	C2	
Hospitals													P	P				P		C3	P		
Hotels and Motels										C3	C2		P	P	P	C2	C2	P	C2	C2			
Kennels, boarding	C2									C3	C2		C1	P	C1								
Kennels, breeding	C2	C3																					
Lime Stabilization Facility	C3	C3								C3	C3					C3	C3				C3		
Livestock Sale, Auction	C2																C2						
Lodges and Retreats, Private	C3									C2	P								P		P		
Manufacturing, Explosives/ Volatile Material																	P						
Manufacturing, General																	P						
Manufacturing, Light																C2	P						

Table 4.16 Use Table for Standard Land Use Districts (Higher density/intensity development may require bonus points or a planned development in the North Ridge SAP (For revision history, please see last row of table)

	A/RR X	RS X	RL 1X	RL2 X	RL3 X	RL4 X	RM X	RH X	CC X	CE X	LCC X	NAC X	CAC X	RAC X	TCC X	BPC 1X	IND X	PI X	L/R X	EC X	INST X	ROS X	PRESV X
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																							
Marinas and Related Facility	C3									C1	C1	C1	C1	C1	C1				C1				
Mining, Non-phosphate	C3	C3	C4	C4	C4	C4	C4	C4	C3	C3	C3	C3	C3	C3	C3	C3	C3	C4	C3	C4	C4	C4	
Motor Freight Terminal											C3						P						
Nightclub / Dance Hall										C3	C3		C3	C1	C2	C3			C2				
Nurseries, Retail										C2	P	P	P	P									
Nurseries and Greenhouses	P	C2								C2	P	P	P										
Nursing Home							C2	C2		C2	C2		C2	C2				C2			C2		
Office									C2	C2	P	C2	P	P	P	P	P	C2		C2	C2		
Office Park											P			C2		P		C2		P			
Personal Service									C1	C1	P	C2	P	P	P	P	P	C2	C2	P			
Printing & Publishing											C2					P	P			P			
Railroad Yard																	C3						
Recreation, High Intensity	C3	C3	C3	C3	C3	C3	C3	C3											C1		C1	C1	C3
Recreation, Low Intensity	C2	C2	C2	C2	C2	C2	C2	C2											C1		C1	C1	C2
Recreation Passive	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1
Recreation & Amusement Intensive									C3	C3				C3	C3				C3				

Table 4.16 Use Table for Standard Land Use Districts (Higher density/intensity development may require bonus points or a planned development in the North Ridge SAP (For revision history, please see last row of table)

	A/RR X	RS X	RL 1X	RL2 X	RL3 X	RL4 X	RM X	RH X	CC X	CE X	LCC X	NAC X	CAC X	RAC X	TCC X	BPC 1X	IND X	PI X	L/R X	EC X	INST X	ROS X	PRESV X
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																							
Recreation & Amusement General									C2	C2	P	C2	P	P	P				C2				
Recreational Vehicle Park															P				C2				
Religious Institution	C3	C3	C3	C3	C3	C3	C3	C3	P	P	P	P	P	P	P			C3	C3	C3	P	C2	
Institutional Camp	C3	C3																	P				
Research & Development																P	P	P		P	C2		
Residential Treatment Facility	C4									C4	C4		C4	C4							C4		
Restaurant, Drive-thru/ Drive-in									C2	C2	C2	C3	C2	C2	C2	C2	C2	C2	C2	C2			
Restaurant, Sit-down/ Take-out									C2	C3	P	P	P	P	P	C2	C2	C2	P	P			
Retail, Less than 5000 sq. ft.									P	P	P	P	P	P	P	C2	C2	C2	C2	P			
Retail, 5,000 - 34,999 sq. ft.										C2	C2	P	P	P	P	C2	C2	C2	C2	C2			
Retail, 35000 – 64,999 sq.											C2	P	P	P	P	C2	C2	C2	C3	C2			
Retail, More than 65,000 sq. ft.											C3	C3	P	P	C2	C3	C3			C3			
Retail, Home Sales Office										C3	C2			P									
Retail, Outdoor Sales/Display										C3	C2		C3	C3	C3								

Table 4.16 Use Table for Standard Land Use Districts (Higher density/intensity development may require bonus points or a planned development in the North Ridge SAP (For revision history, please see last row of table)

	A/RR X	RS X	RL 1X	RL2 X	RL3 X	RL4 X	RM X	RH X	CC X	CE X	LCC X	NAC X	CAC X	RAC X	TCC X	BPC 1X	IND X	PI X	L/R X	EC X	INST X	ROS X	PRESV X
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																							
Riding Academies	C1	C1	C3																P			C1	
Salvage Yard																	C3						
School, Elementary	C3	C2	C2	C2	C2	C2	C2	C2													P		
School, Middle		C3	C2	C2	C2	C2	C2	C2													P		
School, High		C3	C3	C3	C3	C3	C2	C2					C3					C3		C3	P		
School, Leisure/Special Interest	C3	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	P	P	P	C2	C3	C2	P	C2	P	P	
School, Technical/ Vocational Trade & Training									C3	C3	C3	C3	C2	C2	C2	C2	P	C2		C2	P		
School, University/College						C4	C3	C3				C3	C3	C3	C3	C2	C3	C3		C2	P		
Seaplane Base	C3	C3															C3		C3				
Self-storage Facility											C2		C2	C2		C2	C2	C3		C2			
Solar Electric-Power Generation Facility	C2	C3														C2	C2				C2		
Stable, Riding Academies	C3	C3																	P			C3	
Studio, Production										P	P			P		P	P			P	P		
Time shares														P	P				C2				
Transit, Commercial											C3			P			P				C2		
Transit, Facility										P	P	P	P	P	P	C3	P	C2		C2	P		
Truck Stop														C2			C2						
Utilities, Class I	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities, Class II	C1	C1	C1	C1	C1	C1	C1	C1	P	P	P	P	P	P	P	P	P	P	P	C1	P	P	

Table 4.16 Use Table for Standard Land Use Districts (Higher density/intensity development may require bonus points or a planned development in the North Ridge SAP (For revision history, please see last row of table)																							
	A/RR X	RS X	RL 1X	RL2 X	RL3 X	RL4 X	RM X	RH X	CC X	CE X	LCC X	NAC X	CAC X	RAC X	TCC X	BPC 1X	IND X	PI X	L/R X	EC X	INST X	ROS X	PRESV X
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																							
Utilities, Class III	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C2	C3	C3	C3	C3	C3	
Vehicle recovery Service/Agency										C2	C2						C2						
Vehicle Repair, Auto Body										C3	C3						P						
Vehicle Service, Mechanical										C3	C2	P	P	P	P		P			C2			
Vehicle Sales, Leasing										C3	C2		C2	P	C2		C1			C2			
Veterinary Service	P								C1	C1	P	P	P	P	P			C2					
Warehousing/Distribution																P	P						
Water Ski Schools	C4	C4							C3	C3	C3	C3	C3	C3	C3	C3	C3		C3		C3	C3	
Revised 4/19/16 – Ord. 16-022; 8/7/14 – Ord. 14-045; 03/18/14 – Ord. 14-015; 06/18/13 – Ord. 13-023; 12/6/11 – Ord. 11-033; 12/06/11 – Ord. 11-032; 6/28/11 – Ord. 11-008; 2/3/10 – Ord. 10-007; 12/01/09 – Ord. 09-073; 09/16/09 – Ord. 09-060; 09/02/09 – Ord. 09-055; 07/22/09 – Ord. 09-047; 03/18/09 – Ord. 09-009; 11/12/08 – Ord. 08-056; 03/25/03 - Ord. 03-23; 05/15/02 - Ord. 02-22; 3/6/02 – Ord. 02-13																							

Table 4.17 Dimensional Regulations for the North Ridge Selected Area Plan (Added 05/07/08 – Ord. 08-013)

	A/RR X	RS X	RL 1X	RL 2X	RL 3X	RL 4X	RM X	RH X	CC X	CE X	LCC X	NAC X	CAC X	RAC X	TCC X	BPC 1X	IND X	PI X	L/R X	EC X	INST X	ROS X	PRESV X
MINIMUM SETBACKS FROM ROAD RIGHTS-OF-WAY (1) (7) (11)																							
LIMITED ACCESS	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'
PRINCIPAL ARTERIAL	65'	65'	65'	65'	65'	65'	65'	65'	65'	65'	65'	65'	65'	65'	65'	65'	65'	65'	65'	65'	65'	65'	65'
MINOR ARTERIAL	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'
URBAN COLLECTOR	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'
LOCAL ROAD	25'	20'	15'	15'	15'	15'	15'	15'	30'	30'	30'	30'	30'	30'	30'	30'	25'	30'	30'	30'	30'	30'	25'
MINIMUM SETBACKS (Principal Structure / Accessory Structures) (12)																							
INTERIOR SIDE (3) (4) (7) (8)(11) (14)	15 / 10	10 / 5	10' / 5'	10' / 5'	5' / 5'	5' / 5'	5' / 5'	5' / 5'	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15	20' / 0	15' / 0	15 / 15	15 / 15	20 / 15	15 / 15	15 / 15	15 / 15
INTERIOR REAR (3) (4) (7) (8) (9) (11)	20 / 10	15 / 10	15' /10'	15' /10'	10' / 5'	10' / 5'	10' / 5'	10' / 5'	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15	30 / 15	15 / 15	20' / 0	30' / 0	15 / 15	15 / 15	20 / 15	15 / 15	15 / 15	30 / 10
MAX. STRUCTURE HEIGHT (ft) (2)(5)(6) (10) (12) (13)	50	50	50'	50'	50'	50'	50'	50'	50'	35	N/A	50'	75'	N/A	100	100'	N/A	50'	50	75'	50'	25'	25'

Table 4.17 Dimensional Regulations for the North Ridge Selected Area Plan (Added 05/07/08 – Ord. 08-013)

Footnotes for Table 4.17

1. Front, exterior side, and exterior rear setbacks for principal and accessory structures shall be determined by the distance from the road right-of-way (R/W). Setbacks from private roads shall be calculated in the same manner or from the edge of pavement, whichever is greater. All linear dimensions are given in feet.

2. Residential structures exceeding 35 feet in height, setbacks shall be increased by one-half of one foot for each one foot of height over 35 feet.

3. All development is subject to Section 610 - Setbacks from lakes and surface waters.

4. All development is subject to Section 220 - Compatibility.

5. Chimneys, smoke stacks, communication towers, and Religious Institution symbols, including but not limited to: minarets, prayer towers, steeples, crosses, menorahs, Stars of David, and bell towers are exempt from the structure height limitations.

6. All structures are subject to compliance with the Polk County Airport Zoning Regulations, adopted and administered by the Joint Airport Zoning Board (JAZB).

7. All residential garage entrances for vehicles shall be setback a minimum of 20 feet from the property line or right-of-way easement.

8. All structures shall comply with Section 214 - Distance between Buildings

9. Minimum interior side setbacks for non-residential uses which adjoin non-residential districts may utilize a zero setback in accordance with the provisions in Section 755, provided that side adjoins a non-residential district.

10. Recreational lighting, seating, press boxes, and other similar appurtenances are excluded from height restrictions when approved through a Level 3 Conditional Use process.

11. The Building Official may approve a reduction in the required setbacks of up to ten percent (10%) of the requirement through a Level 1 Review process

12. On structures greater than 50 feet in height the building setbacks shall be increased by one-half of one foot for each one foot of height over 50 feet to a maximum of 25 feet of additional setback unless approved as part of a master plan development.

13. There is no height limitation for development of multi-family buildings in RL-3X AND RL-4X the RMX, RHX, CEX, LCCX, NACX, CACX, TCCX, RACX, ECX, PIX, and INSTX.

14. Townhouses, Duplexes and single family attached units intended to be subdivided and sold as individual units shall have no setback from the common wall between units.

D. ***Modified Land Use Requirements*** ***(Revised 01/24/12 – Ord. 12-003; 05/07/08 – Ord. 08-013; 07/25/07 – Ord. 07-039)***

1. In all land uses, sand mining has historically occurred on lands within the North Ridge SAP. It is anticipated that sand mining will continue to be allowed within this SAP. Expansions of over 25 percent of mined areas of currently permitted mines and new mines will be allowed with the approval of a conditional use for a mine plan in accordance with the provisions.

2. Residential Low - 3 (RL-3X) and Residential Low - 4 (RL-4X) B In addition to the other applicable provisions, the following regulations shall apply:

   a. Duplexes and single family attached units

      i. In RL-3X, the minimum lot size is 6,000 square feet for each unit, provided the following conditions are met:

         (1) The duplex or single family attached unit development is adjacent to or abuts a residential development, that is developed or has final development approval for residential development at a density greater than two dwelling units per acre (2 du/acre);

         (2) The duplex or single family attached unit development abuts a vacant and undeveloped residential district; or

         (3) If none of the above conditions can be met, then each duplex or single family attached buildings shall have a minimum lot size of 12,000 square feet for each unit in the RL-3X.

      ii. In RL-4X, the minimum lot size is 4,000 square feet for each unit, provided the following conditions are met:

         (1) The duplex or single family attached unit development is adjacent to or abuts a residential development, that is developed or has final development approval for residential development at a density greater than two dwelling units per acre (2 du/acre);

         (2) The duplex or single family attached unit development abuts a vacant and undeveloped residential district; or

         (3) If none of the above conditions can be met, then each duplex or single family attached buildings shall have a minimum lot size of 6,000 square feet for each unit in the RL-4X.

iii. Duplexes and single family attached buildings are permitted as a Level 2 Review in the RL-3X and RL-4X;

iv. Duplexes and single family attached buildings are permitted on public or private roads, provided the road is paved and meets County standards or other type frontage as provided for in this SAP or within other sections;

v. A Type B Buffer is required where a duplex or single family attached unit development abuts a residential district; and

b. Multifamily buildings:

i. Permitted to have up to four units per building in the RL-3X and RL-4X provided the overall density for the district is maintained in accordance with Table 4.16 and 4.18, however, this provision may be waived within the TSDA with the approval of a Planned Development; and

ii. There is no minimum lot size or height limitation for multifamily building in the RL-3X and RL-4X.

3. Residential Medium (RMX) B In addition to the other applicable provisions, the following regulations shall apply:

a. Duplexes and single family attached buildings:

i. The minimum lot size is 3,000 square feet for each unit or may be reduced with a Planned Development;

ii. Duplexes are permitted on public or private roads provided the road is paved and meets County standards or other type frontage as provided for in this SAP or within the Comprehensive Plan; and

b. Multifamily units:

i. Permitted to have up to 16 units per building provided the overall density for the district is maintained. A Planned Development shall be required if more than 16 units per building is developed, provided the overall density for the district is maintained in accordance with Table 4.16 and 4.18; and

ii. There is no minimum lot size or height limitation for multifamily building.

4. Residential High (RHX) – In addition to the other applicable provisions, the following regulations shall apply:

a. Multifamily units:

i. There is no maximum number of units per building provided the overall density for the district is maintained. A Planned Development shall be required if more than 32 units per building is developed, provided the overall density for the district is maintained in accordance with Table 4.16 and 4.18; and

ii. There is no minimum lot size or height limitation for multifamily buildings.

5. Convenience Center (CCX) -- In addition to the other applicable provisions, residential use is not permitted as a primary use, but is permitted above non-residential uses as an accessory use for a total of two stories of residential over one story of non-residential uses (total of three story mixed-use building).

6. Neighborhood Activity Center (NACX) -- In addition to the other applicable provisions, residential use is not permitted as a primary use, but is permitted above non-residential uses as an accessory use at the Medium-Density Residential density (5.01 du/ac to 10.0 du/ac).

There is no minimum lot size or height limitation for multifamily buildings.

7. Community Activity Center (CACX) -- In addition to the other applicable provisions, residential use is not permitted as a primary use, but is permitted above non-residential uses as an accessory use at the Medium-Density Residential density (5.01 du/ac to 10.0 du/ac). The Floor Area Ratio (FAR) can exceed the base FAR in accordance with Table 4.20.

There is no minimum lot size or height limitation for multifamily buildings.

8. Regional Activity Center (RACX)

a. Residential uses B Residential units developed at the Special Residential Density of ten to 50 dwelling units per acre for up to 25 percent of the district are permitted provided that the applicant demonstrates that the development will not exceed the 25 percent maximum of residential development for the RACX area of each corner of the intersection of I-4 and US 27 within this SAP. There is no minimum lot size or height limitation for multifamily buildings.

b. Non-Residential uses:

i. Mixed use buildings with non-residential uses as the primary use and accessory residential units above the non-residential uses are not included in the 25 percent maximum residential calculations. The

density shall only be limited by the setbacks, FAR, etc., rather than by units per acre;

ii. The Floor Area Ratio (FAR) for non-residential development may exceed the base FAR of 1.0 in accordance with Table 4.20; and

iii. There is no height limitation for buildings.

9. Commercial Enclave (CEX) B In addition to the other applicable provisions, residential use is not permitted as a primary use, but is permitted above non-residential uses as an accessory use for a total of two stories of residential over non-residential uses (mixed-use building).

10. Linear Commercial Corridor (LCCX) B This Future Land Use designation recognizes existing developed LCCX within the North Ridge SAP. The following requirements will be met for redevelopment:

a. Non-conforming uses cannot be intensified;

b. New Industrial (IND) and High Impact Commercial (HIC) uses are not permitted within the LCCX;

c. New development in infill areas shall be limited to office, professional offices, and retail uses;

d. Mixed use buildings are permitted; and

e. Residential use is not permitted as a primary use, but is permitted above non-residential uses in a mixed-use building as an accessory use at the Medium Density Residential density (5.01 du/ac to10.0 du/ac).

f. There is no height limitation for buildings.

11. Professional Institutional (PIX) B Development shall be consistent with the following:

a. On-premise signs shall meet the requirements of Section 760 for Community Activity Center (CAC) and shall be reduced by 15 percent for sign height and area within the SAP;

b. Residential development, as a primary or accessory use, shall be permitted to a maximum of 15 percent of the total developable area of a PIX area at Medium Density Residential density (5.01 to 10 du/ac) and shall comply with all other requirements of Chapter 3 for multifamily developments within activity centers (CAC, RAC, and BPC-1). Residential units above non-residential uses, at Medium Density Residential density, are encouraged and are not included in the 15 percent residential cap;

For purposes of this section, total developable area of a PIX shall be the group of contiguous parcels designated as PIX not bisected by collector or arterial roads or any physical natural barriers.

c. Single-family attached, single-family detached, duplex, and three unit residential buildings shall be prohibited from being used in the PIX; and

d. The Floor Area Ratio (FAR) for non-residential development may exceed the base FAR of 0.70 in accordance with Table 4.20.

12. Employment Center (ECX) B Development shall be consistent with the following:

a. On-premise signs shall meet the requirements of the Community Activity Center (CAC) and shall be reduced by 15% for the SAP in accordance with Section 760 of the Land Development Code;

b. The setbacks and building height shall meet the requirements of Section F.5. and 6.of this SAP, Development Design Standards and Requirements;

c. Residential development, as primary or accessory use, shall be permitted to a maximum of 15 percent of the total developable area[4] of ECX at Medium Density Residential density (5.01 to 10 du/ac) and High Density residential (10.01 du/ac to 15 du/ac) and shall comply with all other requirements of Chapter 3 for multifamily developments within activity centers (CACX, RACX, and BPC-1X). Residential units above non-residential uses are encouraged and are not included in the 15 percent residential cap for units above non-residential, the density shall only be limited by setbacks, and height, etc., rather than by units by acre;

d. Single-family attached, single-family detached, duplex, and three unit residential buildings shall be prohibited from being used in the ECX; and

e. The Floor Area Ratio (FAR) for non-residential development can exceed the base FAR in accordance with Table 4.20.

13. Tourism Commercial Centers (TCCX) B The Floor Area Ratio (FAR) for non-residential development may exceed the base FAR of 0.50 in accordance with Table 4.20.

14. Leisure Recreation (L/R) – In compliance with the Polk County Comprehensive Plan, L/R areas are not intended for permanent residents. In addition to other applicable provisions within this Code and the Polk County Comprehensive Plan, the following regulation shall apply:

---

4 For purposes of this section, total developable area of an ECX shall be the group of contiguous parcels designated as ECX not bisected by collector or arterial roads or any physical natural barriers.

a. Retail uses are limited to 7 percent of the net usable area.

b. Retail uses over 7 percent and up to 15 percent may be permitted if developed as part of a mixed use project.

c. The number of units per acre, except hotel/motel room accommodations which are limited by the allowable FAQR, is defined in Section 205, Table 2.2 in accordance with the guidelines of Policy 2.115-A4 of the Polk County Comprehensive Plan. The Floor Area Ration (FAR) can exceed the bas FAR in accordance with Table 4.20.

E. ***Modified Special Use Requirements*** ***(Revised 6/21/16 – Ord. 16-031; 11/4/14 – Ord. 14-066; 2/3/10 – Ord. 10-007; 07/25/07 – Ord. 07-039)***

1. Residentially Based Mixed Use Developments (RBMD) Design Standards:

a. The design configuration and mix of uses shall emphasize a pedestrian oriented environment;

b. The street pattern shall resemble a grid and limit the use of cul-de-sac streets;

c. Development shall comply with the provisions within the North Ridge SAP regarding Recreation Space, and Open Space in lieu of the Recreation and Open Space requirement of Section 401;

d. Residential and non-residential uses, within the development, shall be interconnected to enable efficient flow of pedestrian and vehicular traffic;

e. Non-residential uses shall be interconnected to adjacent development to enable efficient flow of pedestrian and vehicular traffic;

f. The non-residential uses for the development, such as community facilities, personal services, laundromat, dry cleaners, etc., shall not exceed 12,000 square feet or 20 percent of the area of the development, whichever is more restrictive;

g. The residential uses for a development shall be developed in accordance with Table 4.18 and Table 4.21; and

h. The non-residential uses for the RBMD are not restricted on location, however, the non-residential uses must provide a buffer in accordance with Section 720 of the Land Development Code when abutting residential uses within or outside of the RBMD.

2. Accessory Uses B Alcoholic beverage sales for consumption on site shall be permitted as an accessory use in timeshares, hotels, and other resort communities in those land uses where the uses are allowed.

3. Conditional Uses - In addition to Chapter 3, the following conditions shall apply within the North Ridge SAP:

   a. Agricultural Support, off-site – Any outdoor storage of equipment or equipment repair areas shall be screened with a Type B Buffer;

   b. Bars, Lounges, Taverns – Bars, Lounges and Taverns shall meet the following conditions:

      i. Square footage shall not exceed 2,000 in PIX, ECX, NACX, BPC-1X, BPC-2X and INDX, not including a kitchen or storage; and

      ii. All standards in Section 224 shall apply.

   c. Boarding of animals – Boarding of animals at a veterinary office shall be considered accessory provided the boarding area is within an enclosed building and provisions are made to attenuate the noise. Exterior run for exercise purposes is permissible;

   d. Bed and Breakfast B In non-residential districts, bed and breakfast facilities shall comply with applicable standards and the following conditions:

      i. If the bed and breakfast abuts a residential district on one or more sides, the use shall comply with the conditions in Chapter 3. A Type B Buffer shall be required where the bed and breakfast abuts residential districts; and

      ii. If the bed and breakfast is surrounded by non-residential uses, the use may take on the character of the adjacent and surrounding uses and comply with the district requirements.

   e. Carwash (Incidental) establishments within the EXC district of the North Ridge SAP are considered to be retail/commercial uses and shall not exceed the 20% limit of such retail/commercial uses allowed throughout the ECX district. Incidental Carwash establishments shall adhere to conditional use development criteria expressed for Incidental Carwashes in Section 303, Criteria for Conditional Uses, of the Land Development Code and shall have direct frontage along US Highway 27.

   f. Convenience Store establishments within the ECX district shall conform to Section 303 *(Convenience Stores)* of the LDC in addition to the following conditional use development criteria:

i. Convenience stores are considered to be retail/commercial uses and shall not exceed the 20% limit of such retail/commercial uses allowed throughout the ECX district.

ii. Convenience store establishments within the ECX district must be part of a Planned Development that is no less than a total of eight (8) acres in size and shall include a phasing plan for the incorporation of future ECX uses. The tract of land designated for the convenience store use does not require a minimum acreage amount, but shall be required to have direct frontage along US Highway 27 and provide interconnecting access to those adjacent tracts within the planned development. Proposed convenience store establishments within the ECX district that do not have frontage along this identified regional roadway shall be prohibited.

iii. Direct access onto US Highway 27 via new individual driveways shall be prohibited; however, access to a proposed parcel/site may be achieved via:

a. An arterial road that intersects US Highway 27; or

b. An urban collector or local roadway that intersects US Highway 27 within a ¼ mile of the proposed site.

iv. Additional buffering techniques that exceed Land Development Code standards (whether through vegetative screening, distance separation, limiting the scale, or a combination thereof) may be required by the Development Review Committee (DRC) where the effect of lighting, noise, or other such compatibility factors is determined to adversely impact nearby residential uses or residential FLU districts.

g. Financial Institutions – In addition to all applicable regulations, the following standards shall apply:

i. All financial institutions, within BPCX and INDX, shall support the existing developed use; and

ii. Financial institutions shall not exceed fifteen percent of the total developed area of the subject land use district. The total developed area shall be calculated based on the inclusion of all existing uses in the subject land use developable area and those with approved and valid site plans, construction plans and plats.

h. Financial Institutions drive-thru – In addition to all applicable regulations, the following standards shall apply:

i. the minimum distance from the 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 lanes, service equipment, or speaker box, whichever is closer;

ii. All speaker boxes shall be oriented away from adjoining residential property;

iii. All drive-thru facilities, including windows and stacking lanes adjacent to property with a residential use shall be screed with a Type C Buffer; and

iv. The primary frontage and access shall be on a collector road or better unless contained within a master planned development with access to a collector road or better.

i. Gas Station establishments within the ECX district shall conform to Section 303 (*Gasoline Sales*) of the LDC in addition to the following conditional use development criteria:

i. Gas Stations are considered to be retail/commercial uses and shall not exceed the 20% limit of such retail/commercial uses allowed throughout the ECX district.

ii. Gas Stations within the ECX district must be part of a planned development that is no less than a total of eight (8) acres in size and shall include a phasing plan for the incorporation of future ECX uses. The tract of land designated for the Gas Station use does not require a minimum acreage amount, but shall be required to have direct frontage along US Highway 27 and provide interconnecting access to those adjacent tracts within the planned development. Proposed Gas Stations within the ECX district that do not have frontage along this identified regional roadway shall be prohibited.

iii. Direct access onto US Highway 27 via new individual driveways shall be prohibited; however, access to a proposed parcel/site may be achieved via:

a. An arterial road that intersects US Highway 27; or

b. An urban collector or local roadway that intersects US Highway 27 within a ¼ mile of the proposed site.

iv. Additional buffering techniques that exceed County development standards (whether through vegetative screening, distance separation, limiting the scale, or a combination thereof) may be required by the

County's Development Review Committee (DRC) where the effect of lighting, noise, or other such compatibility factors is determined to adversely impact nearby residential uses or residential FLU districts.

j. Heliports and Helistops B Heliports and helistops may be permitted as a Level 2 Review in accordance with Section 401.06, Table 4.16;

k. Hotel/Motel – Hotel/Motel uses within the ECX and PIX districts shall be limited to the percentage cap for retail uses listed in the Comprehensive Plan for this SAP;

l. Light assembly – the following standards shall apply:

i. No outdoor storage of any materials shall be permitted;

ii. There shall be no external activity beyond loading and unloading of materials to and from an enclosed structure; and

iii. A Type C Buffer (see section 720) shall be provided between a residential use and any structure requiring loading and unloading of commercial vehicle(s).

m. Retail, Home Sales Offsite - the following standards shall apply:

i. Any display of homes shall be limited to an outdoor display area of up to 50 percent of the total developable square footage of the subject site;

ii. Any site adjacent to a residential use shall provide a Type C Buffer (see Section 720); and

iii. Any on-site repairs shall be screened from off-site view.

n. Nurseries, Retail – The following standards shall apply:

i. Nurseries and Greenhouses conditions in Section 303 of this code shall be applicable;

ii. In the A/RR land use district:

(1.) any retail activity shall be accessory and subordinate to the bona fide agricultural use of the property; and

(2.) any structure(s) used for retail activity shall not exceed 1,200 square feet.

o. Office Park

i. All offices, in the office park, shall have vehicular and pedestrian interconnectivity.

ii. A maximum of 15 percent of the developable area for the Regional Activity Center (RACX) is permitted as office park. The applicant must demonstrate that the development does not exceed the 15 percent office park cap.

iii. An internal sidewalk shall be provided between the offices and parking lots to meet the pedestrian needs of all offices within the office park.

iv. The office park shall provide a minimum of 1,000 square feet of landscaped area adjacent to each building/structure.

v. At a minimum, a Type A Buffer shall be required at the perimeter of the office park.

p. Retail, Outdoor Sales/Display – In addition to applicable district regulations in Table 2.2, the following standards shall apply:

i. 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;

ii. Retail establishments with outdoor storage shall be required to provide a landscaped bugger at a minimum equal to a Type C buffer (see Section 720) where the boundary abuts a residential use or residential land use district and Type B buffer (section L. of this SAP) where adjacent to a non residential use; and

iii.. All activity shall be limited to operation from 8:00 a.m. to 9:00 p.m.

q. Railroad Yard B A Type C Buffer 25 feet in width is required where a railroad yard abuts any residential district, including Agriculture/Residential Rural (A/RRX).

r. Retail – The following standards shall apply:

i. Retail uses are limited to 15 percent of the total developable area ECX, PIX, BPCX and INDX;

ii. Total area includes the group of contiguous parcels designated a land use that is not bisected by a collector or arterial roads or any physical natural barriers; and

iii. Only natural water bodies and untouched wetlands can be removed from the total area calculations.

s. Short Term Rentals - In addition to the conditions in Chapter 2, single-family detached units shall be a prohibited use for Short Term Rental units in the RACX.

t. Self Storage Facilities – These facilities shall not be more than ten (10) percent of the total area of the EXC or PIX district. In addition, the individual storage spaces shall not be permitted to be accessed from the outside. All users shall access the individual rented storage space through a common access. Where the facility fronts the collector road, mixed use structures (e.g. office, personal service, commercial with the self-storage above or behind), are required. Outdoor storage will only be allowed within the courtyard of the facilities, where the surrounding structure is enclosed or semi-enclosed usable space (not just a wall). The courtyard area cannot be larger than ½ the area of the footprint of the building surrounding it. Each facade of the facility shall have an office or similar appearance.

u. Time Shares

i.. A Type C Buffer shall be required where a time share development abuts a residential district.

ii. A Type B Buffer shall be required where a time share development abuts a non-residential district or use.

iii. All time share development shall connect to centralized water and wastewater services.

v. Special Residential – If special residential structure is placed on the edge of the district, the height of the building cannot be more than twice the height of the building in the adjoining distrct/parcel unless it is approved as part of ta master planned development. Parking areas for special residential uses shall not be immediately adjacent to residential Future Land Use districts. Light poles, used for special residential uses, shall not be adjacent to existing residential or property designated with a residential Future Land Use district and alighting shall be directed toward the interior of the development. Alighting plan that includes the fixture type, location, intensity, and photometric calculations shall be submitted for development review with any special residential project.

w. Transit Facilities – All outdoor storage shall be screened from offsite view and shall be setback 50 feet from any property with a residential structure or residential land use designation.

x. Truck Stop

i. A Type C Buffer 25 feet in width shall be required where the truck stop abuts a residential district or a school.

ii. A Type B Buffer shall be required where a truck stop abuts a non-residential district or use.

iii. No truck parking, gasoline sales, fuel storage, or truck servicing activities are allowed within 65 feet of the property line that abuts any residential district or a school.

y. Vehicle Sales and Leasing establishments within the ECX district shall conform to the following conditional use development criteria:

i. Vehicle Sales and Leasing establishments are considered to be retail/commercial uses and shall not exceed the 20% limit of such retail/commercial uses allowed throughout the ECX district.

ii. Vehicle Sales and Leasing establishments within the ECX district shall be prohibited on lots less than 10 acres insize.

iii. Lots within the ECX district shall also have direct frontage along US Highway 27. Proposed Vehicle Sales and Leasing establishments within the ECX district that do not have frontage along this identified regional roadway shall be prohibited.

iv. Direct access onto US Highway 27 via new individual driveways shall be prohibited; however, access to a proposed parcel/site may be achieved via:

a. An arterial road that intersects US Highway 27; or

b. An urban collector or local roadway that intersects US Highway 27 within a ¼ mile of the proposed site.

v. All Vehicle Sales and Leasing establishments within the ECX district shall include an onsite service and repair operation in an effort to increase the employment potential of the district. The service and repair operation shall be performed within an enclosed structure(s), thereby limiting the extent of their external impacts upon adjacent and nearby properties.

vi. Additional buffering techniques that exceed Land Development Code standards (whether through vegetative screening, distance separation, limiting the scale, or a

combination thereof) may be required by the County's Development Review Committee (DRC) where the effect of lighting, noise, or other such compatibility factors is determined to adversely impact nearby residential uses or residential FLU districts.

z. Vehicle Service (Mechanical) establishments within the ECX district shall conform to the following conditional use development criteria:

i. Vehicle Service (Mechanical) establishments proposed as a primary use are considered to be retail/commercial uses and shall not exceed the 20% limit of such retail/commercial uses allowed throughout the ECX district.

ii. Vehicle Service (Mechanical) establishments within the ECX district shall be prohibited on lots less than three (3) acres in size

unless it is part of a Planned Development that includes a phasing plan for additional future ECX uses within the boundary of the PD.

iii. Lots within the ECX district that meet the minimum acreage requirement must also have direct frontage along US Highway 27. Proposed vehicle service establishments within the ECX district that do not have frontage along this identified regional roadway shall be prohibited.

iv. Direct access onto US Highway 27 via new individual driveways shall be prohibited; however, access to a proposed parcel/site may be achieved via:

a. An arterial road that intersects US Highway 27; or

b. An urban collector or local roadway that intersects US Highway 27 within a ¼ mile of the proposed site.

v. A buffer equal to a Type C buffer (see Section 720) shall be provided between the vehicle service facility and all abutting residential districts. Also, additional trees equal to one tree per 30 feet shall be provided adjacent to residential areas.

vi. There shall be no external activity beyond loading and unloading of materials. All vehicle services shall be conducted within an enclosed structure; and all accessory outdoor storage shall be screened from off-site view.

aa. Warehouse and/or distribution facilities – there shall be no outdoor loading or unloading forward of the front building line, or adjacent to residentially developed property, or to property with a residential Future Land Use designation unless the loading and unloading area is screened from off-site view.

F. ***Development Design Standards and Requirements*** ***(Revised 11/4/14 – Ord. 14-066; 05/07/08 – Ord. 08-013; 07/25/07 – Ord. 07-039)***

1. All non-residential, commercial, and residential development with three dwelling units per acre or higher densities shall utilize underground utilities within the development. Above ground utilities are permitted only along the road or as needed by the utility service provider(s) in order to meet the regional demands of providing the service(s). Lots of records are exempt from this requirement.

2. All development shall utilize a water reuse system, where service is available or planned by the County or local municipalities.

3. Density bonus points:

   a. All residential development within Residential Land Uses shall obtain five density bonus points for every one dwelling unit per acre increase above the permitted base density with the total required bonus points coming from at least three categories as shown in Table 4.19. Residential developments within non-residential districts are required to obtain five bonus points for every one dwelling unit per acre of density up to 50 points, and one bonus point for every one dwelling unit per acre du/ac after that; and

   b. Regional Activity Center (RACX) within the North Ridge SAP:

      i. Residential development is permitted (P) to occur at the density of 10 to 15 dwelling units per acre with a Level 2 Review;

      ii. Residential development is permitted with density bonus points (B) to occur at densities of 15.001 to 25 dwelling units per acre as a Level 2 Review; and

      iii. Residential development is permitted with a Planned Development (PD) with bonus points (B) at densities of 25.001 to 50 dwelling units per acre.

4. Floor Area Ratio (FAR) bonus points:

   a. All non-residential development requesting an increase in the Floor Area Ratio (FAR) shall obtain five (5) Floor Area Ratio (FAR) bonus points for every 0.05 FAR increase above the base FAR, with the total required bonus points coming from at least three categories as shown in Table 4.19;

b. All development that is permitted (P) or permitted with density bonus points (B) shall require a Level 2 Review in accordance with Table 4.20; and

c. All development that is permitted with a Planned Development (PD) with bonus points (B) shall require a Level 3 Review in accordance with Table 4.20 and Table 4.21.

5. Outdoor storage:

a. Outdoor storage forward of the rear building line is not allowed in all Future Land Use districts, however, outdoor storage is permitted in the LCCX, CEX, BPC-2X, and INDX land use districts forward of the rear building line, provided the area is screened from off-site view;

b. Outdoor storage shall be allowed to the rear of the lot behind the building/structure. On corner lots, outdoor storage shall not extend toward the road frontage by more than one half the length of the building/structure, as shown in Figure 4.1. Except for corner lots, outdoor storage shall be prohibited for non-residential lots with two or more front yards, as shown in Figure 4.1;

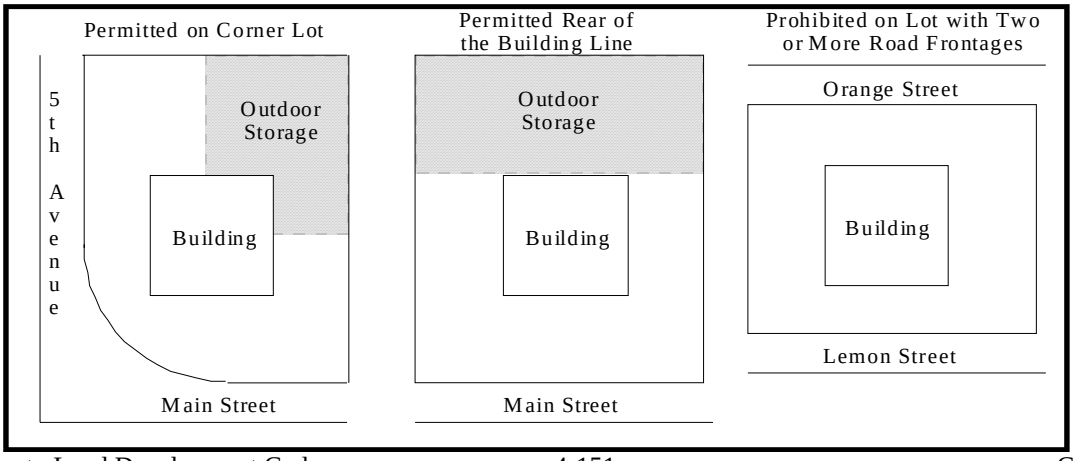
c. Outdoor storage for multiple buildings, within a project or on a parcel, shall be permitted in a manner consistent with the intent of Figure 4.1. In addition, at a minimum, outdoor storage for multiple buildings shall only be permitted behind the rear line of the building that is farthest from any street;

d. Where outdoor storage of cars, recreational vehicles, and boats is permitted, it shall be to the rear of the building line;

e. All outdoor storage shall be screened from off-site view; and

f. All Salvage Yards shall be consistent with the conditions listed in Chapter 3.

Figure 4.1 Outdoor Storage - Permitted and prohibited areas



6. Canopy trees B All canopy trees, at the time of planting for all development, shall be a minimum of ten to twelve feet tall and have a minimum of two inches diameter at breast height (D.B.H.). At maturity, a tree must reach a minimum height of 25 feet with a minimum spread (or crown) of 15 feet.

G. ***Multi-Modal Collector Road System***

The collector road system is designated on the FLUM and shall be established by requiring development to provide a minimum of 40 feet from the centerline for the right-of-way to the County. All other roads shall be in accordance with Section 823.

H. ***Greenway Corridor***

The Greenway Corridor is designated on the FLUM and shall be established as follows:

1. New development or redevelopment bordering the wetlands and floodplains of the Green Swamp CORE shall designate the westerly 50 feet of uplands as a conservation easement and the easterly 50 feet of wetlands or floodplains as a conservation easement;

2. Recreation amenities and stormwater retention areas shall be located adjacent to the Greenway Corridor, unless an alternative location is approved by the Development Review Committee (DRC); and

3. Recreational trails shall be allowed within the Greenway Corridor.

I. ***Horse Creek Corridor***

1. Recreation amenities areas may be located adjacent to the Horse Creek Corridor.

2. Recreational trials and other passive recreation activities shall be allowed within the Horse Creek Corridor.

J. ***Recreation Space*** ***(Revised 07/25/07 – Ord. 07-039)***

1. All residential and short-term rental development shall provide 50 percent of the required park and recreation space on-site and an amount established by the County Impact Fee Ordinance as amended will be contributed to the acquisition and/or development of a regional park or community parks.

2. Passive recreation may be used to meet the Open Space requirement.

3. Active recreation areas may be used to meet the Open Space requirement under the following conditions:

a. Passive recreation such as parks or pedestrian paths shall be incorporated into the active recreation areas for the use of the residents that the open space is intended for;

b. The recreation areas shall be used to link greenways, wetlands, floodplains, water bodies, and other natural areas within and adjacent to the development;

c. The recreation areas shall be linked to any proposed internal pedestrian network within the development; and

d. All recreation areas shall be accessible to all residents within the development and shall incorporate unobstructed views from the roadways.

K. ***Open Space*** ***(Revised 07/25/07 – Ord. 07-039)***

Open space within the North Ridge SAP includes upland, wildlife habitat, wetlands, dry and wet retention ponds, preserved native plant communities, and floodplains.

1. All development will be required to provide a minimum of ten percent open space in the SAP, but shall provide a minimum of 30 percent open space if in the Green Swamp.

2. A minimum of ten percent of the open space requirement shall be upland.

3. Building setbacks are allowed to be used as part of the Open Space for non-residential development.

4. Open Space shall not be counted as Recreation Space.

5. Lots of record are exempt from providing open space as required by this SAP.

6. If retention areas are used as Open Space, the following conditions shall be met:

   a. The retention areas shall be designed to resemble natural land/water body features; and

   b. The retention area shall be landscaped in accordance with the planting requirements of a Type A Buffer. These landscape requirements may include plant clustering or alternative planting schemes approved by the Development Review Committee.

L. ***Buffers (See Figure 4.2)***

1. A landscaped buffer, 25 feet in width, shall be required along arterial roads consistent with the planting requirements of a Type C buffer for all development. The required sidewalk may be incorporated into the landscape buffer provided an access easement is recorded at the time of Level 5 Review.

2. Developers of properties along US 27 shall plant Live Oak trees at a ratio of one tree for every 40 linear feet of right-of-way frontage.

3. A landscaped buffer 15 feet in width shall be required along all collector roads, consistent with the planting requirements of a Type A buffer, for all development. The sidewalk may be incorporated into the landscape buffer provided an access easement is recorded at the time of Level 5 Review.

4. A landscaped buffer consistent with the Type C buffer in Section 720 shall be required where non-residential development abuts any vacant or developed residential districts. This buffer may be reduced to ten feet if a masonry wall is incorporated into the buffer.

5. A five foot landscaped buffer consistent with the Type B Buffer, in accordance to Section 720, shall be required between all non-residential developments as follows:

    a. Where a proposed non-residential use abuts an existing non-residential use, a Type B Buffer, in accordance to Section 720, is required, unless the existing use has an equivalent buffer.

    b. Where the proposed non-residential use abuts a non-residential district, that is vacant and without approved development plans from the County, the proposed use shall provide the equivalent of half of the required plantings of the Type B Buffer, in accordance to Section 720.

    c. If the abutting non-residential use, whether it is an existing use or received development approval from the County, has a clustered landscaped buffer, the abutting use shall cluster the landscaped buffer on-center between the proposed or existing clustered landscaping. The proposed non-residential use in this situation, cannot apply for a waiver from the required landscaping.

    d. The plantings of the required landscape buffer between non-residential uses may be clustered, provided the separation between clusters is no greater than 30 feet.

    e. Half of the required understory tree and shrub plantings, from the Type B Buffer between non-residential uses, may be transferred from the perimeter landscape to landscaping surrounding the building(s) for the development.

    f. Where the buildings abut each other and utilize shared parking areas, a landscape buffer shall not be required to separate the two uses.

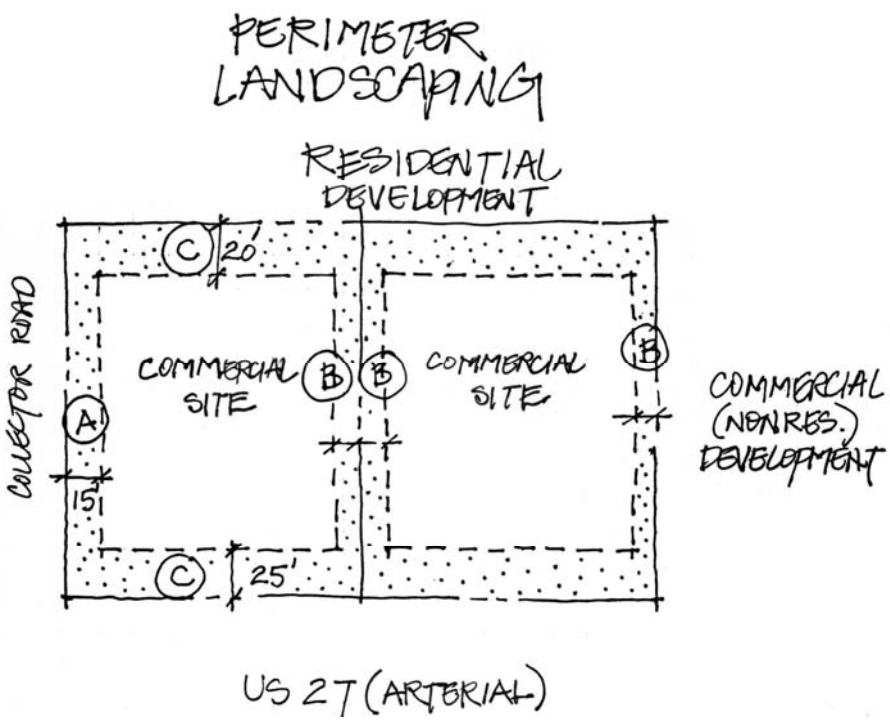
    g. All landscaped buffers, including those within the building setbacks, are allowed to be counted toward the required Open Space for non-residential development.

6. Existing trees, including citrus trees, can be counted toward the buffer requirement per Section 721 and Table 4.17 of the Land Development Code. In non-residential uses, up to 50 percent of the citrus trees can be counted toward the buffer requirement per Section 721 and Table 4.17.

7. Only block with stucco, brick, or decorative precast masonry walls shall be permitted as part of the landscape buffer as required by Section 720. Privacy fences for residential and non-residential uses that are not part of the landscape buffer are allowed as permitted by Section 210.

8. Landscaped buffers within the right-of-ways shall not count toward the required Open Space.

Figure 4.2 Landscaping between non-residential uses



M. ***Parking Lot Landscaping (See Figure 4.3)***

1. All parking lot landscaping and buffer requirements shall meet the requirements of this section; the landscaping requirements of Section 720 C. and D. shall not be applicable in this SAP.

2. Xeriscape landscaping and native plant materials are encouraged to be incorporated into the parking lot landscaping.

3. At least 30 percent of the required canopy trees in the parking lot landscaping shall be native to the ridge or drought resistant.

4. The minimum landscaping for each parking lot shall be provided within the interior of a required paved off-street parking area as follows:

   a. Each aisle of parking spaces shall be terminated by landscaped islands which measure not less than nine feet in width, as measured from face of curb to face of curb, and not less than 18 feet in length. At least one canopy tree shall be planted in each terminal island;

   b. Mandatory terminal islands shall be surrounded with a continuous, raised curb.

   c. Landscaped divider medians may be used to meet interior landscape requirements. If divider medians are used, they shall form a continuous landscaped strip between abutting rows of parking spaces. The minimum width of divider median shall be a minimum six foot wide divider median, as measured from face of curb to face of curb. One under story tree shall be planted for each 30 linear feet of divider median, or fraction thereof. Trees in a divider median may be planted singly or in clusters. The maximum spacing between clusters shall be 60 feet;

   d. A minimum six foot wide divider median, as measured from face of curb to face of curb, shall be required every fourth bay of parking as shown in Figure 4.2. A minimum of one understory tree shall be planted for each 30 linear feet of divider median. An alternative option, three diamond shaped islands may be substituted for the continuous six foot wide divider median, as shown in Figure 4.2;

   e. Optional interior islands and divider medians shall be protected by curbing or wheel stops; and

   f. Each parking bay shall have no more than ten continuous parking spaces unbroken by a landscape island that shall be the width of a parking space, as measured from face of curb to face of curb.

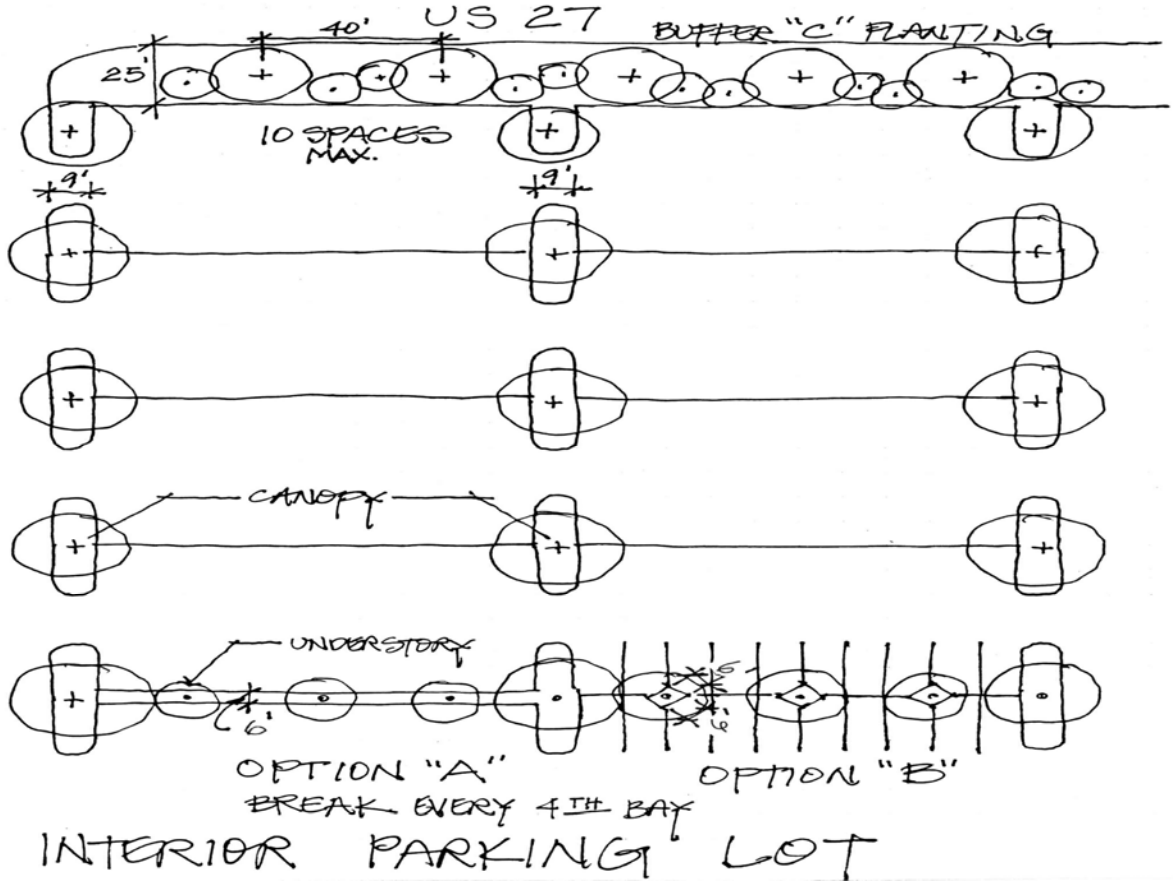
5. Location of landscaping - Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and to guide traffic flow.

6. A Type A buffer 15 feet in width shall be required between all frontage roads and parking lots in accordance with Section 720.

7. Required landscaping where off-street parking abuts public right-of-way: A landscaped strip of land shall be provided consistent with this section and Section 720 with at least one drought resistant, native to the ridge, tree for each 75 lineal feet, or fraction thereof shall be planted. Trees may be planted separately or in clusters.

8. No landscaping shall be provided in the right-of-way unless the County or FDOT gives the owner approval to do so. In addition, a completed agreement as to who will maintain the landscaping within the right-of-way shall be submitted by the developer and the owner of the right-of-way(s) prior to Level Review 2 approval.

Figure 4.3 Parking Lot Design



N. ***Tree Planting***

The minimum number of trees to be planted or preserved in addition to buffering and landscaping requirements is listed in Table 4.17.

Table 4.17 Number of Trees to Plant or Preserve for Development

Future Land Use	Minimum Trees Required
A/RRX, RSX, RLX, RMX	8 trees per developable acre
CCX	2 trees per developable acre
L/RX, TCCX, NACX, PIX, ECX	4 trees per developable acre
CEX, LCCX, CACX, RACX	6 trees per developable acre

O. ***Credits for Existing Trees***

Credits for existing trees shall be consistent with Section 721.

P. ***Signs***

1. Off-Premise signs shall be prohibited except as temporary real estate signs advertising the availability of commercial space and special events as permitted per Section 760 of the Land Development Code.

2. On-premise signs shall be permitted in accordance with Section 760.

3. On-premise signs shall be permitted in the Professional Institutional (PIXX) and Employment Center (ECX) districts consistent with the Community Activity Center (CACX) standards per Section 760.

4. All other signs shall be permitted in accordance with Section 760.

Q. ***Transportation Network and Road Frontage Requirements*** ***(Rev. 08/15/08 - Ord. 08-041; Rev. 06/08/04 - Ord. 03-94)***

1. Transportation improvements shall comply with the following:

   a. Improvements or construction of arterial, collector, or local roadways shall be consistent with FDOT plans and the County=s proposed collector road system for this SAP, and other applicable adopted plans;

   b. At the time of Level 2 Approval or Level 5 Approval, rights-of-way shall be dedicated for roads designated on the FLUM by all development, and shall comply with the widths required in this Section and Chapter 8; and

c. Curb cut criteria shall be consistent with Rule 14-96 and Rule 14-97, Florida Administrative Code, as amended, and the access management plan for the jurisdiction of that facility.

2. To comply with the conditions of approval for the level of service variance on US 27 (DOT Case No.: 06-117), FDC Grove Road and Holly Hill road will be improved within this SAP as follows:

a. The Corridor Alignment Study for FDC Grove Road and Holly Hill Road, will define the typical section and location of these two roads; and

b. For development on parcels impacting, adjacent or contiguous to the FDC Grove Road and Holly Hill Road corridor alignments, the applicant will be required to dedicate right-of-way and fund or construct those portions of FDC Grove Road or Holly Hill Road. The applicant shall be provided with two options to meet the provisions of this section.

1. The road design plans shall be submitted and approved as part of the Level 2 Construction Plan process. The applicant shall dedicate fee simple at no cost to the County, all the appropriate right-of-way for either FDC Grove Road or Holly Hill Road as part of their Level 2 or Level 5 approvals. The roadway shall be constructed by the applicant in accordance to all the applicable standards within the Land Development Code and approved by Polk County prior to a Certificate of Occupancy being issued; or

2. The applicant shall dedicate fee simple at no cost to the County, all the appropriate right-of-way for either FDC Grove Road or Holly Hill Road as part of their Level 2 or Level 5 approvals. The applicant shall submit an itemized cost estimate prepared by a licensed Professional Engineer that practices in the State of Florida for design and construction of their portion of either FDC Grove Road or Holly Hill Road for approval by Polk County. The cost estimate shall take into account mechanisms for the additional storm water runoff that may occur as part of the construction of the new roads. Once an engineering estimate is accepted by Polk County, the applicant shall notate this cost agreement on the Level 2 construction plans and Level 5 Plat. 50% payment of those funds to Polk County shall occur prior to the first issuance of a Certificate of Occupancy. The remaining 50% payment of funds shall be paid prior to the last issuance of a Certificate of Occupancy. Once the funds have been received and accepted by Polk County, those funds will be placed into an account designated for design, right-of-way, and construction of either FDC Grove Road or Holly Hill Road.

3. All access and subdivision of land shall comply with the following:

a. All access to collector and local road shall be consistent with this Section and Chapter 8;

b. Only one driveway shall be permitted along US 27 every 1,320 feet between any perpendicular roadway intersection with US 27;

c. Any subdivision of property along all arterial roadways shall have a minimum frontage of 600 feet. This may be reduced if access is not from US 27 and access is gained from a shared driveway, consistent with item 2b above, internal road or cross access easement;

d. The required frontage may be reduced if access is gained through a joint or shared access, a side road, or other internal road; and

e. Where access is shared by more than one user, an easement shall be located on the site plan at Level 2 Review and any required plat. A completed access agreement shall be provided prior to any Level 2 Review approval.

4. In order to provide safe and efficient local traffic movement, the County shall designate cross-access corridors along US 27, US 17/92, all urban collector roads within the SAP, and other roads that may be designated in the future. Said corridors shall be designed to provide unified access and circulation among parcels on each block of the thoroughfare. Each corridor shall include the following elements:

a. A continuous linear travel corridor extending the entire length of the block which it serves, or at least 1,000 feet of linear frontage along the thoroughfare, and having a design speed of ten mph. Final design of the facility shall be approved by the County Engineer;

b. At a minimum, meet the County=s local road requirements of Appendix A of the Land Development Code in order to have sufficient width to accommodate two-way travel aisles for automobiles, service vehicles, and loading vehicles;

c. Stub-outs and other design features which make it visually obvious that the abutting properties may be tied in to provide cross-access, shall be constructed at the time of development;

d. Linkage to other cross-access corridors in the area;

e. Where a cross-access corridor is designated, no subdivision plat, site plan or other development shall be approved unless the property owner grants an easement allowing general cross-access to and from the other properties in the affected area. Such easement shall be recorded in the public records of Polk County and shall constitute a covenant running with the land;

f. Wherever a cross-access corridor has been designated, the sites shall be so designed for coordinated or joint parking, access and circulation systems. These sites shall include stub-outs and other design features necessary to make it visually obvious that the abutting properties may be connected to a unified system;

g. If a site is developed prior to an abutting property, it shall be designed to ensure that its parking, access, and circulation may be connected to a unified system at a later date; and

h. If a site abuts an existing developed property, it shall be so designed to connect to the abutting parking, access, and circulation unless the Planning Director and County Engineer determines this to be impractical.

R. ***Environmental Protection***

All development within this SAP shall be designed to protect upland wildlife habitats, native plant communities, wetlands, and other natural resources.

1. All mining within the North Ridge SAP shall meet the requirements of Section 2.304 of the Comprehensive Plan. The county will encourage the mining of vacant, undeveloped land that is designated within the Mineral Resource Protection District prior to being developed.

2. Building setbacks shall be 50 feet from environmentally sensitive areas. Wider setbacks may be required by the County depending on the environmental sensitivity of the area and the intensity of the development proposed adjacent to the area.

3. Underground petroleum storage tanks shall be allowed within the North Ridge SAP in accordance with the Comprehensive Plan and federal and state requirements.

S. ***Density Regulations*** ***(Revised 05/07/08 – Ord. 08-013)***

1. The allowable densities and density bonus points for this SAP are shown in Tables 4.18 and 4.19, respectively. If the Green Swamp Area of Critical State Concern regulations are more restrictive, then they shall apply to the development.

2. Planned Developments shall be required as specified in Table 4.18, Table 4.20, and Table 4.21.

Table 4.18 Density Limits for North Ridge SAP [1] (Revised 07/25/07 – Ord. 07-039)

Land Use	DU/A	FAR	ISR	
			Green Swamp (GS)	Non GS
RL-1X	0-3 [2]	0.25 [7]	0.5	0.6
RL-2X	0-4 [2]	0.25 [7]	0.5	0.6
RL-3X	> 1-5 [2]	0.25 [7]	0.5	0.6
RL-4X	> 3-8 [2]	0.25 [7]	0.5	0.6
RMX	6 - 15 [2]	0.25 [7]	0.5	0.7
RHX	10-20 [2	0.25[7]	0.5	.7
L/RX	0	0.35	0.5	0.5
ECX	5 - 10 [3]	0.70 [6]	0.7	0.7
INSTX	0	0.35	0.7	0.7
ROSX	0	0.10	0.25	0.25
PIX	5 - 10 [3]	0.70 - 1.25 [6]	0.7	0.7
BPC-1X	0	0.75 - 1.25 [6]	0.7	0.7
INDX	0	0.75 - 1.25 [6]	0.7	0.7
TCCX	0	0.50 - 1.0 [6]	0.7	0.7
CCX	0 [3]	0.25 - 0.65 [6]	0.6	0.6
CEX	0 [3]	0.35 - 0.75 [6]	0.7	0.7
LCCX	5 - 10 [4]	0.35 - 0.75 [6]	0.7	0.7
NACX	5 - 10 [4]	0.35 - 0.70 [6]	0.6	0.6
CACX	5 - 10 [4]	0.50 - 1.0 [6]	0.7	0.7
RACX	10 - 50[5]	1.0 - 1.5 [6]	0.7	0.7

[1] Densities and intensities in the Green Swamp Area of Critical State Concern (GSACSC) shall conform to Table 4.18 or Table 5.3, whichever is more restrictive.

[2] Densities and intensities are based on the base density for each district or subdistrict outlined in Table 4.21 and density bonuses outlined in Table 4.19.

[3] Mixed use buildings are allowed to a maximum of three stories with up to two stories of residential above the non-residential use.

[4] Densities and intensities are based on the Medium Residential Density and are only allowable in mixed use buildings.

[5] Densities and intensities are based on the Special Residential Density, as modified within the North Ridge SAP. Bonus points are awarded as outlined in Table 4.20.

[6] Any development seeking a Floor Area Ratio (FAR) above the base FAR shall obtain density bonus points and/or a Planned Development in accordance with Table 4.20.

[7] Non-residential FAR only; there is no FAR for residential development.

Table 4.19 Density and Floor Area Ratio Bonus Point Schedule [1] (Revised 07/25/07 – Ord. 07-039)

INFRASTRUCTURE AND SERVICE	
Donation of usable land for public safety [2]	2 pts per acre (up to 6 pts)
Donation of usable land for schools [2]	2 pts per 5 acres (up to 10 pts)
Donation of usable land for community or regional parks [2]	2 pts per 5 acres (up to 10 pts)
Extending sidewalks beyond frontage	2 pts per 1/4 mile (up to 8 pts)
Internal sidewalks (local roads)	1 pt per 50 dwelling units (up to 10 pts) 1 pt per 300 lineal feet for non-residential development up to 10 pts
Dedicated pedestrian ways from off-site access to building(s)	2 pts
Internal street lighting	2 pts
DESIGN	
Public Art	2 pts
Canopy trees in common areas (beyond buffer requirements and include a mix of species)	1 pt/5,000 sq ft of coverage at maturity (up to 10 pts)
Open space (beyond requirements)	2 pts per 5% (up to 12 pts)
Vertical development (does not include single unit residential development)	2 pts per story above 1 (up to 10 pts)
Mixed use building (does not include single unit residential development)	2 pts per non-residential use type (up to 10 pts)
Traffic calming (1) On street parking (2) Crosswalks with cobblestone or other similar pavers (3) Intersections with cobblestone or other similar pavers (4) Tree lined roads with sidewalks (5) Tree lined medians (6) Roundabouts (7) Others approved by DRC	 1 point 2 points 3 points 3 points 3 points 3 points 3 points
Alternative driveways (alleys)	3 pts per phase
Side garage entrance or recessed garage	2 pts per phase
Zero lot line/cluster development	2 pts
Village design (See definition)	5 pts
Landscaping of storm water ponds with type “A” buffer or better	2 pts
Landscape on all sides of external wall	2 pts
TRANSPORTATION	
Multiple access from different roads	2 pts
Interconnectivity (direct links to adjoining developments and properties)	
vehicular	2 pts
pedestrian	2 pts
Rear or side parking lot	3 pts
Parking lot lighting	2 pts
Open space with pedestrian use area or corridors to break up parking areas	2 pts
Sidewalks in divider median of parking lots to separate pedestrian and vehicular traffic	2 pts

Table 4.19 Density and Floor Area Ratio Bonus Point Schedule [1] (Revised 07/25/07 – Ord. 07-039)

INFRASTRUCTURE AND SERVICE		
Internal capture (based on traffic study)		2 pts
Curb and gutter for internal roads (less than 3 du/ac)		2 pts
Connector road from one public road to another		2 pts
Mass transit stop (even if not available or on a planned route)		2 pts
Parking garage (exempt from FAR calculation)		5 pts
RECREATION		
Active recreation (Includes pool, tennis/basketball/volleyball courts, tot lot, club house/recreational facility, and other active sport courts)		3 pts
Passive recreation (walking paths/trails, bikeway, nature/hiking trail)		3 pts
Centrally located recreation facilities		2 pts
CONSERVATION		
Xeriscaping (at least 25% of required landscaping)		3 pts
Restoration/creation of wildlife habitat		4 pts
Greenway Corridor		1 pt per 1/5 acre
Upland conservation		
	15% of site	3 pts
	20% of site	4 pts
	25% of site	5 pts
Wildlife habitat or native plant community open space		5 pts per acre
Wetland/Waterbody buffer (in addition to the required vegetative buffer)		
	25 feet upland (non-Green Swamp); 50 feet upland (Green Swamp)	1 pt
	50 feet upland (non-Green Swamp); 75 feet upland (Green Swamp)	2 pts
	75 feet upland (non-Green Swamp); 100 feet upland (Green Swamp)	3 pts
Wildlife habitat/Native plant community buffer		
	15 feet upland (non-Green Swamp); 25 feet upland (Green Swamp)	1 pt
	30 feet upland (non-Green Swamp); 50 feet upland (Green Swamp)	2 pts
	50 feet upland (non-Green Swamp); 75 feet upland (Green Swamp)	3 pts
DEVELOPMENT		
Affordable housing (based on HUD standards)		2 pts per 10% of project
No short-term rental		5 pts

Notes:
[1]DENSITY AND FAR BONUS POINTS RATIO:

All development must obtain the required bonus points for the project from at least three of the categories in Table 4.19.

a) Residential development within residential districts and Pix and ECX shall obtain five bonus points for every one du/ac increase in density from the permitted density as shown in Table 4.21.

Table 4.19 Density and Floor Area Ratio Bonus Point Schedule [1] (Revised 07/25/07 – Ord. 07-039)

INFRASTRUCTURE AND SERVICE
b) Residential developments within non-residential districts are required to obtain five bonus points for very one dwelling unit per acre of density up to 50 points, and one bonus point for every one dwelling unit per acre du/ac after that. c) Non-Residential development must obtain five density bonus points for every 0.05 increase in Floor Area Ratio (FAR) as shown in Table 4.20. [2] Agreement must be made with the service provider prior to any approvals/acceptance.

Table 4.20 North Ridge SAP Floor Area Ratio (FAR) Bonus Points Awarded (Non-Residential Development) [1] (Revised 07/25/07 – Ord. 07-039)

Uses	CCX	CEX	LCCX	NACX /L/RX	TCCX	CACX	ECX	PIX	RACX	BPC-X	INDX
P	0.25	0.35	0.35	0.35	0.50	0.5	0.70	0.70	1.0	0.75	0.75
B	0.50	0.60	0.60	0.60	0.80	0.8	0.95	0.95	1.3	0.95	0.95
PD	0.65	0.75	0.75	0.70	1.0	1.0	2.0	1.25	1.5	1.25	1.25

Notes:

P = Permitted with a Level 2 Review in the North Ridge SAP.

B = Density Bonus Points are required and permitted with a Level 2 Review in the North Ridge SAP.

PD = Planned Development with the necessary Density Bonus Points are required and permitted with a Level 3 Review in the North Ridge SAP.

[1] For every 0.05 increase in Floor Area Ratio (FAR) five density bonus points must be obtained from at least three categories as shown in Table 4.19.

Table 4.21 North Ridge SAP Density Bonus Awarded (Residential Districts) *(Revised* 09/15/15 – Ord. 15-059; *01/24/12 – Ord. 12-003)*

Residential Low - X (1), (4) (Maximum Density - du/ac) Minimum Lot Size (Square Feet) (2)					**Residential Medium - X** (1), (3), (4), (6) (Maximum Density - du/ac) Minimum Lot Size (Square Feet) (2)	
Density (du/ac)	RL-1X	RL-2X	RL-3X (2), (5)	RL-4X (2), (5), (7)	Density (du/ac)	RMX
#1	P 40,000	B 15,000			6 - 8	B 4,000
> 1 - 2	B 15,000	P 15,000	B 10,000		> 8 - 10	P 4,000
> 2 - 3	PD 10,000	B 10,000	P 10,000	B 6,000	> 10 - 12	B 4,000
>3 - 4		PD 7,500	B 7,500	P 6,000	> 12 - 15	PD < 4,000
> 4 - 5			PD 6,000	B 5,000		
> 5 - 6				B 5,000		
> 6 - 8				PD 4,000		

Notes for Table 4.21:

P = Permitted with a Level 2 Review in the North Ridge SAP.
B = Density Bonus Points are required and permitted with a Level 2 Review in the North Ridge SAP.
PD = Planned Development with the necessary Density Bonus Points are required and permitted with a Level 3 Review in the North Ridge SAP.

1) If a higher density than is allowed by this table is requested, a district change or comprehensive plan amendment will be required.
2) Duplexes and single family attached units are allowed to have a minimum lot size of 6,000 square feet for each unit in RL-3X and 4,000 square feet for each unit in RL-4X. In RMX, duplexes and single family attached units are allowed to have a minimum lot size of 3,000 square feet and less than 3,000 square feet with a Planned Development.
3) Duplexes and single family attached units are allowed to have a minimum lot size of 4,000 square feet for each unit and less than 4,000 square feet for each unit with a Planned Development in the RMX.
4) Parcels or lots in the Green Swamp shall meet all requirements of Chapter 5 of the Land Development Code and the Comprehensive Plan.
5) Multifamily units in RL-3X and RL-4X will allow up to four (4) units per building. More may be permitted with a Planned Development.
6) Multifamily units in RMX will allow up to eight (8) units per building; there is no minimum lot size for multifamily units. Multifamily units in RMX may allow more than eight (8) units per building with a Planned Development.
7) In the RL-4X, the minimum lot size for each unit may be reduced with a planned development.

Section 401.07 The Brewster Selected Area Plan (Revised 03/18/14 – Ord. 14-015; 8/23/11 – Ord. 11-018)

A. ***Purpose and Intent***

This Selected Area Plan (SAP) was adopted in the Polk County Comprehensive Plan to recognize an area of the County for the development of an environmentally focused recreational development, which includes an activity center base for outdoor recreation and sporting activities. Additionally, the SAP promotes the establishment of open space and preservation areas on reclaimed phosphate mined land. The land use districts and performance standards that follow implement the vision and basic principles outlined in the Plan. The SAP, which is located within the southwest portion of Polk County, will enable the use of lands previously mined or designated as Phosphate Mined (PM) in a manner that is consistent with existing reclamation activity and will promote uses which are consistent with the physical characteristics of the land. The SAP promotes land stewardship initiatives, which focus on environmental stewardship, economic vitality and long-term sustainable uses of reclaimed lands.

B. ***Applicability***

1. This section applies to development within the Brewster SAP, the boundaries of which are shown on the FLUM.

2. Development within the SAP shall occur in accordance with other provisions of the Land Development Code except where regulations are modified by this Section. Where there is a conflict the regulations for the SAP shall supersede the other provisions of the Land Development Code.

C. ***Allowable Uses, Intensity of Development and Dimensional Regulations***

The land use categories and uses allowable in this district are shown in 401.07 Table 1 Use Table for Land Use Districts. Land use categories and uses not shown are prohibited.

1. All development that is permitted (P) shall require a Level 2 Review.

2. Land uses shown with a C1, C2, C3 or C4 in 401.07 Table 1 shall comply with applicable Criteria for Conditional Uses in Chapter 3 of the Land Development Code.

3. Uses listed as needing Planned Development (PD) approval shall require a Level 3 Review in accordance with this Code.

4. Typical setbacks shall be in accordance with, 401.07 Table 2 of this Code.

5. Impervious Surface Ratios and Floor Area Ratios shall be in accordance with 401.07 Table 2 of this SAP and shall be calculated based on the net usable acreage for the

Future Land Use category within the SAP and as described within the Comprehensive Plan. The net usable acreage does not include water bodies, wetlands, or clay settling areas.

6. Phosphate mining activities listed below may be permitted in all of the Future Land Use designations based on the following:

   a. Continuation of mining operations which were permitted by a Phosphate Mining Operating Permit pursuant to Polk County Ordinance No. 88-19, as amended and are consistent with the Phosphate Mining (PM) land use designation;

   b. Existing or future mining related activities which support phosphate ore extraction (such as pipelines, transmission lines, access roads) or reclamation activities; or

   c. Existing or future mining activities authorized by a Development of Regional Impact (DRI).

7. Development within the TCCX and the L/RX shall be served by central potable water and sanitary sewer service in accordance with this Code, with the following provisions:

   a. Class III Utilities shall address sizing, capacity, and fire protection

   b. Non-residential, isolated and ancillary uses, which generates a demand for less than 1,000 gallons per day of potable water or wastewater treatment.

8. Development of habitable structures shall be in accordance with acceptable engineering practices and shall include the submission of subsurface soil analysis to determine the appropriate method of construction.

9. Alcoholic Sales (Consumption on site): Other than those establishments provided for in Section 224.5 and 401.07 Table 2 the on-site consumption of alcoholic beverages shall be permitted as an accessory use according to the following requirements:

   a. Alcoholic beverage sales for consumption on-site for Active Recreation shall be permitted as an accessory use so long as alcohol sales are less than 50 % of the total gross revenue. The consumption, sales, or service of alcoholic beverages shall also meet those requirements in Section 224 for Alcohol Sales.

   b. Such sale uses shall be permitted subject to a Level 1 Review.

401. 07 Table 1 - Use Table for Brewster Selected Area Plan Land Use Districts						
LAND USE	**A/RRX**	**TCCX**	**PMX**	**L/RX**	**ROSX**	**PRESVX**
Residential Uses						
Duplex, Two-family Attached		C2		C2		
Family Farm	C1					
Farm Worker Dormitory, Apartment Style)	C2					
Farm Worker Dormitory, Barrack Style	C3					
Fly-in Community	C3					
Group Home, Small (6 or less residents)	C1					
Group Home, Large (7-14 residents)	C3					
Group living Facility (15 or more residents)	C3					
Mobile Home Park & Subdivision	C3					
Mobile Homes, Individual	C1					
Multi-family		C2		C2		
Rural Residential Development (RRD)	C3					
Short-Term Rental Unit		P		P		
Single-family Detached Home & Subdivision	P			C3		
Mixed Uses						
Planned Development	C3	C3		C3	C3	C3
Residentially Based Mixed Development (RBMD)	C3					
Rural Mixed Development (RMD)	C3					
All Other Uses						
Adult Day Care Center (7 or more clients)	C3					
Agricultural Support, Off-Site	C3					
Airport	C4					
Alcohol Package Sales		C1		C1		
Animal Grazing	P	P	P	P	P	
Animal Farm, Intensive	P					
Bars, Lounges, and Taverns		C1		C1		
Bed and Breakfast	C3	P		P		
Breeding, Boarding and Rehabilitation Facility, Wild or Exotic	C3		C3		C3	
Car Wash, Full Service		P				
Car Wash, Incidental		P				
Car Wash Self Service		P				
Cemetery	C2	C3				
Childcare Center	C3	P		C2		
Clinics & Medical Offices		P				
Communication Towers, Guyed and Lattice	C2		C3	C23	C3	
Communication Tower, Monopole	C2	C2	C2	C2	C2	
Community Center	C3	C2	C2	C2	C2	
Convenience Stores, Isolated	C2			C2		
Cultural Facility	C3	C2	C2	C2	C2	
Emergency Shelter, Small (6 or less residents)	C1					
Emergency Shelter, Medium (7-14 residents)	C3					
Emergency Shelter, Large (15 or more residents)	C3					
Farming General	P	P	P	P	P	
Financial Institution		P				
Financial Institution, Drive Through		C2				

401. 07 Table 1 - Use Table for Brewster Selected Area Plan Land Use Districts						
LAND USE	**A/RRX**	**TCCX**	**PMX**	**L/RX**	**ROSX**	**PRESVX**
Gas Station		C2				
Golf Course	C1	C1	C1	C1	C1	C2
Government Facility	C3	P	C3	C3	C3	
Heliports	C2	C2				
Helistops	C2	C3	C2	C3	C2	
Hotels and Motels		P		C2		
Institutional Campground	C3			P		
Kennels, Boarding and Breeding	P	C1				
Livestock Sale, Auction	P					
Lodges and Retreats, Private	C3	P		P		
Marinas and Related Facility	C3	C1		C1		
Mining, Non-Phosphate	C3					
Mine, Phosphate			C4			
Nightclubs and Dance Halls		C1		C2		
Nurseries and Greenhouses	P					
Office		P				
Personal Service		P		C2		
Recreation, Passive	C1	C1	C1	C1	C1	C1
Recreation, High Intensity	C3	C1	C3	C2	C3	C1
Recreation Low Intensity	P	P	P	P	P	C2
Recreation & Amusement Intensive		C2	C3	C2	C3	
Recreation & Amusement General		C1		C2		
Recreation, Vehicle Oriented	C3	C1	C3	C2	C2	
Recreational Vehicle Park		P		C2		
Religious Institution	C3	C2	C2	C2	C2	
Residential Treatment Facility	C4					
Restaurant, sit down/takeout		P		P		
Retail, 5,000 – 34,999 sq. ft.		P		C2		
Retail, 35,000 – 64,999 sq. ft.		P				
Retail, More than 65,000 sq. ft.		C3				
Retail, Less than 5,000 sq. ft.		P		C2		
Retail, Outdoor Sales/Display		C3				
Riding Academies	C1	C1	C1	C1	C1	
School, Elementary	C3					
Schools, Leisure/Special Interest	C3	P	P	P	P	
Schools, Technical/Vocational/Trade/Training	C3	C2				
Seaplane Base	C3	C3		C3		
Transit, Facility		P				
Utilities, Class I	P	P	P	P	P	P
Utilities, Class II	C1	P	P	P	P	
Utilities, Class III	C3	C3	C3	C3	C3	
Vehicle Service, Mechanical		C2				
Vehicle Sales, Leasing		C2				
Veterinary Service	P	P		P		
Water Ski Schools	C4	C2	C2	C2	C2	

401.07 Table 2 - Density and Dimensional Regulations [7, 8, 9]						
	A/RRX	**TCCX**	**PMX**	**L/RX**	**ROSX**	**PRESVX**
Residential Gross Density [1] Maximum/Minimum	1 du/5 AC	N/A	N/A	1 du/5 AC	N/A	N/A
Min. Residential Lot Area	5 AC	N/A	N/A	1 AC	N/A	N/A
Max. Non-Residential Impervious Surface Ratio (Isr) [2]	0.50	0.10	0.05	0.50	0.05	0.0001
Max Non-Residential Floor Area Ratio (Far) [3]	0.25	0.03 – 0.05	0.25	0.05 – 0.10	0.01 – 0.02	0.00005
MINIMUM SETBACKS: (ROAD ROW / CENTER LINE)						
Principal Arterial	65/125	65/125	65/125	65/125	65/125	65/125
Minor Arterial	50/90	50/90	50/90	50/90	50/90	50/90
Urban Collector	35/65	35/65	35/65/	35/65	35/65	35/65
Rural Major Collector	35/65	35/65	35/65	35/65	35/65	35/65
Rural Minor Collector	35/65	35/65	35/65	35/65	35/65	35/65
Local, 60' R/W	25/55	30/60	30/60	30/60	30/60	25/55
Local, 41' – 60' R/W	25/50	30/60	30/60	30/60	30/60	25/50
Local, 40' R/W	25/45	30/55	30/55	30/55	30/55	25/45
MINIMUM SETBACKS (PRINCIPAL/ACCESSORY STRUCTURE)						
SETBACK FROM PRESVX DISTRICT BOUNDARY (Ft)	N/A	100/100	100/100	100/100	100/100	N/A
Interior Side[8]	15/10	15/15	15/15	15/15	15/15	15/15
Interior Rear[8]	20/10	15/15	15/15	15/15	15/15	30/10
Max. Structure Height (Ft) [4][5]	50	100	N/A	75	35(6)	25

Footnotes for 401.07 Table 2.

(1) Residential density is the average number of dwelling units per acre of land. Gross density is calculated by dividing the total number of dwelling units on a site by the gross site area, exclusive of water bodies (including man-made lakes but not including man-made wet retention/detention areas), wetland areas and clay settling areas. The area for computing gross density shall include all public and institutional areas (e.g. internal streets, common areas and park land) located within a site, as well as one-half the right-of-way area for perimeter streets, and one-fourth the right-of-way for perimeter local street intersections.

(2) The impervious surface ratio (ISR) is the relationship between the total amount of impervious surface which is present on a site and the total site area. Impervious surfaces are those which do not absorb water. They include buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt. The ISR is calculated by dividing the total area of all impervious surfaces on a site by the gross site area, excluding existing water bodies (Note: the term "water bodies" includes man-made lakes but does not include man-made wet retention/detention areas).

(3) The floor area ratio (FAR) is the relationship between the total floor area on a site and the total site area. The FAR is calculated by adding together all floor areas of all floors and dividing this total by the gross site area, exclusive of existing water bodies (Note: the term "water bodies" includes man-made lakes but does not include man-made wet retention/detention areas), wetland areas and clay settling areas.

(4) Recreational lighting, chimneys, smoke stakes, communication towers, and Religious Institution symbols are exempt from the structure height limitations.

(5) Residential structures exceeding 35 feet in height, setbacks shall be increased by one-half of one foot for each one foot of height over 35 feet.

(6) Structures within the ROSX that exceed 25 feet in height shall be setback an additional one (1) foot for each one (1) foot in height, up to a maximum of 35 feet.

(7) All development is subject to Section 220 – Compatibility.

(8) All structures are subject to compliance with the Polk County Airport Zoning Regulations, adopted and administered by the Joint Airport Zoning Board (JAZB).

401.07 Table 2 - Density and Dimensional Regulations (7, 8, 9)						
	A/RRX	TCCX	PMX	L/RX	ROSX	PRESVX
(9) All structures shall comply with Section 214 – Distance between buildings.						

D. ***Development Design Standards and Modified Land Use Requirements (Revised01/12/15-Ord #15-002)***

1. An increase in the Floor Area Ratio (FAR) from the minimum up to the maximum level as identified in 401.07 Table 2 may be approved through a Level 3 review.

2. Transportation access and internal traffic circulation for the SAP shall be provided in accordance with the following provisions:

   a. The TCCX activity center shall serve as the central multi-modal location for access and connection to services provided within the SAP by providing vehicular and pedestrian cross access from the TCCX to all areas of the SAP.

   b. Development within the SAP shall encourage multi-modal components through an internal roadway system that allows for multi-passenger transit access and/or internal paths to accommodate golf carts, bicycles, and pedestrian traffic.

   c. Access from the TCCX to an Off Highway Vehicle (OHV) recreational use is not required.

   d. Access from District Line Road shall be limited to emergency access only until such time that a primary access connection is needed. Primary access to District Line Road shall require the road to be paved in accordance with Section 705, Access to County Transportation System, of this Code.

   e. When trips on to County Road 663 (Ft. Green Road) exceed 700 PM Peak Hour trips:

      i. another access shall be provided other than County Road 663 to the resort within the TCCX and

      ii. County Road 663 shall be improved prior to any additional development approvals within this SAP.

3. In addition to the storm water management standards in Section 740 of this Code, basins and storm water management systems shall be integrated and designed to blend into open spaces and shall resemble natural areas by having sides that are contoured to resemble natural land/water body features.

4. Limited impacts to wetland areas may occur provided any impacts comply with applicable state regulations regarding wetland impacts and mitigation and Section 2.123-C (Wetland Protection Areas) of the Comprehensive Plan.

5. Habitable structures shall not be allowed to locate with the 100-year floodplain. Floodplain areas shall be identified through field survey and analysis as development and any reclamation of mined areas occur.

6. Agriculture/Residential-Rural (A/RRX) – Residential development within the A/RRX shall be required to develop in accordance with the standards set forth in this Land Development Code.

7. Tourism Commercial Center (TCCX) – Development within the TCCX Future Land Use district shall be consistent with the following standards:

   a. Development shall be designed as a harmonious grouping of uses and buildings that have a unified scale, character and image, including cohesive architecture and linked through internal vehicle traffic and pedestrian circulation. Level 2 plans shall require the submission of conceptual architectural renderings which clearly demonstrate compliance with this requirement. Design features shall include, but not be limited to:

      i. common architectural elements

      ii. common building materials should be used in a manner that achieves a coordinated design on all building facades

      iii. uniform way-finding

      iv. avoid night sky light-pollution through the use of down-lighting and light shields.

   b. Development shall include a mix of uses which will provide a range of activities and services for a destination resort that will maximize the potential for internal trip capture. A destination resort can include, but is not limited to the following:

      i. short-term or overnight lodging

      ii. a signature or anchor amenity such as a golf course

      iii. full-service dining and beverage facilities

      iv. spa/health/wellness facilities

      v. meeting/conference facilities

vi. commercial retail outlet

8. Leisure/Recreation (L/RX) – Development within the L/RX Future Land Use district shall be consistent with the following standards:

a. Recreational uses shall consist of resource-based and passive recreation including, but not limited to golf courses, horseback riding, water sports and fishing.

b. Non-lighted, active, low intensity, high intensity and general recreation and amusement uses and facilities may be permitted through the approval of a Conditional Use (CU) as identified in 401.07 Table 1.

c. Permanent single family detached residential dwelling units shall be permitted as part of a Planned Development (PD) in accordance with the requirements for Planned Developments contained in Section 303 of this Code and the following requirements:

i. Residential lots shall be clustered in a compact, cohesive manner in order to create a more efficient design of land, natural resources and infrastructure.

ii. Development shall follow Section 753, Cluster Design Option, of this Code or the Conservation Development Program.

iii. Development shall connect to a central water and sewer system.

iv. The maximum gross residential density shall not exceed 1 du/5 acres.

v. The maximum residential lot size shall be one acre (43,560 square feet).

vi. The minimum street frontage for lots shall be a minimum of eighty feet (80') except along the circumference of a cul-de-sac improved to county standards where a minimum of thirty-five feet (35') may abut the street.

vii. The minimum lot width at the front setback line for residential structures shall be eighty feet (80').

viii. Residential lots shall be contiguous to each other except in locations intended to provide a contiguous connection of open space areas.

ix. The development shall demonstrate the use of Low Impact Development (LID) design techniques as used in industry standard to

manage storm water, maintain or restore a watershed's hydrologic and ecological functions and minimize impacts to Little Payne Creek.

x. Development shall have a minimum of 50% total open space of which at least 25% of the open space is upland. Open space areas shall be linked to provide a contiguous connection to provide for large and integrated open space areas within the subdivision. Contiguous shall be defined as the ability of a pedestrian to legally move from one open space area to another. Open space may still be considered connected if it is separated by a roadway.

xi. Golf course and active recreation uses shall not be permitted within the open space area of the Planned Development.

xii. Individual residential lots shall not encroach upon or contain any of the required minimum designated open space for the subdivision.

xiii. At least half of the lots shall directly abut open space or face open space land across the street.

xiv. All open space land shall be permanently restricted from future development by a conservation easement or other method of protection and preservation acceptable to the County. All methods of protection and preservation of open space areas shall be approved and recorded prior to or concurrent with the recording of the final plat for the subdivision.

xv. Pedestrian access to open space shall be provided.

xvi. A maximum of 50% of the residential units shall be allowed to be used as primary residences. Lots which are intended to be used for primary residences shall be designated on the recorded subdivision plat.

xvii. Development shall demonstrate the availability of retail and medical to meet daily shopping needs, personal services, and medical needs of residents within ten (10) miles of the subdivision. Daily needs may include but are not limited to the following:

(a). bakery and dairy products

(b). fresh produce

(c). canned and dry goods

(d). hair and beauty products

(e). non-prescription medications

(f). medical services for uncomplicated, minor illnesses

9. Recreation and Open Space (ROSX) - In addition to the other requirements of this Code, all development shall be consistent with the following:

a. Development and uses permitted within the ROSX shall be limited to low impact development and may include the following:

i. Publicly or privately owned or operated outdoor sporting and recreational activities, including golf courses and associated amenities such as a clubhouse, driving range, gift/pro shop, bar and lounge.

ii. Publicly or privately owned and managed open spaces.

b. Access roads designed for public use shall be paved to minimum County standards and connect to the main entrance road through the TCCX Activity Center.

10 Phosphate Mining (PMX) – In addition to the other requirements of this Code, all development shall be consistent with the following:

a. Permitted uses and activity shall be directly related to the extraction of phosphate and the reclamation of mined lands as authorized by mine operating permits pursuant to local and state requirements for phosphate mining.

b. Allied industries and related uses are not permitted.

c. No intensification of existing industrial and mining uses is allowed.

11. Preservation (PRESVX) – In addition to the other requirements of this Code, permitted development and uses shall be limited to low impact development and may include the following:

a. Limited crossings for internal paths to accommodate golf carts, bicycles, and pedestrian traffic.

b. Construction of walking trails, timber boardwalks, observation decks, or other similar structures.

c. One vehicular crossing for automobiles, trucks, etc. and utility lines for water and sewer service shall be located in the vicinity of a pre-existing crossing, which is located in Section 21, Township 32 South, Range 24, East.

E. ***Recreation and Open Space System***

Prior to any new development, a Recreation and Open Space System and Management Plan shall be established based on the following provisions:

1. A minimum of 70% of the SAP area shall be maintained or preserved for recreation and open space.

2. Golf courses may account for a maximum of 25% for the required open space.

3. The Management Plan for the Integrated Habitat Network (IHN)/Coordinated Development Area: Lease Numbers 3963, 3995 and 4236 developed and updated by the Florida Department of Environmental Protection (FDEP) Bureau of Mine and Mineral Reclamation (BOMR) shall serve as a guide for reclamation and conservation within the SAP by the following methods:

   a. Areas identified by conservation agreements on the IHN shall be designated as PRESVX.

   b. Areas located adjacent to the IHN and any additional areas identified by the owner as wildlife habitat may be preserved under the ROSX land use classification.

   c. Any application for development within the IHN shall be reviewed by FDEP Bureau of Mine Reclamation and the Florida Fish and Wildlife Conservation Commission (FWC) for consistency with the IHN.

4. An Recreation and Open Space Management Plan displaying the Recreation and Open Space System shall be developed and submitted to the Polk County planning staff. This Plan shall include, at a minimum, the following:

   a. Area designated for recreation activities.

   b. Areas designated for open space.

   c. Areas identified by the IHN.

   d. Method for preserving and maintaining the recreation and open space.

   e. In the event that areas which are designated as open space are divided and sold to more than one owner, an agreement for maintenance of the area shall be executed and recorded in the official records of Polk County, Florida.

f. Any modifications to the Recreation and Open Space System shall be submitted prior to issuing any new Level 2 development approval.

Section 401.08 Southeast Polk Selected Area Plan *(Added 12/3/13 – Ord. 13-062)*

A. *Purpose and Intent*

The purpose of the Southeast Polk Selected Area Plan (SE Polk SAP) is to implement the goals established in the Comprehensive Plan for the plan area as described on the Future Land Use Map Series and the SE Polk SAP Vision Map. The SAP standards included herein are designed to protect the rural character of communities in the area; recognize private property rights; encourage sustainable development and the conservation of environmentally sensitive lands and open space by providing incentive based options for development; and to support increased intergovernmental coordination with neighboring jurisdictions.

B. *Applicability.*

This Section applies to development within the SE Polk SAP, the boundaries of which are shown on the FLUMS and the SE Polk SAP Vision map. The permitted and conditional uses for the standard land use districts for this SAP are prescribed in Table 401.08.01, *Use Table for SE Polk Selected Area Plan Land Use Districts*. The special standards and conditions in this SAP are intended to enhance the standards and conditions of other sections of this LDC. This SAP's boundaries also intersect with portions of the SR 17 Ridge Scenic Highway Overlay and the Military Compatibility Zones. Section 679 of this Land Development Code regulates development on parcels fronting SR 17, Ridge Scenic Highway. For those parcels within this SAP located along the Scenic Highway**,** except for the maximum density/intensity allowed within the Village Centers and Village Center Cores, where there is a conflict, the standards and conditions of Section 679 will prevail. Development within this SAP located within the Military Compatibility Zones (MCZ) shall be required to meet the standards in Section 642 of this Code.

C. ***Allowable Use and Density and Dimensional Regulations***

The modified land use categories and uses allowable in the SE Polk SAP are shown in Table 401.08.01. Land use categories and uses not shown are prohibited. As shown in the SAP Vision Map, there are four subareas identified as Village Centers (Village) and the Village Center Core (VC-Core). These are located in the Warner University/Crooked Lake northwest area, the Babson Park area, the Frostproof area, and the Sun Ray Community area respectively. The Use table shows the allowances for properties located in the SAP, within the Village and VC-Core Overlay areas (combined) or outside these areas. Development within the Land Uses shown in this SAP shall comply with applicable criteria for Conditional Uses in this section in addition to requirements in Chapter 3. Where there is a conflict, the requirements in Section 401.08 shall prevail.

D. ***Incentives for Quality Development in Villages and Village Center Core Areas Overlay (Villages and VC-Core)***

The purpose of the Villages Center (Village) and Village Center Core (VC-Core) is to incentivize development in the densest areas of this SAP as well as provide quality development. The Village and VC-Core overlays were established and defined in Policy 2.131-UB6 of the Comprehensive Plan and designated in the Comprehensive Plan Future Land Use Maps Series. These overlays will include those areas, as shown in the Vision Map, that surround existing Rural Cluster Centers (RCCs), Neighborhood Activity Centers (NACs), or significant existing commercial nodes (CEs and municipal commercial districts) located at intersections of arterial or collector roads, and where infill development and additional density/intensity shall be encouraged.

This LDC section includes development/design standards such as walkable development, a mix of complementary land uses and activities, a range of housing opportunities, improved vehicular and pedestrian access to adjacent uses; transportation services from and to other Village Centers; and access to community/public water and sewer service, that will need to be achieved to allow densities/intensities (as described in Table 401.08.03 of this SAP) through administrative and technical reviews. Therefore, the following incentives will apply:

1. Shorter Review Time –Qualifying development meeting the SAP standards shall be evaluated through an expedited L2 review process.

2. Higher densities and intensities – Qualifying development will be allowed at higher densities/intensities in accordance with Table 401.08.03 and meeting the requirements of Subsection 401.08.G. Development Tiers.

3. Dimensional Regulations - Setbacks and height standards different than those listed in Table 2.2 of this Code are established for development within in the Villages and VC-Cores to allow more flexibility of design, size, type and placement of structures.

E. ***Accessory and Temporary Uses***

Accessory and Temporary Uses are defined in Chapter 10 and regulated in Chapter 2 of this Code.

F. ***Infill and Compatibility***

All uses are subject to Infill and Compatibility requirements outlined in Sections 219 and 220 respectively.

Table 401.08.01 Use Table for SE Polk SAP (Revised 11/4/14 – Ord. 14-066; 08/05/14 – Ord. 14-045; 03/18/14 – Ord 14-015)

Key to Table: P = Permitted Use; C = Conditional Use/Level of Review

	Village Centers and Village Center Cores																						Outside the Village Centers (Scenic Highway overrides)																	
	A/RRX	RCC-RX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RCCX	CCX	CEX	LCCX	NACX	OCX	TCCX	BPC-1X	BPC-2X	INDX	L/RX	INST1X	INST2X	ROSX	A/RRX	RCC-RX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RCCX	CCX	TCCX	BPC-1X	BPC-2X	INDX	L/RX	INST1X	INST2X	ROSX	PRESVX
	RESIDENTIAL USES																																							
Duplex/Two Family Attached	C2	C2	C2	C2	C2	C2	C2	C2	C2														C3	C3	C3			C3	C3	C3										
Multi-Family (4 units or less)	C2	C2	C2	C2	C2	C 2	C2	C2	C2																															
Multi Family (5 units or more per building)		C3		C3	C3	C3	C2	C2	C3				C2	C3						C2	C2			C3		C3	C3	C3	C2	C3	C3						C3	C3		
Family Farm/ Family Homestead	C1		C1																				C1		C1															
Fly in Community																							C3		C3											C3				
Group Home, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1	C1															C1	C1	C1	C1	C1	C1	C1											
Group Home, Large (7-14 residents)	C3	C3	C3					C1												C1	C1		C3	C3	C3												C1	C1		
Group Living Facility (15 or more residents)	C3	C3	C3	C3	C3	C3	C3	C3												C2	C2		C3	C3	C3	C3	C3	C3	C3								C2	C2		
Farm Worker Dormitory – Apartment style	C2	C2	C2						C2														C2	C2	C2					C2										
Farm Worker – Barrack Style																							C2	C2	C2					C3				C2	C2					
Mobile Home Park & Subdivision	C3	C3	C3	C3	C3	C3	C3	C3															C3	C3	C4	C4	C4	C4	C4											
Mobile Homes, Individual																							C1	C1	C1	C1	C1	C1	C1											
Residential Infill Development			C2	C2	C2	C2	C2																		C2	C2	C2	C2	C2											

Table 401.08.01 Use Table for SE Polk SAP (Revised 11/4/14 – Ord. 14-066; 08/05/14 – Ord. 14-045; 03/18/14 – Ord 14-015)

Key to Table: P = Permitted Use; C = Conditional Use/Level of Review

	Village Centers and Village Center Cores																					
	A/RRX	RCC-RX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RCCX	CCX	CEX	LCCX	NACX	OCX	TCCX	BPC-1X	BPC-2X	INDX	L/RX	INST1X	INST2X	ROSX
Rural Residential Development (RRD)	C3		C3																			
Short Term Rental				C3	C3	C3	C3	C3							C2				C2			
Single-Family Detached Home	P	P	P	P	P	P	P	P	P													
Conservation Subdivision	C2	C2	C2	C2	C2	C2	C2	C2														
Suburban Planned Development (SPD)			C3																			
MIXED USES																						
Planned Development	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3
Residentially Based Mixed Development (RBMD)	C3		C3	C3	C3	C3	C3	C2	C2													
Rural Mixed Development (RMD)	C3		C3																			
Transitional Area Development			C3	C3	C3	C3	C3	C3		C3	C3	C3	C3		C3							
ALL OTHER USES																						
Adult Day Care Center (7 or more clients)	C3	C3	C3	C3	C3	C2	C2	C2												C2	C2	
Adult Use												C1			C1							
Agricultural Support, Off-site	C3	C3	C3	C3					C2		C2	C2		C3		C3	C2	C2				
Airport																						
Alcohol Package Sales									C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1			
Animal Farm, Intensive	C2		C2																			

	Outside the Village Centers (Scenic Highway overrides)																	
	A/RRX	RCC-RX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RCCX	CCX	TCCX	BPC-1X	BPC-2X	INDX	L/RX	INST1X	INST2X	ROSX	PRESVX
Rural Residential Development (RRD)	C3		C3															
Short Term Rental				C3	C3	C3	C3			C2				C2				
Single-Family Detached Home	P	P	P	P	P	P	P	P										
Conservation Subdivision	C2	C2	C2	C2	C2	C2	C2	C2										
Suburban Planned Development (SPD)			C3															
MIXED USES																		
Planned Development	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3
Residentially Based Mixed Development (RBMD)	C3		C3	C3	C3	C3	C3	C3										
Rural Mixed Development (RMD)	C3		C3															
Transitional Area Development			C3	C3	C3	C3	C3		C3	C3	C3	C3						
ALL OTHER USES																		
Adult Day Care Center (7 or more clients)		C3	C3	C3	C3	C3	C3								C2	C2		
Adult Use										C1								
Agricultural Support, Off-site	C3	C3	C3	C3				C2			C3	C2	C2					
Airport	C4										C4	C4	C4			C4		
Alcohol Package Sales								C1	C1	C1	C1	C1	C1	C1				
Animal Farm, Intensive	C2		C1	C1				C2			C3	C2	C2					

Table 401.08.01 Use Table for SE Polk SAP (Revised 11/4/14 – Ord. 14-066; 08/05/14 – Ord. 14-045; 03/18/14 – Ord 14-015)

Key to Table: P = Permitted Use; C = Conditional Use/Level of Review

	Village Centers and Village Center Cores																						Outside the Village Centers (Scenic Highway overrides)																	
	A/RRX	RCC-RX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RCCX	CCX	CEX	LCCX	NACX	OCX	TCCX	BPC-1X	BPC-2X	INDX	L/RX	INST1X	INST2X	ROSX	A/RRX	RCC-RX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RCCX	CCX	TCCX	BPC-1X	BPC-2X	INDX	L/RX	INST1X	INST2X	ROSX	PRESVX
Animal Farms, Small Specialty	C2		C1																				C2		C1	C1				C2			C3	C2	C2					
Assembly, Light																C2	C2	C2															C2	C2	C2					
Bars, Lounges, and Taverns											C3	C3	C3		C1	C1	C1	C1	C1													C1	C1	C1	C1	C1				
Bed and Breakfast	C3	C3	C3	C3	C3	C3	C3	C3	C2														C4	C3	C4	C4	C4	C4	C4	C2										
Breeding, Boarding and Rehabilitation Facility, Wild or Exotic	C4								C4								C4						C3							C3				C2	C2					
Car Wash, Full Service											C2	C2	C2		C2	C2	C2	C2													C2	C2	C2	C2	C2					
Car Wash, Incidental									C2	C2	C2	C2	C2		C2	C2	C2	C2												C2	C2	C2	C2	C2	C2					
Car Wash, Self Service									C2			C2			C2	C2	C2													C2		C2	C2	C2	C2					
Cemetery																				C2	C2		C2	C3	C3					C3	C3	C3					C2	C2		
Childcare Center	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2					C2	C2		C3	C3	C3	C3	C3	C3	C3	C2	C2					C2	C2	C2		
Clinics & Medical Offices									C2	C2	C2	C2	C2	C2	C2					C2	C2									C2	C2	C2					C2	C2		
Commercial Vehicle Parking															C2	C2	C2	C2			C3									C3		C2	C2	C2						
Communication Towers, Guyed & Lattice																				C2	C2				C3								C3	C2	C2		C2	C2		
Communication Towers, Monopole	C2		C3						C3			C3			C2	C2	C2	C2	C3	C2	C2		C2		C3					C3			C2	C2	C2	C3	C2	C2		
Community Center	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C4	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2	C4	
Construction Aggregate Processing																		C3																	C3					
Construction Aggregate Storage																		C3																	C3					
Convenience Stores									C2	C2	C2	C2	C2		C2	C2	C2	C2												C2	C2	C2	C2	C2	C2					
Convenience Stores, Isolated																							C2	C2	C2					C2			C2	C2	C2					
Correctional Facility																							C4															C4		

Table 401.08.01 Use Table for SE Polk SAP (Revised 11/4/14 – Ord. 14-066; 08/05/14 – Ord. 14-045; 03/18/14 – Ord 14-015)

Key to Table: P = Permitted Use; C = Conditional Use/Level of Review

	Village Centers and Village Center Cores																					
	A/RRX	RCC-RX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RCCX	CCX	CEX	LCCX	NACX	OCX	TCCX	BPC-1X	BPC-2X	INDX	L/RX	INST1X	INST2X	ROSX
Cultural Facility	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C4
Dairies	C2		C2													C3	C2	C2				
Emergency Shelter, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1	C1														
Emergency Shelter, Medium (7-14 residents)	C3	C3	C3					C1												C1	C1	
Emergency Shelter, Large (15 or more residents)	C3	C3	C3	C3	C3	C3	C3	C3												C2	C2	
Farming, General	C1	C1	C1																			C1
Financial Institution									C2	C2	C2	C2	C2	C2	C2	C2	C2					
Financial Institution, Drive-Thru									C2	C2	C2	C2	C2	C2	C2	C2	C2					
Flea Market												C3			C3							
Forestry Operations, Specialized	C3																	C2				
Funeral Home & Related Facilities									C2	C2	C3	C2										
Gas Stations									C2	C2	C2	C2	C2		C2	C2	C2	C2				
Golf Course	C2	C2	C2	C2	C2	C2	C2	C3	C3						C1	C1	C1	C1	C1	C1	C1	C1
Government Facilities	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	C2	C2	C3	C2	C2	C2	C2	C3	C2	C2	
Hazardous Waste Transfer, Storage																						
Heavy Machinery Equipment Sales & Services																	C2	C2				
Heliports	C3											C3			C2	C2	C2	C2		C2	C2	
Helistops	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C4	C2	C2	C3	C2	C2	C2	C3	C2	C2	
Hospitals									C2											C3	C2	
Hotels and Motels											C3	C2			C2	C2	C2	C2	C2			

	Outside the Village Centers (Scenic Highway overrides)																	
	A/RRX	RCC-RX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RCCX	CCX	TCCX	BPC-1X	BPC-2X	INDX	L/RX	INST1X	INST2X	ROSX	PRESVX
Cultural Facility	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2	C4	
Dairies	C2		C2								C3	C2	C2					
Emergency Shelter, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1											
Emergency Shelter, Medium (7-14 residents)	C3	C3	C3	C3	C3	C3	C3								C1	C1		
Emergency Shelter, Large (15 or more residents)	C3	C3	C3	C3	C3	C3	C3								C2	C2		
Farming, General	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	
Financial Institution								C2	C2	C2	C2	C2						
Financial Institution, Drive-Thru								C2	C2	C2	C2	C2						
Flea Market										C3								
Forestry Operations, Specialized	C2												C2					
Funeral Home & Related Facilities								C2	C2									
Gas Stations								C2	C2	C2	C2	C2	C2					
Golf Course	C2	C2	C2	C2	C2	C2	C2	C2		C2	C2	C2	C2	C2	C1	C1	C1	C1
Government Facilities	C3	C3	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C3	C2	C2	C3	
Hazardous Waste Transfer, Storage													C4					
Heavy Machinery Equipment Sales & Services												C2	C2					
Heliports	C3									C2	C2	C2	C2		C2	C2		
Helistops	C2	C3	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	C3	C2	C2	C2	
Hospitals								C2							C3	C2		
Hotels and Motels										C2	C2	C2		C2				

Table 401.08.01 Use Table for SE Polk SAP (Revised 11/4/14 – Ord. 14-066; 08/05/14 – Ord. 14-045; 03/18/14 – Ord 14-015)

Key to Table: P = Permitted Use; C = Conditional Use/Level of Review

	Village Centers and Village Center Cores																						Outside the Village Centers (Scenic Highway overrides)																	
	A/RRX	RCC-RX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RCCX	CCX	CEX	LCCX	NACX	OCX	TCCX	BPC-1X	BPC-2X	INDX	L/RX	INST1X	INST2X	ROSX	A/RRX	RCC-RX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RCCX	CCX	TCCX	BPC-1X	BPC-2X	INDX	L/RX	INST1X	INST2X	ROSX	PRESVX
Institutional Campground	C3		C3																C2	C2	C2		C3		C3											C2	C2	C2		
Kennels, Boarding and Breeding	C3		C3																				C2		C3					C2				C2	C2					
Lime Stabilization Facility																							C3		C3					C3			C3	C3	C3		C3	C3		
Livestock Sale, Auction	C3		C3														C2	C1					C1		C1	C1				C1				C2	C1					
Lodges and Retreats, Private	C3								C2		C2	C2			C2				C2	C2	C2		C3							C2		C2				C2	C2	C2		
Manufacturing Explosives/ Volatile Material																		C3																	C2					
Manufacturing, General																		C2																	C2					
Manufacturing, Light																C2	C2	C2															C2	C2	C2					
Marinas & Related Facilities	C3								C3						C1				C1				C3							C3		C1				C1				
Mining, Non-phosphate																							C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	
Motor Freight Terminal																C2	C2	C2																C2	C2					
Nightclubs and Dance Halls											C3	C3			C1				C3													C1				C3				
Nurseries, Retail	C3		C3						C2	C2	C2	C2	C2			C2	C2	C2												C2	C2		C2	C2	C2					
Nurseries & Greenhouses	C1	C1	C1	C1					C1	C1	C2	C2	C2			C1	C1	C1					C1	C1	C1	C1				C1	C1		C1	C1	C1					
Nursing Homes								C3	C2		C2	C2								C2	C2									C2							C2	C2		
Office									C2	C2	C2	C2	C2	C2	C2	C2	C2	C2		C2	C2									C2	C2	C2	C2	C2	C2		C2	C2		
Office Park												C2	C2	C2		C2	C2	C3		C2	C2												C2	C2	C3		C2	C2		
Personal Service									C2	C2	C1	C2	C2	C2	C2	C2	C2	C2	C2											C2	C2	C2	C2	C2	C2	C2				
Power Plants Non-Certified, Low																																	C4	C4	C4			C2		
Power Plant Non-Certified, High																																		C4	C4			C3		

Table 401.08.01 Use Table for SE Polk SAP (Revised 11/4/14 – Ord. 14-066; 08/05/14 – Ord. 14-045; 03/18/14 – Ord 14-015)

Key to Table: P = Permitted Use; C = Conditional Use/Level of Review

Village Centers and Village Center Cores

	A/RRX	RCC-RX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RCCX	CCX	CEX	LCCX	NACX	OCX	TCCX	BPC-1X	BPC-2X	INDX	L/RX	INST1X	INST2X	ROSX
Printing & Publishing									C2		C2	C2	C2	C2		C2	C2	C2				
Railroad Yard																						
Recreation, Passive	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1
Recreation, High Intensity	C3	C3	C3	C3	C3	C3	C3	C3							C1				C1	C1	C1	C1
Recreation, Low Intensity	C2	C2	C2	C2	C2	C2									C1				C1	C1	C1	C1
Recreation Vehicle Oriented																						
Recreation & Amusement, Intensive															C2				C4			
Recreation & Amusement, General									C2	C3	C3	C3	C3	C3	C2				C2			
Recreational Vehicle Park															C2				C2			
Religious Institutions	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	
Research & Development														C3		C2	C2	C2		C3	C3	
Residential Treatment facility	C4								C4		C4	C4								C4	C4	
Restaurant, Drive-through / Drive-in									C2		C3	C2	C2		C2	C2	C2	C2		C2		
Restaurant, Sit-down / Take-out									C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2			
Retail, Less than 5,000 square feet									C2	C2	C2	C2	C2	C3	C2	C2	C2	C2	C2			
Retail, 5,000 - 34,999 square feet									C2	C3	C3	C2	C2	C3	C2	C2	C2	C2	C2			
Retail 35,000- 64,999 sq. ft.									C3			C2	C2		C2	C2	C2	C2				
Retail more than 65,000 sq. ft.									C3			C3	C3		C3	C3	C3					
Retail, Home Sales Offsite									C3		C3	C2										

Outside the Village Centers (Scenic Highway overrides)

	A/RRX	RCC-RX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RCCX	CCX	TCCX	BPC-1X	BPC-2X	INDX	L/RX	INST1X	INST2X	ROSX	PRESVX
Printing & Publishing								C2			C2	C2	C2					
Railroad Yard													C3					
Recreation, Passive	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1
Recreation, High Intensity	C3	C3	C3	C3	C3	C3	C3			C1				C1	C1	C1	C1	C3
Recreation, Low Intensity	C2	C2	C2	C2	C2	C2	C2			C1				C1	C1	C1	C1	C3
Recreation Vehicle Oriented	C3	C3	C3	C3	C3	C3	C3			C2				C2			C2	C4
Recreation & Amusement, Intensive										C2				C4				
Recreation & Amusement, General								C2	C3	C2				C2				
Recreational Vehicle Park										C2				C2				
Religious Institutions	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2	C4	
Research & Development											C2	C2	C2		C3	C3		
Residential Treatment facility	C4							C4							C4	C4		
Restaurant, Drive-through / Drive-in								C2		C2	C2	C2	C2	C2				
Restaurant, Sit-down / Take-out								C2	C2	C2	C2	C2	C2	C2				
Retail, Less than 5,000 square feet								C2	C2	C2	C2	C2	C2	C2				
Retail, 5,000 - 34,999 square feet								C3	C3	C2	C2	C2	C2	C2				
Retail 35,000- 64,999 sq. ft.								C3		C2	C2	C2	C2					
Retail more than 65,000 sq. ft.								C3		C3	C3	C3						
Retail, Home Sales Offsite								C3										

Table 401.08.01 Use Table for SE Polk SAP (Revised 11/4/14 – Ord. 14-066; 08/05/14 – Ord. 14-045; 03/18/14 – Ord 14-015)

Key to Table: P = Permitted Use; C = Conditional Use/Level of Review

	Village Centers and Village Center Cores																						Outside the Village Centers (Scenic Highway overrides)																	
	A/RRX	RCC-RX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RCCX	CCX	CEX	LCCX	NACX	OCX	TCCX	BPC-1X	BPC-2X	INDX	L/RX	INST1X	INST2X	ROSX	A/RRX	RCC-RX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RCCX	CCX	TCCX	BPC-1X	BPC-2X	INDX	L/RX	INST1X	INST2X	ROSX	PRESVX
Retail, Outdoor Sales/Display	C3								C3		C3	C2			C3	C3	C2													C3		C3	C3	C2						
Salvage Yard																																			C3					
School, Elementary	C3	C2	C2	C2	C2	C2	C2	C2	C2											C2	C2		C3	C2	C2	C2	C2	C2	C2	C2							C2	C2		
School, Middle	C3	C3	C3	C2	C2	C2	C2	C2	C3											C2	C2			C3	C3	C2	C2	C2	C2	C3							C2	C2		
School, High	C3	C3	C3	C3	C3	C3	C3	C2	C3											C3	C2			C3	C3	C3	C3	C3	C3								C3	C2		
School, Leisure/Special Interest	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	C3	C2	C2	C2	C3	C2	C2	C2		C3	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	C3	C2	C2	C2	C2	
School, Technical/ Vocational/Trade	C3							C3	C3	C3	C3	C3	C3	C2	C2	C2	C2	C2		C3	C2		C3							C3	C3	C2	C2	C2	C2		C3	C2		
School, Training	C3								C3	C3	C3	C3	C3	C2	C2	C2	C2	C2		C3	C2		C3							C3	C3	C2	C2	C2	C2		C3	C2		
School, University/ College									C3							C2	C2	C3		C3	C2			C3						C3			C2	C2	C3		C3	C2		
Seaplane Base	C3																	C3	C3				C3	C3	C3										C3	C3	C3	C3		
Self-storage Facility									C3		C2	C2	C2			C2	C2	C2												C3			C2	C2	C2					
Solar Electric-Power Generation Facility	C2	C3	C3													C2	C2	C2		C2	C2		C2	C3	C3								C2	C2	C2		C2	C2		
Stables/Riding Academies	C1	C2	C3	C3					C2						C2				C2				C1	C2	C3	C3				C2		C2				C2			C3	
Studio, Production									C2			C2		C2	C2	C2	C2	C2												C2		C2	C2	C2	C2					
Time Shares															C2				C2													C2				C2				
Transit, Commercial												C3					C2	C2																C2	C2					
Transit Facility													C2		C2	C2	C2	C2														C2	C2	C2	C2					
Truck Stop													C3			C3	C3	C2															C3	C3	C2					
Utilities, Class I	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1
Utilities, Class II	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1		C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	
Utilities, Class III	C4	C4	C4	C4	C4	C4	C4	C4	C4	C4	C4	C4	C4	C4	C4	C4	C4	C2	C4	C4	C3		C4	C4	C4	C4	C4	C4	C4	C4	C4	C4	C4	C4	C2	C4	C4	C3	C4	

Table 401.08.01 Use Table for SE Polk SAP (Revised 11/4/14 – Ord. 14-066; 08/05/14 – Ord. 14-045; 03/18/14 – Ord 14-015)

	Village Centers and Village Center Cores																						Outside the Village Centers (Scenic Highway overrides)																	
	A/RRX	RCC-RX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RCCX	CCX	CEX	LCCX	NACX	OCX	TCCX	BPC-1X	BPC-2X	INDX	L/RX	INST1X	INST2X	ROSX	A/RRX	RCC-RX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RCCX	CCX	TCCX	BPC-1X	BPC-2X	INDX	L/RX	INST1X	INST2X	ROSX	PRESVX
	Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																																							
Vehicle Recovery Service/Agency									C2		C3	C2					C2	C2							C4					C2				C2	C2					
Vehicle Repair, Auto Body									C2		C3	C2	C3			C3	C2	C2												C2				C2	C2					
Vehicle Service, Mechanical									C2		C3	C2	C2			C3	C2	C2												C2				C2	C2					
Vehicle, Sales and Leasing									C2		C4	C2																		C2										
Veterinary Services	C2		C3						C1	C1	C2	C2	C2	C2	C2		C2	C2	C2				C2		C2					C1	C1			C2	C2					
Warehousing, up to 50,000 sq ft																C2	C2	C2															C2	C2	C2					
Warehousing between 50,001 and 100,000 sq ft																C2	C2	C2															C2	C2	C2					
Warehousing between 100,001 and 250,000 sq ft																C3	C3	C3															C3	C3	C3					
Warehousing, above 250,000 sq ft																C4	C4	C4															C4	C4	C4					
Water Ski Schools	C4														C3								C4		C4					C4	C3		C3	C3	C3	C3	C3	C3	C3	
Wholesale, Enclosed									C2		C3	C2				C2	C2	C2												C2			C2	C2	C2					

G. ***Density and Dimensional Regulations –Development Tiers***

The density and intensity standards for development that are to take place within the land use districts of this SAP are prescribed in Table 401.08.03 and subsection H. of this SAP. A base and three levels of compliance (development tiers) are established in Table 401.08.02 below to measure the level achieved by each proposed development. These tiers serve to measure the compliance with the different requirements needed to achieve higher densities/intensities within the SAP. Development must meet the requirements of this section of the Code and meet the requirements within each tier to achieve the desired density/intensity. Development within the Villages or VC-Cores must meet the development criteria established for such development within the corresponding land use district and at least the requirements of Tier 1. Outside those areas, development at the lowest densities or intensities can be achieved by meeting the development criteria (base), but must meet tier requirements or process a Planned Development to achieve the higher densities/intensities.

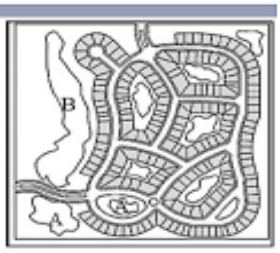
Participation in a higher Tier requires compliance with all the standards of the preceding Tiers. The higher intensities are granted upon the completion of a Level 2 Review process after the applicant demonstrates that all requirements for the proposed Tier have been met. Incentive bonuses expire with the expiration of the Level 2 Review approval. The requirements and the higher intensities are based on the following:

Table 401.08.02

TIER3

Meet all requirements of Tiers 1 and 2 and provide:
A. Thirty percent (30%) of the gross project acreage as open Space consistent with 401.08. J.4. Open Space and design; and

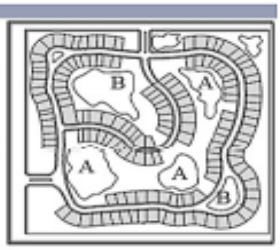
B. Community Garden for residential projects as part of the required open space.



TIER2

Meet all requirements of Tier 1 and provide:
A. Twenty percent (20%) of the gross project acreage as Open Space consistent with 401.08. J.4. Open space and design; and

B. at least one of the following low Impact Development (LID) design features to help manage stormwater and reduce impervious surface: rain gardens, vegetated drainage swales or pervious pavement

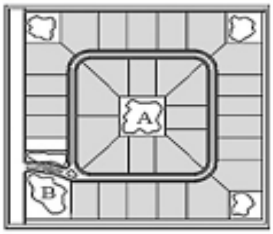


TIER1

Meet all relevant requirements of this Code, SAP and provide:
A. Ten percent (10%) of the gross project acreage as open space consistent with 401.08 J.4. Open space and design;

b. and pedestrian and bicycle connectivity with surrounding development

c. street trees native shade trees planted on average of 50' on center along all roadways in development.



BASE

Only applicable outside the Villages and VC-Core: Development will meet all basic requirements of the corresponding land use district and include 10% open space.

TABLE 401.08.03 - DENSITY/INTENSITY

FUTURE LAND USE DISTRICTS (3)	Outside Village Centers and VC-Core Overlays						Village Center Overlay (1) (4)						VC-Core Overlay (1) (4)					
	Maximum Density du/ac (2)			Maximum Intensity FAR			Maximum Density du/ac (2)			Maximum Intensity FAR			Maximum Density du/ac (2)			Maximum Intensity FAR		
	Base	**Tier 2**	**Tier 3 PD**	**Base**	**Tier 2**	**Tier 3 PD**	**Tier 1**	**Tier 2**	**Tier 3**	**Tier 1**	**Tier 2**	**Tier 3**	**Tier 1**	**Tier 2**	**Tier 3**	**Tier 1**	**Tier 2**	**Tier 3**
A/RRX	0.2	1.0	2.0(4)	0.15	0.20	0.25	1.0	2.0	3.0	0.15	0.20	0.25	1.0	2.0	3.0	0.15	0.20	0.25
RSX(5)	0.2	0.4	3.0(5)	0.15	0.20	0.25	1.0	3.0	4.0	0.15	0.20	0.25	1.0	2.5	4.0	0.15	0.20	0.25
RL-1X	1.0	2	4.0	n/a	0.1	0.25	1.0	2.0	6.0	n/a	0.15	0.25	1.0	3.0	6.0	0.15	0.20	0.25
RL-2X	2.0	2.5	4.0	n/a	0.1	0.25	2.0	3.0	6.0	n/a	0.15	0.25	2.0	3.5	6.0	0.15	0.20	0.25
RL-3X	3.0	3.5	4.0	n/a	0.15	0.25	3.0	4.0	6.0	n/a	0.15	0.25	3.0	4.0	6.0	0.15	0.20	0.25
RL-4X	4.0	4.5	5.0	n/a	0.15	0.25	4.0	5.0	6.0	n/a	0.20	0.25	4.0	5.0	6.0	0.15	0.20	0.25
RMX	4.0	6.5	8.0	n/a	0.15	0.25	6.0	8.0	10.0	n/a	0.20	0.25	6.0	8.0	10.0	0.15	0.25	0.25
RCCX	n/a	n/a	n/a	0.10	0.20	0.30	n/a	n/a	n/a	0.45	0.50	0.60	n/a	n/a	n/a	0.45	0.50	0.60
RCCRX	1.0	1.5	2.0	n/a	n/a	n/a	1.0	2.5	4.0	n/a	n/a	n/a	1.0	4.0	4.0	n/a	n/a	n/a
CCX	n/a	n/a	n/a	0.25	0.35	0.50	n/a	n/a	n/a	0.25	0.30	0.50	n/a	n/a	n/a	0.35	0.40	0.50
NACX	n/a	3.0	5.0	0.25	0.50	0.70	2.5	4.0	6.0(2)	0.40	0.55	0.70	4.0	5.0	6.0	0.5	0.60	0.70
TCCX	n/a	n/a	n/a	0.50	0.60	1.0	n/a	n/a	n/a	0.60	0.75	0.1	n/a	n/a	n/a	0.70	0.85	1.0
LCCX	n/a	n/a	n/a	0.20	0.25	0.35	n/a	n/a	n/a	0.30	0.40	0.50	n/a	n/a	n/a	0.35	0.45	0.60
OCX	n/a	n/a	n/a	0.20	0.25	0.30	n/a	n/a	n/a	0.30	0.40	0.50	n/a	n/a	n/a	0.30	0.45	0.60
BPCX-1	n/a	n/a	n/a	0.75	0.85	1.0	n/a	n/a	n/a	0.60	0.75	1.0	n/a	n/a	n/a	0.75	0.85	1.0
BPCX-2	n/a	n/a	n/a	0.75	0.85	1.0	n/a	n/a	n/a	0.60	0.75	1.0	n/a	n/a	n/a	0.75	0.85	1.0

FUTURE LAND USE DISTRICTS (3)	Outside Village Centers and VC-Core Overlays						Village Center Overlay (1) (4)						VC-Core Overlay (1) (4)					
	Maximum Density du/ac (2)			Maximum Intensity FAR			Maximum Density du/ac (2)			Maximum Intensity FAR			Maximum Density du/ac (2)			Maximum Intensity FAR		
	Base	**Tier 2**	**Tier 3 PD**	**Base**	**Tier 2**	**Tier 3 PD**	**Tier 1**	**Tier 2**	**Tier 3**	**Tier 1**	**Tier 2**	**Tier 3**	**Tier 1**	**Tier 2**	**Tier 3**	**Tier 1**	**Tier 2**	**Tier 3**
INDX	n/a	n/a	n/a	0.75	1.0	1.5	n/a	n/a	n/a	0.75	1.00	1.50	n/a	n/a	n/a	0.75	1.00	1.50
CEX	n/a	n/a	n/a	0.20	0.25	0.35	n/a	n/a	n/a	0.30	0.40	0.50	n/a	n/a	n/a	0.35	0.50	0.60
INSTX	6.0	10.0	15.0	0.30	0.40	0.75	n/a	10.00	15.0	0.50	0.60	0.75	n/a	10.00	15.0	0.50	0.60	0.75
L/RX	7.0	8.5	10.0	0.07	0.15	0.25	7.0	8.5	10.0	0.15	0.25	0.35	7.0	8.5	10.0	0.20	0.25(2)	0.35
ROSX	n/a	n/a	n/a	0.07	0.15	0.25	n/a	n/a	n/a	0.15	0.20	0.25	n/a	n/a	n/a	0.15	0.20	0.25
PRESVX	n/a	n/a	n/a	0.0001	0.0001	0.0001	n/a	n/a	n/a	0.0001	0.0001	0.0001	n/a	n/a	n/a	0.0001	0.0001	0.0001

Notes: FAR = Floor Area Ratio; PD= Planned Development;
(1) Maximum densities in the Village and VC-Core Areas can only be achieved if design standards are met;
(2) Unless otherwise specified in the Modified Land Use description, non-residential uses in Residential Land Use Districts is allowed within Mixed-use development;
(3) ISR shall not exceed 0.50 for residential development and 0.60 for non-residential outside of the Village and VC-Core Areas. Within the Village and VC-Core Areas, ISR can increase to a maximum of 0.60 for residential and 0.75 for non-residential unless alternative drainage plan treatment facilities is submitted.
(4) Except for parcels within the Ridge Scenic Highway Overlay District.
(5) Maximum Density permitted outright in the RSX will be 0.40 if the parcel is 5 acres or smaller
(6) Applicable notes from Table 2.2 of this Code, except for the modification established in this section, shall apply

H. ***Dimensional Regulations – Height, Setbacks and Lot Size***

This section addresses setbacks, lot sizes, and general intensity within this SAP to achieve more compact and efficient development while allowing the most flexibility for varying housing types and layouts. The standards provided in this section are the sole exceptions and deviations from Table 2.2. Except for height, development outside the Village and VC-Core shall comply with all other development standards, including compatibility standards listed in Section 220 of this code, and any requirements in place to ensure Polk County Complete Street Policy guidelines[1] and buffers standards shall apply. Properties within the Scenic Ridge Highway overlay shall comply with the requirements of Section 679 or those in this section for height standards, whichever is more restrictive.

1. Height Requirements

a. Height requirements within the Villages and VC-Core shall be determined based on the Compatibility Standards in Section 220 of this code, but in no case shall it exceed 150% of the district's maximum height as per Table 401.08.04;

b. Properties located within the Military Compatibility Zone (Section 642), will be required to comply with the height requirements of that section.

c. Variances to the regulations within this Subsection and Table 401.08.04 may be requested pursuant to Chapter 9 except for the maximums of the Floor Area Ratios (FAR) and densities as these are set within the Comprehensive Plan for this SAP. Additionally, variances to the height limitation within the Military Compatibility Zone (MCZ) for the Avon Park Air Force Range will be evaluated using the criteria and process established in Section 642 of this Code. Other height limitation variances may require approval of the Joint Airport Zoning Board as per the conditions in Section 303 and those in Section 641 of this Code.

1 TPO Resolution 2012-05

2. Lot Size and Setback Requirements – Table 401.08.04:

The following requirements shall apply within the Village and VC-Core; Table 2.2. of this Code shall apply for all areas outside the Village

Table 401.08.04 SE Polk SAP Dimensional Regulations for Standard Districts within the Village Centers and Village Center Cores (a)

		A/RRX	RCC-RX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RCCX	CCX	CEX	LCCX
AVERAGE RESIDENTIAL LOT AREA	TIER 1	40,000	20,000	40,000	30,000	15,000	8,000	8,000	5,000	N/A	N/A	N/A	N/A
	TIER 2	20,000	12,500	12,500	12,500	10,000	5,000	N/A	N/A	N/A	N/A	N/A	N/A
	TIER 3	10,000	8,000	8,000	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MAX. IMPERVIOUS SURFACE RATIO (ISR)		0.50	0.50	0.60	0.65	0.65	0.70	0.70	0.70	0.50	0.70 0.60-SDA	0.70 0.60-SDA 0.50-RDA	0.70 0.60-SDA 0.50-RDA
MIN. SETBACKS: (ROAD Rights-of-Way / Center Line)													
LIMITED ACCESS		100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA
PRINCIPAL ARTERIAL		65 /125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125
MINOR ARTERIAL		50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90
URBAN COLLECTOR		35 / 65	15 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65
RURAL MAJOR COLLECTOR		35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65
RURAL MINOR COLLECTOR		35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65
LOCAL, 60' R/W, or greater		25 / 55	25 / 55	20 / 50	30 / 60	15 / 45	15 / 45	15 / 45	15 / 45	15 / 45	30 / 60	30 / 60	30 / 60
LOCAL, 41- 60' R/W		25 / 50	25 / 50	20 / 45	30 / 60	15 / 40	15 / 40	15 / 40	15 / 40	15 / 40	30 / 60	30 / 60	30 / 60
LOCAL, 40> R/W		25 / 45	25 / 45	20 / 40	30 / 55	15 / 35	15 / 35	15 / 35	15 / 35	15 / 35	30 / 55	30 / 55	30 / 55
VILLAGE AND VC-CORE MAXIMUM SETBACK RANGES (FROM ROAD RIGHTS-OF-WAY)													
URBAN COLLECTOR (a)		15-35	15-35	15-35	15-35	15-35	15-35	15-35	15-35	0-20	0-20	0-20	0-20
RURAL MAJOR COLLECTOR (a)		15-35	15-35	15-35	15-35	15-35	15-35	15-35	15-35	0-20	0-20	0-20	0-20
RURAL MINOR COLLECTOR (a)		15-35	15-35	15-35	15-35	15-35	15-35	15-35	15-35	0-20	0-20	35 / 65	35 / 65
LOCAL (a)		25	25	25	25	25	25	25	25	0-15	0-15	0-15	0-15
MINIMUM SETBACKS (Principal Structure / Accessory Structures)													
INTERIOR SIDE		10 / 7	10 / 7	7 / 5	7 / 5	5 / 0-5	5 / 5	7 / 5	7 / 5	7 / 5	15 / 15	15 / 15	15 / 15
INTERIOR REAR		20 / 10	20 / 10	15 / 10	15 /10	10 / 5	10 / 5	10 / 5	10 / 5	15 / 5	15 / 15	15 / 15	15 / 15
MAX. STRUCTURE HEIGHT (ft)		50	50	50	50	50	50	50	50	50	50	35	35

Table 401.08.04 SE Polk SAP Dimensional Regulations for Standard Districts within the Village Centers and Village Center Cores (a)

		NACX	OCX	TCCX	BPC-1X	BPC-2X	INDX	L+/RX	INST-1X	INST-2X	ROSX	PRESVX
AVERAGE RESIDENTIAL LOT AREA(d)	TIER 1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	TIER 2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	TIER 3	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MAX. IMPERVIOUS SURFACE RATIO (ISR)		0.70 0.60-SDA	0.70 0.60-SDA	0.70 0.60-SDA 0.50-RDA	0.75 0.60-SDA 0.55-RDA	0.75 0.60-SDA 0.55-RDA	0.75 0.60-SDA 0.50-RDA	0.70 0.60-SDA 0.50-RDA	0.70 0.60-SDA 0.50-RDA	0.70 0.60-SDA 0.50-RDA	0.20 0.15-SDA 0.10-RDA	0.0001
MINIMUM SETBACKS:(ROAD Rights- of- Way / Center Line)												
LIMITED ACCESS		100 / NA	100/NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA
PRINCIPAL ARTERIAL		65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125
MINOR ARTERIAL		50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90
URBAN COLLECTOR		35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65
RURAL MAJOR COLLECTOR		35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65
RURAL MINOR COLLECTOR		35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65
LOCAL, 60' R/W, or greater		30 / 60	30 / 60	30 / 60	30 / 60	30 / 60	25 / 55	30 / 60	30 / 60	30 / 60	30 / 60	25 / 55
LOCAL, 41- 60' R/W		30 / 60	30 / 60	30 / 60	30 / 60	30 / 60	25 / 50	30 / 60	30 / 60	30 / 60	30 / 60	25 / 50
LOCAL, 40> R/W		30 / 55	30/55	30 / 55	30 / 55	30 / 55	25 / 45	30 / 55	30 / 55	30 / 55	30 / 55	25 / 45
VILLAGE AND VC-CORE MAXIMUM SETBACK RANGES (FROM ROAD RIGHTS-OF-WAY)												
URBAN COLLECTOR (a)		0-20	0-20	0-20	0-20	0-20	0-20	0-20	0-20	0-20	0-20	0 -20
RURAL MAJOR COLLECTOR (a)		0-20	0-20	0-20	0-20	0-20	0-20	0-20	0-20	0-20	0-20	0 -20
RURAL MINOR COLLECTOR (a)		0-20	0-20	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65
LOCAL (a)		0-15	0-15	0-15	0-15	0-15	0-15	0-15	0-15	0-15	0-15	0-15
MINIMUM SETBACKS (Principal Structure/ Accessory Structures)(c)												
INTERIOR SIDE (c)		15 / 15	15 / 15	15 / 15	20 / 20	20 / 20	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15
INTERIOR REAR (c)		15 / 15	15 / 15	15 / 15	20 / 20	20 / 20	**30 / 10**	15 / 15	15 / 15	15 / 15	15 / 15	30 / 10
MAX. STRUCTURE HEIGHT		50	50	100	75	100	50	50	50	130	25 (19)	25

The Footnotes of Table 2.2. shall apply unless otherwise stated herein.

(a) See J.9. of this SAP for alternative parking options.

2. Residential Development in the Villages and VC-Core Areas –

   Developments obtaining higher densities and intensities per Table 401.08.03 shall not be required to have a minimum or maximum lot size but maximum average lot sizes as per Table 401.08.04 as long as the project is connected to public water and the development standards listed in this Code and in the Life Safety Code, are met.

3. Transitional Lots.

   In order to provide for better compatibility to existing large residential lots or parcels created prior to the adoption of this section, those projects immediately adjacent to large lot developments will be required to develop transitional lots within the first 100 feet of the property immediately adjacent to the larger lots (see Figure 401.08.01 for an illustration). All other lots or parcels beyond the 100 feet of a site boundary, within the development site, shall be permitted in accordance with the maximum average lot sizes provided in Table 401.08.04. These transition lots shall:

   a. be no smaller than 75% of the off-site adjacent parcels;

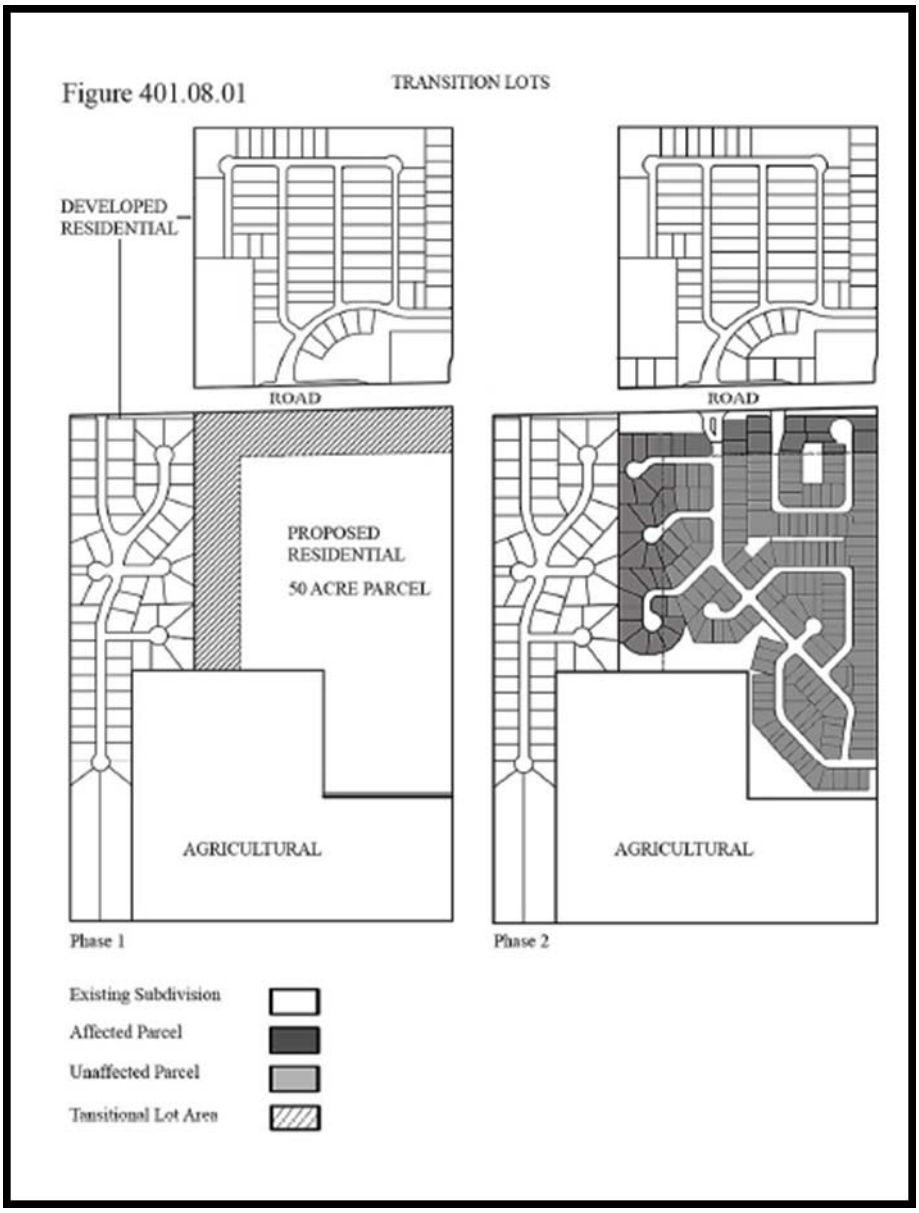
   b. be required from lots or parcels separated from the development site by a local road, or a collector road with substandard pavement or substandard right-of-way width;

   c. not be required to be larger than one acre;

   d. not be required if adjacent to property with a bona-fide agricultural use that has maintained an agricultural/green belt tax exemption for more than a year (see exhibit below); and

   e. not be required if the development site is adjacent to a non-residential future land use district.

   f. Bona-fide agricultural uses, Family Farms, Family Homestead, Lots of Record, and land divisions of Lots of Record creating less than four lots are exempt from this section. The Development Standards for these lots shall be consistent with Table 2.2, Chapter 3, and Chapter 8.



I. ***Modified Land Use Requirements (Revised 11/4/14 – Ord. 14-066)***

This section implements the policies within the Modified Future Land Use section of the Comprehensive Plan for this SAP. The items below are in addition to and complement the Development Standards of Chapters 2, 3, 6, and 7 of this LDC.

1. Agriculture/Residential Rural (A/RRX) - In addition to applicable provisions in this Code, the following provisions shall apply to A/RRX districts within this SAP:

    a. Farm Worker Housing, Barrack Style shall be permitted within the A/RRX Future Land Use district outside the Village and VC-Core areas through an

administrative and technical review as long as conditions of such use listed in this section and Section 303 of this Code are met.

b. Development rights may be transferred from properties within A/RRX districts designated on the SE Polk SAP Vision Map as "sending areas" to any Future Land Use district that permits residential or mixed use development that is located within an area designated as a "receiving" area.

2. Residential Suburban (RSX) – In addition to applicable provisions in this Code:

a. Residential uses shall be permitted at a maximum density of one dwelling unit per two and one half acres (1 du/2.5 ac or 0.40 du/a) through a Level 2 (L2) review for parcels five (5) acres or less existing as of the effective date of this SAP; Five acre parcels created after the effective date of adoption of this SAP will need approval via a Suburban Planned Development to be further subdivided.

b. Minimum lot size allowed without the SPD will be 1 acre;

c. Centralized sewer services may be extended to serve development within the RSX districts without approval from the Board of County Commissioners. Site plans, compliant with the requirements of this LDC, shall be submitted at the time of development.

3, Rural Cluster Center (RCCX) – Development within the RCCX shall be consistent with the applicable provision of this section and other sections within this Code;

4. Tourism Commercial Center (TCCX) – In addition to applicable provisions in this Code, the following provisions shall apply to TCCX districts within this SAP:

a. Development occurring within TCCX districts adjacent to environmental lands, agriculture, and/or water bodies shall provide a buffer adjacent to these areas according to Section J, Quality Performance and Development Standards; and

b.. Development and redevelopment (of at least 50% of the original development) within the TCCX districts that highlight or complement the rural character of communities and/or unique environmental qualities of the SE Polk SAP shall be encouraged consistent with Section J, Quality Performance and Development Standards and shall be reviewed under an expedited Level 2 Review process.

c. Development shall include a mix of uses which will provide a range of activities and services for a destination resort that will maximize the potential for internal trip capture. A destination resort can include, but is not limited to the following:

i. short-term or overnight lodging

ii. a signature or anchor amenity such as a golf course
iii. full-service dining and beverage facilities
iv. spa/health/wellness facilities
v. meeting/conference facilities
vi. commercial retail outlet

d. Recreational uses shall consist of resource-based and passive recreation including, but not limited to golf courses, horseback riding, water sports and fishing.

e. Non-lighted, active, low intensity, high intensity and general recreation and amusement uses and facilities may be permitted through the approval of a Conditional Use (CU) as identified in Table 401.08.01.

f. Golf course and active recreation uses shall not be permitted within the required open space area.

5. Office Center (OCX) - In addition to applicable provisions in this Code:

a. Retail uses shall not exceed 10% of the districts outside the Village and VC-Core areas, 15% within.

b. Restaurants and personal services shall be limited to the percent of retail established above.

6. Business Park Center (BPCX) and INDUSTRIAL (INDX) - In addition to applicable provisions in this Code, the following provisions shall apply to BPCX and INDX districts within this SAP:

a. All development within the LCCX, CEX, BPC-2X and INDX districts shall be required to screen outdoor storage from off-site view with a minimum six foot opaque fence meeting the fencing requirements of Section 210;

b. Development and redevelopment which is at least 50% adjacent to conservation or preservation areas shall provide a minimum of a 25 foot landscape buffer that includes a mix of over story or long leaf pines, understory, and shrubs that are native to this area of Florida consistent with a Type A Buffer as listed in Section 720 of this Code, and meet the open space requirements in 401.08.J., 4;

c. Any development adjacent to residential development or residential districts shall provide the required landscape buffer per Section 720, and any additional conditions in Chapter 3 and this SAP. At least half of the required landscape shall be on the exterior side of the fence;

d. Other buffer or landscaping standards may be required per Section J, Quality Performance and Development Standards; and

e. Any development shall be required to provide transit facilities when needed based on traffic impacts, coordination with the Polk Transportation Planning Organization, and when necessary to help mitigate transportation impacts.

7. Institutional (INSTX) - In addition to applicable provisions in this Code, the following provisions shall apply to INSTX districts within this SAP:

a. Environmental educational uses such as outdoor classrooms, interactive exhibits and other facility conducive to create a learning environment, proposed to be developed within the INSTX district shall be reviewed under an expedited Level 2 Review process;

b. Development and redevelopment of a parcel at least 50% adjacent to conservation or preservation areas shall provide a minimum of a 25 foot landscape buffer that includes a mix of over story or long leaf pines, understory, and shrubs that are native to this area of Florida within the SAP consistent with a Type A Buffer as listed in Section 720 of this Code. This can count toward open space requirements to meet quality performance standards to obtain higher intensities (i.e. tiers);

c. All development shall be required to provide transit when needed based on traffic impacts, in coordination with the Polk Transportation Planning Organization, and when necessary to help mitigate transportation impacts.

8. Recreation And Open Space (ROSX) and Preservation (PRESVX) – In addition to applicable provisions in this Code, the following provisions shall apply to ROSX and PRESVX districts within this SAP:

a. Up to 50% of the required open space of a development shall be permitted in the ROSX or PRESVX districts if the district is part of or immediately adjacent to the developing property and designated for preservation or conservation in the Polk Green map.

b. Nature-based uses/activities and environmental education shall be reviewed under an expedited Level 2 Review process;

c. Agricultural uses shall be permitted in ROSX districts as a means to continue existing agricultural uses as well as to enhance or preserve open space and promote connected corridors;

d. Controlled burns and other Best Management Practices for land management techniques shall be permitted with these districts to effectively manage natural areas and agricultural lands;

e. Recreation and Open Space facilities existing prior to residential or non-residential development on adjacent property(s) shall not be hindered by such development. In order to prevent compatibility issues that may result from activities such as spraying and burning, any structure or location of recreational activity shall be setback at

least 25 feet from areas that are expected to be fire managed, and any landscaping shall be consistent with Firewise Installation techniques.

f. Preservation Areas existing prior to residential or non-residential development on adjacent property(s) shall not be hindered by such development. In order to prevent compatibility issues that may result from activities such as spraying and burning, residential development shall be setback at least 25 feet from areas that are expected to be fire managed and any landscaping shall be consistent with Firewise Installation techniques.

J. ***Quality Performance and Development Standards (Revised 11/4/14 – Ord. 14-066)***

This section is intended to require quality development standards for inside and outside the Villages and VC-Core areas. Conditions required inside the Village and VC-Core areas will be indicated as such and necessary to obtain higher developer rights per Section G. of this SAP. In addition to applicable provisions in this Code, design standards that promote transit, walkability, connectivity, and architectural consistency with existing development shall be required in the Village and VC-Core overlay per the Performance Standards in this section. If a condition is not specified as being required within a specific area, (in or outside the Village or VC-Core areas) then it is required throughout the SAP.

1. Scenic Highway SR 17 **–** For those parcels within this SAP located along the Scenic Highway**, e**xcept for the maximum density/intensity allowed within the Village and VC-Cores, where there is a conflict, the standards and conditions of Section 679, Ridge Scenic Highway, shall prevail.

2**.** Multi-modal Collector Roadway System – This roadway system, based on state and regional plans for this area and the East Polk Roadway Network as identified by the Polk Transportation Planning Organization (TPO), as amended, shall be implemented as follows:

a. Multi-Modal Collector Road System per Chapter 7 of this Code shall include the following:

i. Establishment of a complete street system include, when deemed appropriate, the necessary pavement width to accommodate sidewalks and bike lanes.

ii. Establishment of necessary infrastructure for pedestrian~~s~~ and biker usage. Final roadway typical section will be based on technical review by the County Engineer and Polk TPO;

b. All development shall incorporate safe pedestrian and bicycle-oriented design which shall include the following:

i. Five (5) foot wide sidewalks along one or both sides of the roads as required in this SAP and the LDC;

ii. Clearly marked pedestrian paths must be provided from sidewalks, parking lots, and other access points to the entrance of the subdivisions or business(es), (See Figure 401.08.02);

iii. Adequate access and parking facilities (racks, storage, etc.) in non-residential developments to support bike riding for non-residential uses;

iv. All development shall have, at a minimum, pedestrian interconnection with adjacent parcels and development in addition to the sidewalks required along road frontages. The interconnection does not have to be public (i.e. a locked pedestrian gate in a gated community); and

v. Construction of paved trails, sidewalks, shoulders and other facilities shall incorporate techniques that minimize impervious surface.

c. Multi-use facilities may be permitted as long as the safety of all types of users is maintained;

d. Alternatives to items (a) through (c) above may be proposed through a planned development (PD) or conditional use (CU). The technical standards are not intended to be waived but altered based on property hardships through the PD or CU conditional use process..

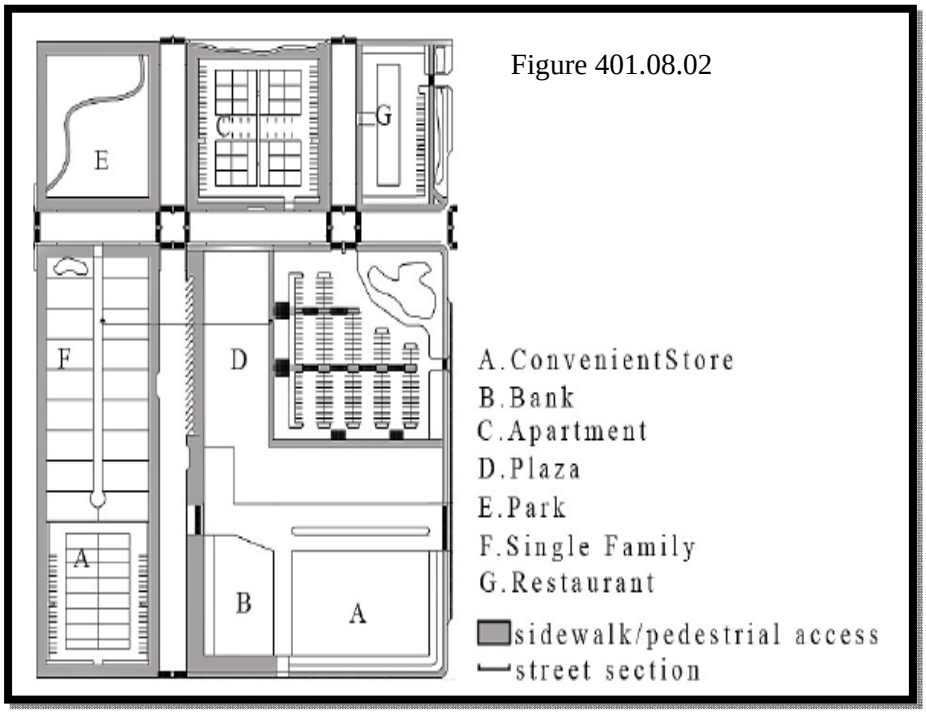


Figure 401.08.02

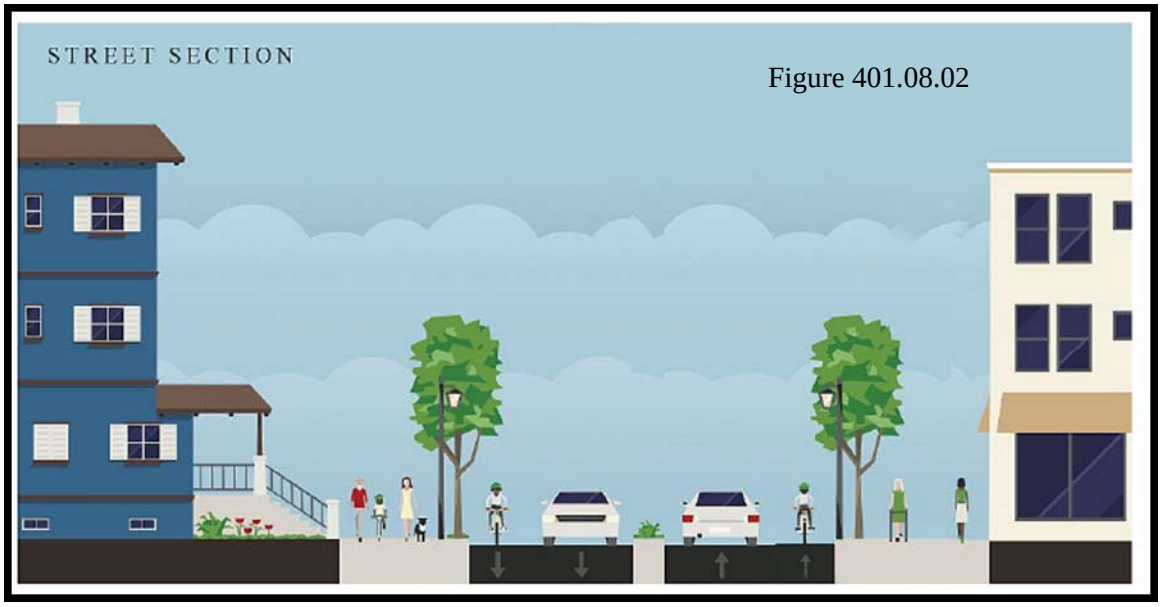


Figure 401.08.02

e. All development within the Villages and VC-Core areas shall comply with the Complete Streets Manual as completed by the Polk TPO to achieve maximum density and intensity as provided in section G. and H.

f. Bona-fide agricultural uses, Family Farms, Family Homestead, and Lots of Record are exempt from this Section

3. Stormwater Management Facilities – Stormwater facilities shall be constructed according to the following standards in addition to other requirements in this Code:

a. Stormwater management facilities shall be constructed within the land use district of principal uses except for those parcels with a split land use meeting Section 102.H. of this Code.

b. Stormwater management facilities outside the Villages and VC-Core areas may be constructed in a different land use than the principal use(s) as long as it is available for joint use by nearby uses and consistent with other requirements of this Code, if applicable. An easement granting this right shall be created and granted at the time of Level 2 Review approval.

c. To achieve higher densities and intensities within the Villages and VC-Core areas, stormwater management facilities shall be constructed according to the requirements of the open space and design in Section J.4 and may be placed on parcels outside the developing parcel either as a private or as a shared facility.

d. Stormwater management facilities require at a minimum a Type A Buffer as listed in Section 720. The final plantings for those facilities may vary from this requirement with approval from the Development Review Committee.

See Figure 401.08.03 below for examples of undesirable and desirable designs that are to be used as a guide.

e. Bona-fide agricultural uses, Family Farms, Family Homestead, and Lots of Record are exempt from this Section

Figure 401.08.03

Undesirable

Desirable

4. Open space and design – Recreation and open space area is a requirement for many conditional uses inside and outside of Village and VC-Core areas. Recreation and open space requirements for conditional uses or where otherwise required by this Code shall be designed according to this section. The amount of recreation and open space inside and outside the Village and VC-Core areas shall be pursuant to the Tier system to achieve higher densities and intensities.

a. Open Space – For the purpose of this SAP, open space may consist of the following:

i. Retention ponds meeting the following design requirements;

(a) Integrated to the existing open space/natural environment (PolkGreen) or resemble natural land/water body features;

(b) Landscaped to enhance natural environment in accordance with the planting requirements of a Type A Buffer at a minimum. These landscape requirements may include plant

clustering or alternative planting schemes approved by the Development Review Committee and shall be native to this part of Polk County;

(c) Include pedestrian trail(s) paved or unpaved, benches or gazebo and fountain(s), or picnic pavilions with amenities; and

(d) Existing vegetation can be counted towards the buffer requirements if it meets the criteria for landscaped buffering for this area.

ii. Wildlife habitat, native plant communities including wooded areas and wetlands that remain in a natural state and platted as such in perpetuity;

iii. Upland areas or open field(s);

iv. For all residential developments, open space areas shall be designated within separate tracts and made accessible to all of the residents of the development;

v. All development adjacent to lands placed in a conservation easement or owned for preservation purposes shall include a 25 to 50 foot buffer (or average of 35 feet) that includes planting material native to this part of Florida; and

vi. All development adjacent to lands with agricultural uses shall include a 25 to 50 foot buffer (or average of 35 feet) that includes fences and planting material native to this part of Florida.

b. Passive recreation – These areas may be used to meet the Open Space requirement under the following conditions:

i. Passive recreation such as parks or pedestrian paths shall be incorporated into the open space plan; and

ii. The recreation areas shall be linked via greenways/trails, wetlands, floodplains, or other natural areas within and adjacent to the development.

c. The recreation and open space areas shall be linked to any proposed internal pedestrian network within the development;

d. Recreation areas shall be accessible to all residents within a residential development; and

e. Bona-fide agricultural uses, Family Farms, Family Homestead, and Lots of Record are exempt from this Section.

5. Architectural design – Development shall be encouraged to develop with an architectural design consistent with the activity center development types in the immediate surrounding area. The pictures below (Figure 401.08.04) are provided as a guide. However, architectural consistency with other buildings in the surrounding area in the Villages and VC-Core areas shall be required to obtain higher densities and intensities as provided in Table 401.08.03. The following shall be required at the time of Level 2 Review submittal:

   a. A rendering of the building to be located on the development site so that the design of all sides of the building can be reviewed for consistency with the neighboring structures in the Village or VC-Core area;

   b. A narrative on how the architectural design of the building(s) meets the surrounding architecture;

   c. The goal of this is to match strategic elements of the surrounding buildings. The examples below show different design elements of building such as roof line, eves, awnings, multiple stories, and color;

   d. The Development Review Committee shall have final design approval based on the elements described in c. above; and

   e. Bona-fide agricultural uses, Family Farms, Family Homestead, and Lots of Record are exempt from this Section.

Figure 401.08.04

6. Buffering (landscaping and screening) –

a. Within the Village and VC-Core, developers shall implement The Scenic Highway planting requirements for residential and non-residential development as per Section 679 of this Code;

b. "Firewise" planting will be required within the buffers where properties in this SAP are adjacent to existing preservation and conservation lands, as well as existing recreation and open space facilities;

c. when immediately adjacent to agricultural (active/bona-fide) or environmentally sensitive areas within the Village and VC-Core areas, 25 feet side and rear setbacks will be required to mitigate potential adverse impacts (see Sub-section G, Tiers, and quality standards: can be used for open space/buffer/low impact stormwater facility, etc.);

d. when immediately adjacent to agricultural (active/bona-fide) or environmentally sensitive areas outside the Village and VC-Core areas, 50' side and rear setback will be required to mitigate potential adverse impacts to agricultural or environmentally sensitive areas outside the Village and VC-Core areas (see Sub-section G, Tiers and quality standards: can be used for open space/buffer/low impact stormwater facility, etc.);

e. Wider setbacks may be required by the County depending on the environmental/ agricultural sensitivity of the area and the intensity of the development proposed adjacent to the area.

f No filling, excavating, or placement of permanent structures or other impervious surfaces shall be allowed within setbacks except for the installation of a sprinkler system, utility lines, or landscaping; or except as approved by the County for the construction of a road essential for access, construction of a stormwater retention or detention basis or stormwater conveyance, construction of a boardwalk or other stilted structure, grade finishing to provide a gradual slope between the setback line and the agricultural or environmentally sensitive area, or the limited use of pervious paving material.

7. Lighting – Internal development and street lighting within the Villages and VC-Core areas shall be designed as follows:

a. Roadway illumination of any kind, including street lighting, is prohibited except adjacent to entrance driveways for developments and public roadway intersections with SR 17 and US 27;

b. Lighting fixtures shall be limited to 12 feet in height within 25 feet of local road rights-of-way and 16 feet in height within 200 feet of collector and

arterial roads except adjacent to entrance driveways and intersections with collector and arterial roadways;

c. All lighting shall be fully shielded with cut-off, non-glare fixtures directed only onto the subject site consistent with Figure 401.08.05 below. To minimize off site glare non-shielded fixtures without cut-offs are prohibited;

d. Outdoor lighting shall not create offsite impacts above 1.0 lumens; and

Figure 401.08.05

e. Non-residential Development Lighting

i. Electrical reflectors, spotlights, floodlights and other sources of illumination may be used to illuminate buildings, landscaping, signs, parking and loading areas on any property provided the illumination is cast downward and the fixtures focus the illumination only onto the building, landscaping, signs, parking and loading areas and prevents illumination upon adjacent property or any public right-of-way.

ii. Lighting shall be directed away from all residentially developed or designated areas.

iii. All outdoor lighting shall be fully shielded with cut-off, non-glare fixtures directed only onto the subject site (see Figure 401.08.05).

8. Design, Location and Orientation of Development – Development within the Villages and VC-Cores obtaining higher densities and intensities shall place common open space and recreation areas between built areas so that areas from multiple separate development projects will be clustered as well as adjacent to agricultural and preservation/conservation areas to help implement the Polk Green.

9. Parking Design – Parking design and number of spaces shall be consistent with Chapter 7 of this Code and shall be provided to meet the needs of the uses in an efficient manner.

a. Developers may employ optional methods such as shared parking and pervious pavement to address parking needs within this SAP. The parking requirements of Section 708 may be reduced by approval of the Development Review Committee as part of the Level 2 Review process through shared parking agreements and for all mixed-use and interconnected developments with a supporting parking study.

b. In the Village and Village Center Core

i. Parking in up to 50% of the front setback will be allowed in non-residential developments with parking plans that include integrated uses and activities (such as sidewalk sitting areas), and pedestrian circulation and landscaping (compatible with the Scenic Hwy requirements) integrated to the parking. For residential development, except for side entrance garages and carports with front façade treatment no garage or carport is allowed closer to the street than the façade of the residence;

ii. All parking lot landscaping and buffer requirements shall meet the requirements of this section in addition to the requirements of Section 720 of the LDC. Where conflicts occur, the more restrictive shall apply.

iii. Florida native landscaping and plant materials shall be required in at least 30 percent of the required canopy trees in the parking lot landscaping;

iv. No more than 50% of the required plantings shall be of any one sub-species;

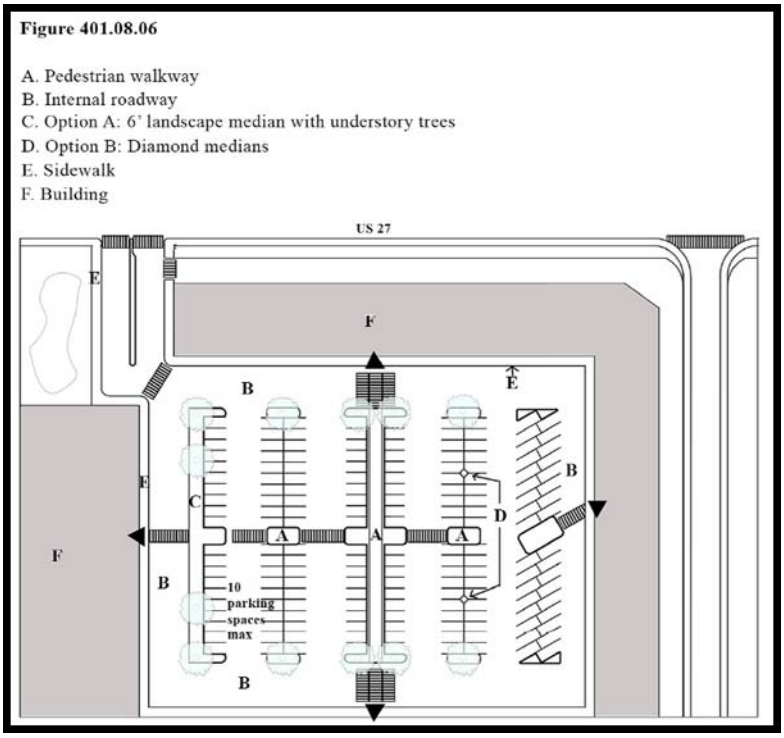
v. The minimum landscaping for each parking lot shall be provided within the interior of a required paved off-street parking area as follows:

(a) Each aisle of parking spaces shall be terminated by landscaped islands which measure not less than nine feet in width, as measured from face of curb to face of curb, and not less than 18 feet in length. At least one canopy tree shall be planted in each terminal island;

(b) Mandatory terminal islands shall be surrounded with a continuous, raised curb;

(c) Landscaped divider medians may be used to meet interior landscape requirements. If divider medians are used, they shall form a continuous landscaped strip between abutting rows of parking spaces. The minimum width of divider median shall be a minimum six foot wide divider median, as measured from face of curb to face of curb. One under story tree shall be planted for each 30 linear feet of divider median, or fraction thereof. Trees in a divider median may be planted singly or in clusters. The maximum spacing between clusters shall be 60 feet;

(d) A minimum six foot wide divider median, as measured from face of curb to face of curb, shall be required every fourth bay of parking as shown in Figure 401.08.06. A minimum of one understory tree shall be planted for each 30 linear feet of divider median. An alternative option, three diamond shaped islands may be substituted for the continuous six foot wide divider median, as shown in Figure 401.08.06;



(e) Optional interior islands and divider medians shall be protected by curbing or wheel stops; and,

(f) Each parking bay shall have no more than ten continuous parking spaces unbroken by a landscape island that shall be the width of a parking space, as measured from face of curb to face of curb.

vi. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and to guide traffic flow.

vii. A Type A buffer 15 feet in width shall be required between all frontage roads and parking lots in accordance with Section 720 of the LDC.

viii. Required landscaping where off-street parking abuts public right-of-way: A landscaped strip of land shall be provided consistent with this section and Section 720 of the LDC with at least one drought resistant, native to the ridge, tree for each 75 lineal feet, or fraction thereof shall be planted. Trees may be planted separately or in clusters.

ix. No landscaping shall be provided in the right-of-way unless the County or FDOT gives the owner approval to do so. In addition, a completed agreement as to who will maintain the landscaping within

the right-of-way shall be submitted by the developer and the owner of the right-of-way(s) prior to Level Review 2 approval.

x. Alternatives to the above items may be proposed through a waiver or PD in accordance with the standards in section 932 of the LDC. The above standards are not to be waived entirely but altered based on property hardships.

c. Structured parking is not required; however, if used, structured parking shall incorporate architectural designs to the facade of the building compatible and consistent with that of the surrounding development. These buildings may include retail, personal, and professional uses in the same structure if in a Land Use sub-district that permits these uses.

10. Transit and connectivity within the Village and VC-Core areas – Transit stops may be incorporated into the development as approved by the Polk Transit Authority Director or a designee, by including stops with benches (covered or not), signage, bike racks and other features as to create a focal point for pedestrians.

11. Wall design – Walls incorporated into development within the Villages and VC-Cores shall not be more than 50% opaque. The pictures below (figure 401.08.07) are offered as a guide to the walls that are preferred within the Villages and VC-Core areas. Development within the Villages and VC-Core areas shall meet the requirements of the SR 17 Scenic Highway Section 679 of this Code.

Figure 401.08.07

Undesirable

Desirable

12 Utilities – The requirement for the connection to public water and sewer per the Policies of the Polk County Comprehensive Plan are as follows:

a. Outside Village and VC-Cores - Connection to public potable water, sanitary sewer, and reuse shall be consistent with the requirements of the applicable Development Area within Chapter 7.

b. Inside the Village and VC-Cores - Connection to public potable water, sanitary sewer, and reuse shall be consistent with the requirements listed in Chapter 7 for the applicable Development Area. However, connection to public sanitary sewer within the Suburban Development Area (SDA) shall not require Board approval.

13. Other Utilities - Underground utilities shall be required for all subdivisions and non-residential development within the Village and VC-Core.

14. Controlled Burns and Land Management – There are many acres of property within this SAP that are owned or managed by the Polk County's Environmental Lands Program, the Nature Conservancy or other regional, state, or federal agencies. Controlled burns are an integral part of land management. Nothing in this SAP shall prevent these agencies from managing their property with fire or other means deemed appropriate by local, state, and federal law and industry Best Management Practices. The buffering standards listed in 401.08.J.6. are intended to assist with providing buffer of these areas from development, so that each use can effectively function.

15. Agricultural Uses – There are many acres of property within this SAP that are used for agricultural purposes. Nothing in this SAP shall prevent the farm operators and owners from managing these agricultural properties according to local, state, and federal law and industry Best Management Practices.

16. Agritourism – Agritourism, as defined in Chapter 10, is encouraged within this SAP and shall be implemented per Section 229 and other relevant sections of this Code.

17. Ecotourism – Ecotourism, defined for the purposes of this SAP as utilizing those areas generally identified as conservation, preservation or open space as part of a tourism infrastructure to attract visitors to the area, will be permitted under the guidelines for passive or resource-based recreation, or those for low intensity recreational facilities. Lodging, dining and other facilities associated with this activity will be allowed in compliance with the requirements for any other tourist/commercial use. Any proposed facility, such as shelters, pavilions, interactive exhibits, lookouts, trails, etc., shall be designed with minimal impact to the natural environment. Paving for parking and other impervious surfaces should be minimized by utilizing pervious surfaces or other surface water percolating techniques; buildings and other structures, trails and lookouts should be elevated to avoid or minimize direct impacts on the surface. Directional signs to the sites should comply with the requirements of Section 760.D of this Code.

18. Military Compatibility Zones (MCZ) – Development within this SAP located within the Avon Park Air Force Range Military Compatibility Zones shall be required to meet the standards in Section 642 of this Code.

19. Conservation Subdivisions/Conservation Developments (Comprehensive Plan Objective 2.1252) – These are residential developments that receive higher densities in return for implementing tools and techniques that aid in the conservation of existing environmental resources in an effort to balance the need for housing while maintaining environmental balance as per Objective 2.2351 of the Comprehensive Plan. Applicants for this type of development shall meet the following requirements:

    a. Submit an application that fulfills the application requirements of a Planned Development as listed in Section 303 of this Code and graphically demonstrates consistency with this section;

    b. Shall have a minimum impact to the natural landscape and environment by the following:

        i. Limiting all paving/impervious surfaces in the development to no more than 50%;

        ii. Cluster lots;

    c. Shall provide interconnectivity throughout the development using both bike trails and walking paths;

    d. May use alternative pavement designs and rights-of-way as approved by the County Engineer;

    e. Shall install buffers throughout the property and around drainage areas utilizing native flora and fauna so as to resemble nature. Rain gardens on each lot may be provided in lieu of retention areas;

    f. Protection emphasis shall include natural environmentally sensitive areas, historical or historically significant sites, scenic overlooks/view, and active or agricultural lands; and

    g. Preliminary site plan and environmental site assessments shall be submitted to the DRC before the Level 2 review is submitted to discuss how the site is consistent with this section, Objective 2.2351 and how to implement the site walkover with community property owners.

20. Transfer of Development Rights (TDR) – Transfer of Development Rights (TDR) will be permitted within this SAP as follows:

    a. Residential densities may be transferred from wetland or areas of special flood hazards to contiguous non-wetland/non-flood hazard areas within the

same development in accordance to the requirements outlined in Chapter 6 of this Code;

b. Residential densities of up to one unit per acre (but no higher than the land use allowable density of the sending parcel), may be transferred from areas within this SAP identified in the PolkGreen Overlay map to areas within the Village and VC-Cores as part of the process to achieve the higher densities allowed within each land use; and

c. Transfer transaction must be processed in compliance with the requirements of Section 914 of this Code and they must be noted and identified as part of the recorded development plat, an individual plat or other reliable tracking mechanism to ensure the preservation of those parcels/acreages from which development rights have been transferred; etc.

21. Lots in Flood Hazard area and/or Wetland – All new lots, created after the adoption of this SAP, which contain a portion of the mapped 100-year flood plain and/or wetland area(s), shall have a usable non-floodplain and/or non-wetland area which is at least as large as 75% the lot size required for the applicable land use sub-district.

22. Outdoor Storage – Where outdoor strorage is allowed as an accessory use, the following standards shall apply:

a. All outdoor storage shall be, at a minimum, 50 feet from any residential use or residential land use district;

b. A Type C Buffer plus a minimum six foot high opaque fence must be placed between the activity and any residentially used or designated property;

c. All activity shall be limited to operation between the hours of 8:00 a.m. to 8:00 p.m.;

d. All speakers shall be setback 100 feet from any residential use or residential land use district; and

e. All speakers shall be directed away from any residential use or residential land use district.

K. ***Conditional Uses: (Revised 11/4/14 – Ord. 14-066)***

In addition to those conditions listed in Section 303 of this Code, and unless otherwise stated, the following conditions apply to development throughout the SE Polk SAP:

1. Agricultural Support, off-site

a Any outdoor storage of equipment or equipment repair areas shall be located on the side or rear of the property and no closer than 25 feet from property line if adjacent to a residential use or designation;

b. Sites shall be screened with a Type B Buffer when adjacent to non-residential uses;

c. Sites shall be screened with a Type C Buffer plus an opaque eight-foot fence when adjacent to a residential use or designation.

2. Alcohol Package Sales: Is allowed as part of the retail cap in those land use districts where retail is allowed (BPC-1X, BPC-2X, INDX, OCX, L/RX)

3. Animal Farm Intensive: When located adjacent to properties used or designated for residential uses, new farming infrastructure and facilities must be setback a minimum of 25 feet with a Type B Buffer and a fence along the adjacent boundary.

4. Aquiculture: When located adjacent to properties used or designated for residential uses, ponds and other facilities must be setback a minimum of 25 feet with a Type B Buffer and an eight-foot fence.

5. Assembly, Light (Light Assembly):

a. No outdoor storage of any materials shall be permitted;

b. There shall be no external activity beyond loading and unloading of materials to and from an enclosed structure; and

c. A minimum 25 feet setback shall be provided between a residential use and any structure where loading and unloading of commercial vehicle(s) occurs.

6. Bars, Lounges, Taverns:

a. Shall not exceed 3,500 sq ft in the Village and VC-Core Overlay; and

b. Use is allowed as part of the retail cap in the BPC-1X, BPC-2X, INDX, OCX, L/RX.

7. Bed and Breakfast: Bed and breakfast establishments within the Villages and VC-Cores shall comply with applicable standards and when adjacent to a residential district on one or more sides, a Type A Buffer shall be required where the bed and breakfast abuts the residential districts.

8. Carwash Full Service: Carwash full service facilities are allowed as part of the retail cap in those land use districts where retail is allowed (BPC-1X, BPC-2X, INDX, OCX, L/RX)

9. Carwash Incidental: Carwash incidental facilities are allowed as part of the retail cap in those land use districts where retail is allowed (BPC-1X, BPC-2X, INDX, OCX, L/RX)

10. Carwash Self-Service: Carwash self-service facilities are allowed with the following conditions:

    a. Within the Village and VC-Core, self-service carwashes shall be limited to three bays;

    b. Hours of operations shall be restricted to 7:00 am to 10 pm; and

    c. The service shall be allowed as part of the retail cap in those land use districts where retail is allowed (BPC-1X, BPC-2X, INDX, OCX, L/RX).

11. Community Centers: When adjacent to properties used or designated for residential, the use must have a Type B Buffer and a six-foot high opaque fence between the properties from the line of the front façade of the building to the rear of the property.

12. Convenience Stores: Convenience Stores allowed within the Village and VC-Core shall comply with the following conditions:

    a. Must be located on parcels no larger than one (1) acre in size;

    b. Have a maximum gross leasable area (GLA) of 3,000 square feet;

    c. Have a maximum of six pumps; and

    d. Conform to the following development criteria:

        i. Points of ingress and egress for Village and VC-Core 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.

        ii. 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.

    e. 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.

    f. The minimum distance from a convenience store facility to any residentially designated property shall be 50 feet measured at the narrowest point between the property line of the residential property.

g. Convenience store 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 any on site structures, and adjacent residential areas.

h. 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 a major collector road or better.

i. All on site garbage collection facilities shall be screened from any adjacent property.

13. Convenience Store Isolated: shall comply with the following:

a. Does not have to meet the population support required in Section 303 of this Code; and

b. It must be located on an arterial or on a major collector road within a ½ a mile of an intersection with an arterial road.

14. Dairies: New dairies within Village and VC-Core shall place caretaker's homes and the office facilities towards the front of the property and they must be compatible in character and size to the surrounding development.

15. Duplex and Single-Family Attached: Development of residential projects with these types of units must comply with Section 303 conditions for Multi-Family Development sub-section 5., Multi-family development within low density residential districts.

16. Emergency Shelter, Medium (7 to 14 Residents): If this use is adjacent to residential uses or designations, a Type A Buffer, consistent with the requirements of Section 720 of this Code shall be required.

17. Emergency Shelter, Large (15 or more Residents): If this use is adjacent to residential uses or designations, a Type A Buffer, consistent with the requirements of Section 720 of this Code shall be required.

18. Farming General: When located next to properties used or designated for residential uses, new farming infrastructure and facilities must be setback a minimum of 25 feet with a Type B Buffer and a fence.

19. Farmworker Housing Apartment Style: All structures and facilities on-site shall be compatible in scale with the surrounding residential uses. When located within 250 feet of a single-family detached housing community, the maximum height shall be two stories and the maximum number of units per building shall not exceed eight

units. In no case shall the number of units exceed 16 units per building if within the Village or VC-Core.

20. Financial Institutions:

    a. Financial institutions shall be limited to the retail or office cap in those districts where there is a cap; and

    b. The total developed area shall be calculated based on the inclusion of all existing uses in the subject land use developable area and those with approved and valid site plans, construction plans and plats.

21. Financial Institutions Drive-thru: The following standards shall apply:

    a. All drive-thru facilities, including windows and stacking lanes adjacent to property with a residential use shall be screened with a Type C Buffer; and

    b. The primary frontage and access shall be on a collector or arterial road unless contained within a master planned development with access to a collector or arterial road.

22. Funeral Homes & Related Facilities: When adjacent to residential, a crematorium shall be setback at least 100 feet from the property line; additionally, an opaque fence at least six feet in height shall be installed as part of the landscape buffer along the boundary with the residential use or designation.

23. Gas Stations: Gas stations shall meet conditions in Section 303 of this Code for convenience store, village;

24. Heavy Machinery Equipment Sales and Service: The following standards shall apply within the Village and VC-Core,

    a. No outdoor storage of any materials other than the equipment for sale shall be permitted;

    b. There shall be no external activity beyond loading and unloading of materials to and from an enclosed structure; and

    c. A Type C Buffer and a minimum 25 feet setback shall be provided between a residential use and any structure requiring loading and unloading of commercial vehicle(s).

25. Hotel/Motel: Hotel/Motel uses within the BPCX districts shall be limited to the cap for retail uses listed in the Comprehensive Plan for this SAP;

26. Kennel Boarding: Boarding areas shall be within an enclosed building and provisions shall be made to attenuate the noise, smell or other impacts. Use of exterior run for exercise purposes is permissible during daytime hours;

27. Lodges and Retreats, Private: When adjacent to residential use or designation a Type B Buffer shall be required along the boundary adjacent to the residential.

28. Manufacturing General: The following standards shall apply within the Village and VC-Core:

    a. Outdoor storage shall be subordinate and ancillary to the manufacturing activity;

    b. All outdoor storage must be screened from off-site view;

    c. No outdoor activity other than loading and unloading of materials shall be located within 100 feet of any residentially used or designated property; and

    d. No activity shall be conducted that produces noise, odors, dust, fumes, fire hazard, or other nuisance beyond the property boundary adjacent to residentially used or designated property.

29. Manufacturing light; The following standards shall apply within the Village and VC-Core:

    a. No outdoor storage of any materials shall be permitted forward of the rear building line;

    b. Outdoor storage shall be subordinate and ancillary to the manufacturing activity;

    c. Outdoor storage shall be setback 100-feet from the property boundary of any residentially used or designated property.

    d. Additional to the required buffer, a 50-foot set-back and an opaque eight-foot fence shall be provided between a residential use and any structure requiring loading and unloading of commercial vehicles.

30. Motor Freight Terminals: The following standards shall apply in Village and VC-Core

    a. There shall be no loading or unloading forward of the front building line or within 50 feet of adjacent properties with a residential use or residential designation;

    b. A Type C Buffer 25 feet in width and a minimum eight foot high opaque fence shall be required adjacent to or adjoining a residential use or district or a school;

    c. A Type C Buffer 10 feet in width shall be required adjacent to or adjoining a non-residential use or district;

d. No vehicle parking, gasoline sales, fuel storage or truck servicing activities are allowed within 65 feet of the property line that abuts any residential district or a school regardless if the use or district is across a roadway; and

e. All outdoor storage shall be screened from offsite view and shall be setback 50 feet from any adjacent property with a residential structure, residential land use designation or school.

31. Multi-Family Three and Four Attached Units – Development of residential projects with these types of units must comply with Chapter 3 conditions for Multi-Family Development subsection 5. Multi-family development within residential low density districts.

32. Night Clubs and Dance Halls: The following conditions will apply for development within the Village and VC-Core:

a. Structures must be designed to a scale and appearance compatible with the surrounding uses and structures; and

b. In no case shall the establishment exceed 2,000 square feet of GLA, not including kitchen or storage facilities.

33. Nurseries, Retail – The following standards shall apply:

a. The loading and unloading area shall be located at least 50 feet from all property lines abutting residential districts.

b. A Type B Buffer as per Section 720 of this Code and an opaque six foot high fence shall be installed along the side(s) of the property abutting residential uses or land use districts. A fence and/or landscape buffer in accordance with the requirements of Section 720, of the Land Development Code, shall be provided in all other cases.

c. Except for security purposes, no outdoor lighting shall be permitted to illuminate items sold at the nursery in the A/RRX and RSX districts; lighting in other districts shall not create off-site impacts above 1.0 lumens.

d. The retail portion of a nursery shall meet the following requirements:

i. Retail areas shall be limited to 25% of the nursery when in the A/RRX and RSX districts,

ii. Structure(s) used for retail activity shall not exceed 1,200 square feet.;

iii. The retail area and loading area shall be designated on a site plan;

iv. The retail area shall be at least 50 feet from all property lines, except from the right-of-way or front yard setback, consistent with Table 2.2, of this Code.

e. An overall site plan shall be submitted by the nursery owner to the Land Development Division, as part of a Level 2 Review, to determine the consistency with the SAP.

34. Office Park: The following conditions shall apply:

a. All offices in the office park shall have vehicular and pedestrian interconnectivity;

b. An internal sidewalk shall be provided between the offices and parking lots to meet the pedestrian needs of all offices within the office park;

c. The office park shall provide a minimum of 1,000 square feet of landscaped area adjacent to each building/structure with at least two benches;

d. At a minimum, a Type A Buffer shall be required at the perimeter of the office park; and

e. Offices shall not exceed 15% of the total developable areas of the BPCX or INDX district. The total developed areas shall be calculated based on the inclusion of all existing uses in the subject land use district and those with approved and valid site plans, construction plans and plats. The applicant shall demonstrate that the development does not exceed this 15% maximum.

35. Residentially Based Mixed Use Developments (RBMD) Design Standards:

a. The design configuration and mix of uses shall emphasize a pedestrian oriented environment;

b. The street pattern shall resemble a grid and limit the use of cul-de-sac streets;

c. Development shall comply with the provisions within this SAP regarding Recreation Space, and Open Space in lieu of the Recreation and Open Space requirement for RBMD in Section 303 of this Code;

d. Residential and non-residential uses, within the development, shall be interconnected to enable efficient flow of pedestrian and vehicular traffic and shall not be significantly divided by any barrier such as fences or hedges;

e. The non-residential uses for the development, such as community facilities (except club houses), personal services, laundromat, dry cleaners, etc., shall

not exceed 12,000 square feet or 20% of the area of the development, whichever is more restrictive;

f. The residential uses for a development shall be developed in accordance with Table 401.08.03; and

g. The non-residential uses for the RBMD are not restricted on location; however, the non-residential uses must provide a buffer in accordance with Section 720 of this Code when abutting residential uses within or outside of the RBMD.

36. Research and Development: Research and Development uses within the Institutional district shall be compatible with and supporting to the surrounding uses, i.e., the use has to be related or work in association with the surrounding uses within INST;

37. Retail, (all size categories): The following conditions shall apply:

a. Within the Village and VC-Core, retail establishments shall be compatible in scale and architectural appearance to the surrounding structures.

b. Retail uses are limited to 15% of the total developable area OCX, BPCX and INDX; and

c. Total area includes the group of contiguous parcels designated a land use that is not bisected by a collector or arterial roads or any physical natural barriers.

38. Retail, Home Sales Offsite: The following standards shall apply:

a. Any display of homes shall be limited to an outdoor display area of up to 50% of the total developable square footage of the subject site;

b. Any site adjacent to a residential use shall provide a Type C Buffer (see Section 720); and any on-site repairs shall be screened from off-site view.

39. Retail, Outdoor Sales/Display: The following standards shall apply:

a. All outdoor storage shall be, at a minimum, 50 feet from any side lot line, and a minimum of 25 feet from the rear lot line;

b. Retail establishments with outdoor storage shall be required to provide a landscaped buffer, at a minimum, equal to a Type C Buffer (see Section 720 of this LDC) where the boundary abuts a residential use or residential land use district, and Type A Buffer (see Section 720 of this LDC) where adjacent to a non-residential use. Development shall adhered to buffering standards in section J. of this SAP; and

c. All activity shall be limited to operation from 8:00 a.m. to 9:00 p.m.

40. Short Term Rentals: Single-family detached units shall be a prohibited use for Short Term Rental units in the TCCX and L/RX within the Village and VC-Core; and

41. Self-Storage Facilities: The following conditions shall apply:

    a. These facilities shall not be more than 10% of the total area of the NACX, BPCX and INDX district;

    b. In all land use districts, the individual storage spaces shall not be accessed directly from any of the building facades;

    c. All users shall access the individual rented storage space through a common access;

    d. Where the facility fronts the collector road, mixed use structures (e.g. office, personal service, commercial with the self-storage above or behind), are required; and

    e. Outdoor storage will only be allowed within the courtyard of the facilities, where the surrounding structure is enclosed or semi-enclosed usable space (not just a wall). The courtyard area cannot be larger than ½ the area of the footprint of the building surrounding it. Each facade of the facility shall have an office or similar appearance.

42. Special Residential: The following conditions shall apply:

    a. If special residential structures are placed within 100 feet of the perimeter of the `district, the height of the building cannot be more than twice the height of the building in the adjoining district/parcel unless it is approved as part of a master Planned Development;

    b. Parking areas for special residential uses shall not be immediately adjacent to residential Land Use districts; and

    c. Light poles, used for special residential uses, shall not be adjacent to existing residential or property designated with a residential Future Land Use district and lighting shall be directed toward the interior of the development. A lighting plan that includes the fixture type, location, intensity, and photometric calculations shall be submitted for development review with any special residential project.

43. Time Shares: The following conditions shall apply:

    a. A Type C Buffer shall be required where a time share development abuts a residential district.

b. A Type B Buffer shall be required where a time share development abuts a non-residential district or use.

c. All time share development shall connect to centralized water and wastewater services.

44. Transit Facilities: All outdoor storage shall be screened from offsite view and shall be setback 50 feet from any property with a residential structure or residential land use designation.

45. Truck Stop: The following conditions shall apply:

a. A Type C Buffer 25 feet in width shall be required where the truck stop abuts a residential district or a school.

b. A Type B Buffer shall be required where a truck stop abuts a non-residential district or use.

c. No truck parking, gasoline sales, fuel storage, or truck servicing activities are allowed within 65 feet of the property line that abuts any residential district or a school.

46. Veterinary Services: The following conditions shall apply:

a. Boarding of animals at a veterinary office shall be considered accessory provided the boarding area is within an enclosed building and provisions are made to attenuate the noise source;

b. Use of the exterior for exercise purposes, placed at least 25 feet from any property line, is permissible during daytime hours.

47. Warehouse, Wholesale Enclosed and/or distribution facilities: The following conditions shall apply:

a. There shall be no loading or unloading forward of the front building line, or adjacent to residentially developed property, or to property with a residential Land Use designation;

b. All loading and unloading areas shall be at least 50 feet from all property lines abutting residential uses;

c. All principal structures and those accessory structures related to truck parking or loading and unloading activities shall be at least 50 feet from all side and rear property lines;

d. Accessory structures, not related to truck parking or loading and unloading activities shall be at least 20 feet from all side and rear property lines;

e. The maximum height of any on-site light sources shall be 40 feet, if placed at least 30 feet from the property line and 24 feet if less. Illumination shall be directional and any spill onto adjacent properties shall not exceed 1.0 lumens;

f. The minimum setback of the light source from the residential property line shall be a horizontal distance of 20 feet, except when the light source is adjoining a right-of-way. If the on-site light source adjoins a right-of-way, the lighting may be placed within the landscape buffer 10 feet in width;

g When adjacent to a residential Future Land Use designation or residential dwellings, all sides of the building(s) shall be designed to achieve an office front appearance or otherwise include design components to break the wall plane (change in plane or height, change in texture or patterns, include doors, windows or articulated base, etc.); this provision shall not apply when over at least 50% of that building plane contains overhead doors or loading docks/ bays for trucks;

h. For structures exceeding 50 feet in height, setbacks from parcels designated or developed as residential shall be increased by one-half of one foot for each one foot of height over 50 feet;

i. If any of the adjacent parcels are developed residentially then external operations such as receiving deliveries, docking, loading or unloading of trucks, shall be limited to the hours between 6 a.m. to 8 p.m.; and

j. In the BPCX and INDX Land Use designations , retail uses shall not exceed 15% of the contiguous district.

Section 402 Development of Regional Impact and Pre-Development of Regional Impact, and Utility Enclave Areas *(Revised 4/8/09 – Ord. 09-012)*

This Section describes the land use densities and intensities for all mixed use Developments of Regional Impact (DRI), Pre-DRIs without land use designations, and Utility Enclave Areas as mapped in the Future Land Use Map Series. The numbers provided are subject to revisions based on amendments to the Development Orders for DRIs and the Binding Letters of Interpretation for Pre-DRIs. The Utility Enclave Areas possess special uses and standards pertinent to the level of urban services provided with them.

A. *Purpose and Intent*

This PRE-DRI and DRI SAP Section includes a brief summary of each the County's two PRE-DRI projects -- Poinciana New Township and Indian Lake Estates -- and all non-phosphate DRIs. This summary contains a description of the approved land uses, along with the number of dwelling units and any other applicable information, and shall be the maximum densities and intensities allowed within the subject DRI. More detailed information on these projects is available through the Planning Division, or with the Florida Department of Community Affairs, Division of Resource Planning and Management. All

DRIs except Poinciana, Indian Lake Estates, and Grenelefe have approved Development Orders on file with the Polk County Planning Division. The Development Order includes a Map of where the uses listed in this Section will be permitted.

Any proposed use that will render a legal use nonconforming shall require a Level 3 Review.

B. ***Poinciana (PRE-DRI #1)***

The Poinciana development contains approximately 47,000 acres located in Polk and Osceola counties. The project is a multi-use development proposed to contain single-family, multi-family, commercial, industrial, institutional, and open space/recreation uses within eight villages, nine estate areas, and six office/industrial parks. Located in Polk County are Villages 3, 4, 6, 7, and 8. The Poinciana development received approval by Polk County in 1971 as a Planned Unit Development (PUD 71-10). In 1983, Poinciana received vested rights status under Section 830.06 and 120.57, F.S., which vested this project from the Development of Regional Impact (DRI) review process.

The approved master development plan for Poinciana and subsequent modifications to various portions of this development are on file in the offices of the Polk County Development Services. Approved land uses are also detailed in the Poinciana Binding Letter of Interpretation of Vested Rights Status, date May 17, 1983, and subsequent Binding Letters of Modification to a Development of Regional Impact with Vested Rights, issued by and on file with the State Department of Community Affairs. Additional copies are also available through the Polk County Planning Division.

1. Poinciana boundaries and included areas. Since the PUD was established, the boundaries have changed several times because properties have been added and removed from the original PUD. There are two ways to establish if a property lies within the boundaries of the Poinciana pre-DRI:

    a. A Binding Letter of Interpretation or Modification (BLIM) from the Florida Department of Community Affairs (DCA) can verify that lot is within the boundaries of the DRI; or

    b. If the property lies within the boundaries of a platted village within PUD 71-10;

2. If a property is not within the DRI or PUD, its land use is Agricultural/Residential Rural (A/RR). If it cannot be accurately determined by the Future Land Use Map that a piece of property is within the Poinciana Development, the master site plan, PUD maps, recorded plats and DCA BLI, or BLM will be used to make the determination; likewise if the property owner can demonstrate that a piece of property is not part of the Poinciana development, its land use will be Agricultural/ Residential Rural (A/RR).

3. Once it is established that the property is or is not within the DRI boundaries, a Future Land Use Map amendment may be required to change the land use to PRE-DRI#1 or A/RR whichever is deemed appropriate.

C. ***Indian Lake Estates (PRE-DRI #2)***

The Indian Lake Estates development comprises more than 5,000 acres and of the zoning designation of Pre-Existing Planned Unit Development (P.E. PUD). There is no approved land use map for Indian Lake Estates. Indian Lake Estates is not a vested development from the DRI statute like Poinciana. This development is a platted subdivision, recorded in the official public records of Polk County, Florida as follows:

UNIT #	PLAT BOOK #/PAGE #	LOTS
1	PB 39, PG 1	864
2	PB 39, PG 14	864
3	PB 39, PG 18	432
4	PB 39, PG 30	432
5	PB 39, PG 31	864
6	PB 40, PG 41	847
7	PB 39, PG 46	420
8	PB 39, PG 47	137
9	PB 40, PG 42	864
10	PB 40, PG 14	305
11	PB 40, PG 15	426
12	PB 40, PG 19	(Recreation Area)
13	PB 40, PG 20	544
14	PB 40, PG 21	844
15	PB 40, PG 48	24
16	PB 40, PG 14	78
17	PB 40, PG 50	(Commercial)
		TOTAL LOTS = 7,942

Except for certain lots in Units 10 and 11, the permitted use of all lots within this development is single-family residential. The following lots in Unit 10 are designated as commercial:

Block 318	Lots 1,5,6
Block 319	Lots 1-19
Block 320	Lots 9-11
Block 321	Lots 26-28
Block 325	Lots 23-28
Block 327	Lots 14, 15, 17

The following lots in Unit 11 are permitted for single-family or duplex residential structures:

Block 346	Lots 9-16
Block 347	All
Block 348	All

D. ***Ridgewood Lakes (DRI #1)(09/15/15 - Ord. 15-059)***

Ridgewood Lakes is a mixed use development consisting primarily of single and multi-family dwelling units with golf courses and clubhouse amenities. Also approved is a nominal amount of neighborhood commercial.

E. ***Oak Hills Estates (DRI #2)***

This is a mixed-use DRI, consisting of residential, commercial, and recreational open space on 2,215 acres southeast of Loughman. Development will occur in three five year phases. The breakdown of uses is as follows:

LAND USE	ACREAGE	UNITS
Detached Single-Family		1,167
Medium Density Residential (6 units/acre)		3,074
Attached Multi-Family		1,238
Community Shopping Centers		
2 Neighborhood Shopping Centers	59.80 (2.7 percent of site)	
Recreational Open Space	1,021.10 (46.1 percent of site)	
TOTAL	2,215	5,479

F. ***Grenelefe Utility Enclave Area (Revised 4/8/09 – Ord. 09-012)***

The Grenelefe Resort and Convention Center (Grenelefe DRI) is a mixed-use DRI, primarily oriented towards retirees, tourists, and conventions. Encompassing 971 acres, the original Grenelefe DRI has reached built-out status. An "Essentially Built-Out Agreement" among the land owner, developer, their successors and assigns, Polk County, and the Department of Community Affairs has been approved stating that the DRI has met all of its obligations.

The lands within the Grenelefe DRI, together with an approximate 278-acre tract contiguous to the southeast border of the Grenelefe DRI (the additional property), have been incorporated into a Utility Enclave Area (UEA) Development Area category within the Polk County Comprehensive Plan called the "Grenelefe Utility Enclave Area."

Listed below are the table of allowable uses and standards within the Grenelefe UEA. Further development or redevelopment within the existing Grenelefe DRI portion of the Grenelefe UEA, approved as part of the pre-existing Planned Unit Development (PUD), shall be processed as an amendment to a PUD. Any further development or redevelopment within the additional property of the Grenelefe UEA or changes to an approved Planned Development shall be processed in accordance with Section 902(G) as a Planned Development (PD) approval, unless otherwise indicated in Table 4.25. Residential densities

and non-residential intensities within the Grenelefe UEA shall be in accordance with Section 2.130-E of the Polk County Comprehensive Plan and the Future Land Use Map Series. The Grenelefe UEA maximum residential densities shall not be subject to Section 303, Table 3.3 Density Bonuses of the Polk County Land Development Code.

Table 4.25

	RLX	RMX	RHX	TCCX	DRI	PRESVX
Residential						
Single Family residential	CI	C2	C3	C3		
Duplex	C3	P	P	C3		
Multifamily Residential	C3	P	P	C3		
Non-Residential						
Bars, Lounges and Taverns				P		
Community Centers	C3	C3	C3	C2		
Convention Facilities				P		
Helistops				P	P	
Hotel/Motel				P		
Night Clubs and Dance Halls				P		
Offices				P		
Personal Services				P		
Recreation and Amusement, General				P		
Recreation, Active	P	P	P	P	P	
Recreation, High Intensity	C3	C3	C3	P	P	
Recreation, Low Intensity	P	P	P	P	P	C2
Restaurants, sit down				P		
Retail 5,000 – 15,000 sq.ft./unit				C2		
Retail above 15,000 sq.ft./unit				C3		
Retail less than 5,000 sq.ft./unit				P		
Vehicle Storage, Enclosed				P		

Table 4.26

	RLX	RMX	RHX	TCCX	DRI	PRESVX
MAXIMUM RESIDENTIAL GROSS DENSITY	5 du/ ac	7 du/ac	10 du/ac	15 du/ac	n/a	n/a
MAX. NON-RESIDENTIAL IMPERVIOUS SURFACE RATIO	0.7	0.9	0.9	n/a	0.7	n/a
MAX. NON-RESIDENTIAL FLOOR AREA RATIO	0.25	0.35	0.4	1.0	0.25	n/a
MINIMUM SETBACKS:(from road rights-of-way)						
URBAN COLLECTOR	35’	35’	35’	35’	35’	35’
RURAL MAJOR COLLECTOR	35’	35’	35’	35’	35’	35’
RURAL MINOR COLLECTOR	35’	35’	35’	35’	35’	35’
LOCAL, 60' R/W, or greater	20’	10’	10’	10’	20’	20’
LOCAL, 41- 60' R/W	20’	5’	5’	5’	20’	20’

Table 4.26						
	RLX	**RMX**	**RHX**	**TCCX**	**DRI**	**PRESVX**
LOCAL, 40> R/W	20’	5’	5’	5’	20’	20’
MINIMUM SETBACKS (Principal Structure/ Accessory Structures)						
INTERIOR SIDE	5’	3’	3’	5’	10’	0’
INTERIOR REAR	10’/ 5’	5’	5’	5’	20’	0’
MAX. STRUCTURE HEIGHT	40’	50’	60’	85’	40’	0’

* Minimum setbacks above apply only to front loaded product, see table 4.37 for minimum setback requirements for alley loaded product.

Minimum Residential Lot Area

The Following Standards apply to all new single-family and townhouse development in the Grenelefe development with garages in rear of the structure otherwise Table 4.26 shall apply:

Table 4.37							
LOT STANDARDS	**Single-Family 35’ x 85’**	**Single-Family 35’ x 105’**	**Single-Family 35’ x 118’**	**Single-Family 35’-50’ x 120’**	**Single-Family 40’ x 85’**	**Single-Family 40’ x 105’**	**Townhomes 20-30’x120’**
Maximum Building Height	35 FT	35 FT	35 FT	35 FT	35 FT	35 FT	35 FT
Minimum Lot Size	2,975 SF	3,675 SF	4,130 SF	4,200 SF	3,400 SF	4,200 SF	2,400 SF
Front Yard	5 FT	10 FT	10 FT	10 FT	5 FT	10 FT	10 FT
Side Yard	3 FT	3 FT	3 FT	3 FT	3 FT	3 FT	0 FT
Street Side Yard	9 FT	12 FT	7 FT	7 FT	9 FT	12 FT	5 FT
Rear Yard (Principle)	0 FT	13 FT	20 FT*	4 FT*	0 FT	10 FT*	20 FT*
Rear Yard-Detached Garage*			5 FT				4 FT
CR 544 Minimum Landscaped Buffer Width	30 FT	30 FT	30 FT	30 FT	30 FT	30 FT	30 FT
See Figure #	4.5	4.6	4.7	4.8	4.9	4.10	4.11

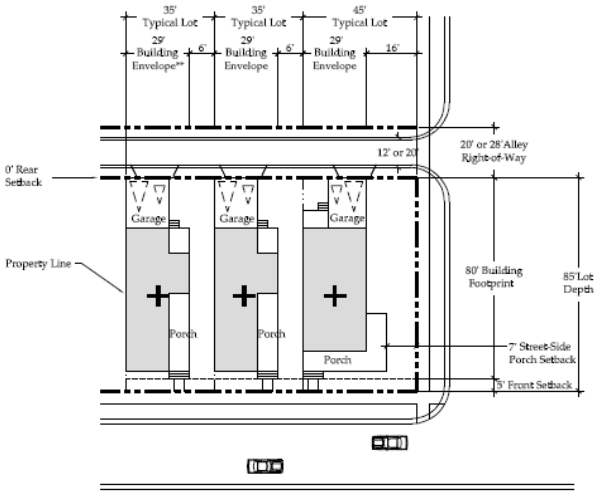
* Lots fronting amenities, where on street parking is more than 225 feet away from the front property line shall provide a minimum 20 FT garage rear yard setback.

** Minimum setback between buildings shall be 35 FT

Ownership

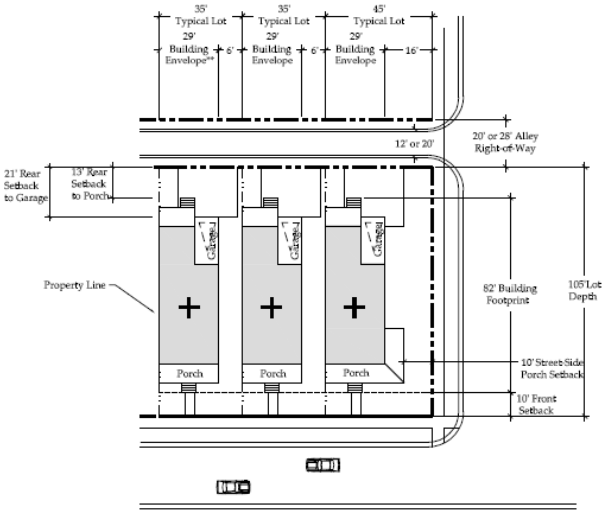
All residential units within Horizons at Grenelefe have the option to become short-term rental units, including timeshares and fractional ownership, by right, upon the fulfillment of the short-term rental requirements listed under the heading “Short Term Rental” in Chapter 3 Section 303 of the LDC, as modified hereby. In recognition of the fact that the existing residential units within the Grenelefe UEA have been allowed short term rental status to date, the notices required under Subsection 1.b. of Chapter 3, Section 303 (Short Term Rental) shall not be required to be sent. Additionally, since all residential units within Horizons at Grenelefe are potentially eligible for short term rental status, no vegetative buffer shall be required along boundaries separating short-term rental units from non-short term rental units.

Figure 4.4



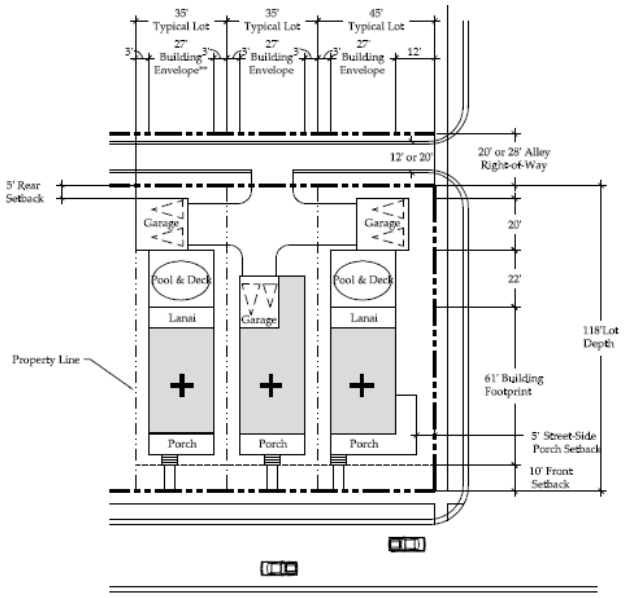
35'x 85' Lot with Rear Alley
Single Family Detached

Figure 4.5



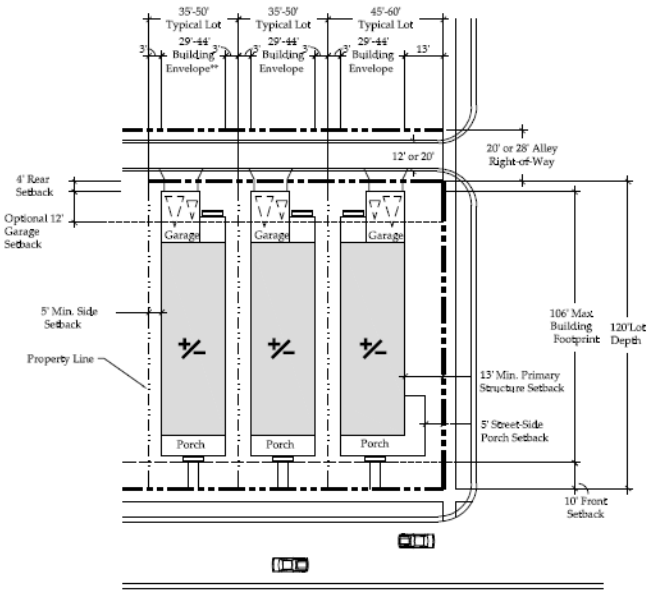
35'x 105' Lot with Rear Alley
Single Family Detached

Figure 4.6



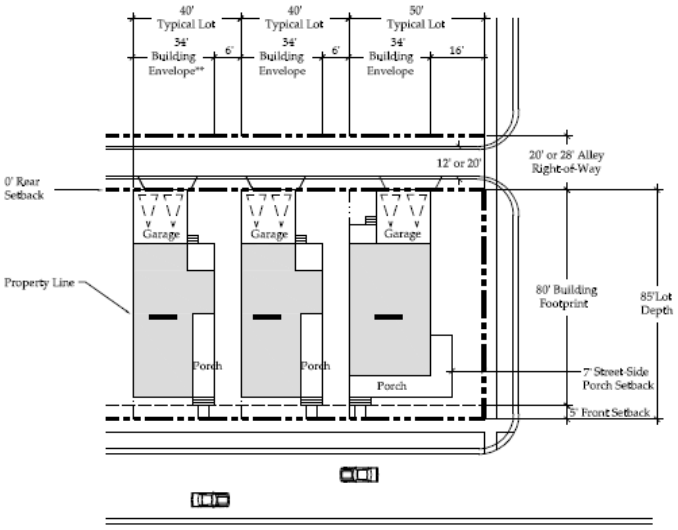
35'x 118' Lot with Rear Alley
Single Family Detached

Figure 4.7



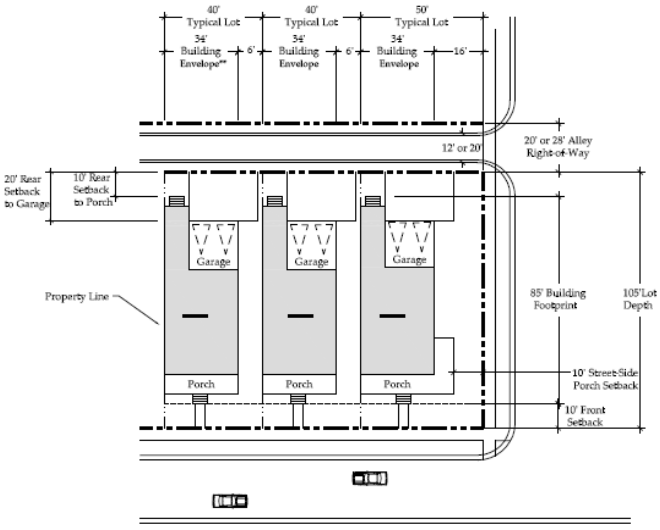
35'-50' x 120' Lot with Rear Alley
Single Family Detached

Figure 4.8



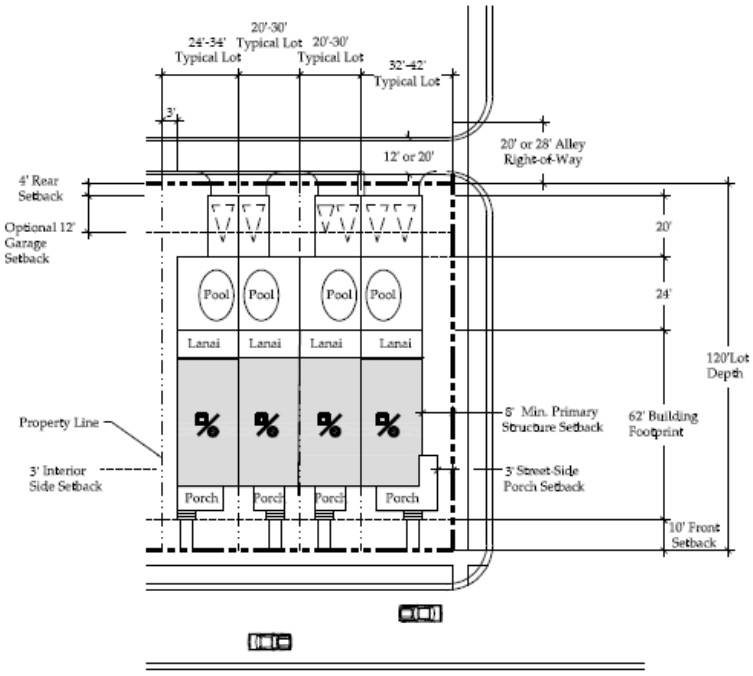
40'x 85' Lot with Rear Alley
Single Family Detached

Figure 4.9



40'x 105' Lot with Rear Alley
Single Family Detached

Figure 4.10



20'-30'x 120' Lot with Rear Alley
Townhomes

PARKING STANDARDS

General Parking Standards for Horizon's at Grenelefe are as follows:

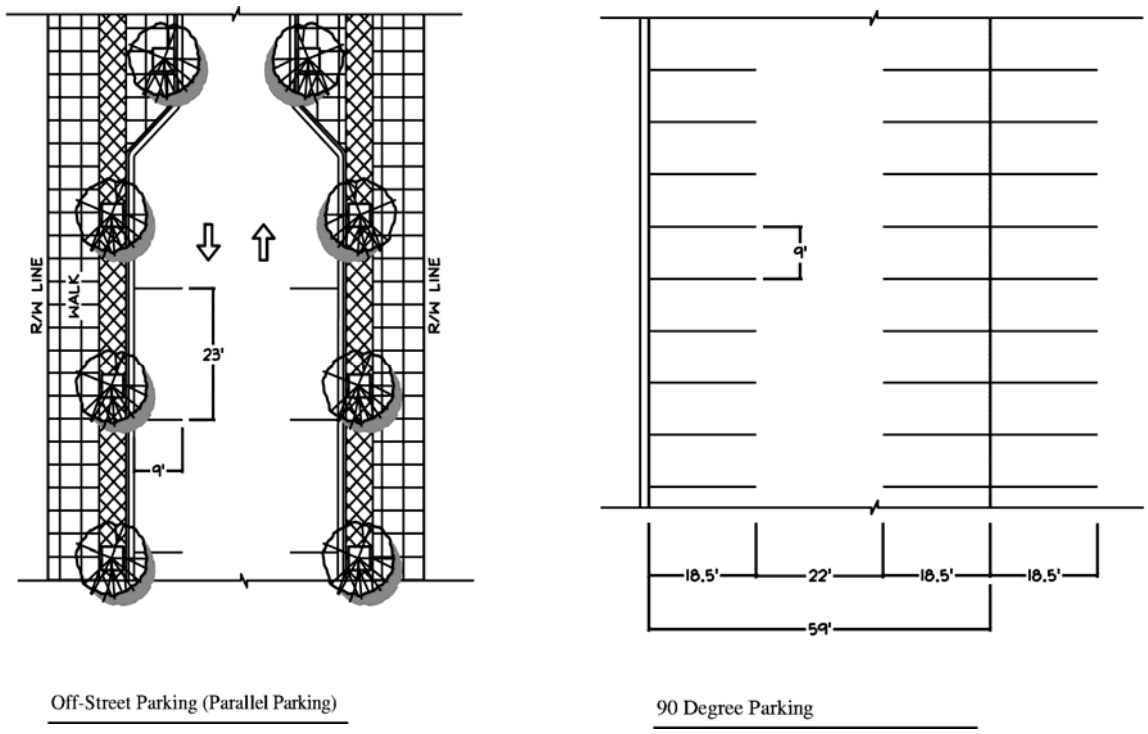
Residential Use: 2 spaces per dwelling unit
Hotel Use: 1.25 spaces per room
Conference Center: 3 spaces per 1000 SF
Commercial/ Office: 3 spaces per 1000 SF
Golf Course: 3 spaces per hole

Shared parking: Where a mix of uses creates staggered peak periods of parking demand, shared parking calculations may reflect a reduction in the total amount of required parking.

Parking Spaces: In order to better facilitate traditional neighborhood design, all 90 degree parking spaces (except for handicap spaces) will be a minimum of 9 feet by 18.5 feet. See Figure 4.11 below for typical parking layout.

On street parking: Adjacent on-street parking shall be counted towards a land use parking requirement. The amount of on-street parking should be maximized. On street parking within 225 feet of a residential lot may be counted toward one space of the residential requirement.

Figure 4.11
Typical Parking Layout



STREETS AND ROADWAY STANDARDS

Street Sections: Street Sections for Horizon's at Grenelefe are indicated in figures 4.12-4.18 in street sections based on width. These street sections may be modified as required to address environmental constraints. Street sections to be selected for construction will be detailed and submitted to the County during Level 2 Review. However, where the curb radii are proposed to be less than the standards established by the County, the Developer will provide adequate ADA accessibility accommodations at the intersections, prohibit parking within 15' of the intersection and eliminate storm drain inlets from the radii of the intersection.

Street Lighting: The Developer will establish lighting standards to be consistent with the community character to be established at Horizon's at Grenelefe. The lighting standards shall be consistent with the Polk County minimum standards for distance between lighting and the amount of light emitted. Detailed street lighting plans will be submitted to the County during Level 2 Review.

Dead end streets/alleys: Streets and alleys shall have a length no greater than 500 feet measured the full length of the right-of-way and shall be provided at the closed end with a turnaround.

Utilities: All utilities are to be placed underground and within the rights-of-way unless a utility easement exists otherwise. See figure 4.19 for a graphic depiction of this requirement.

Figure 4.12

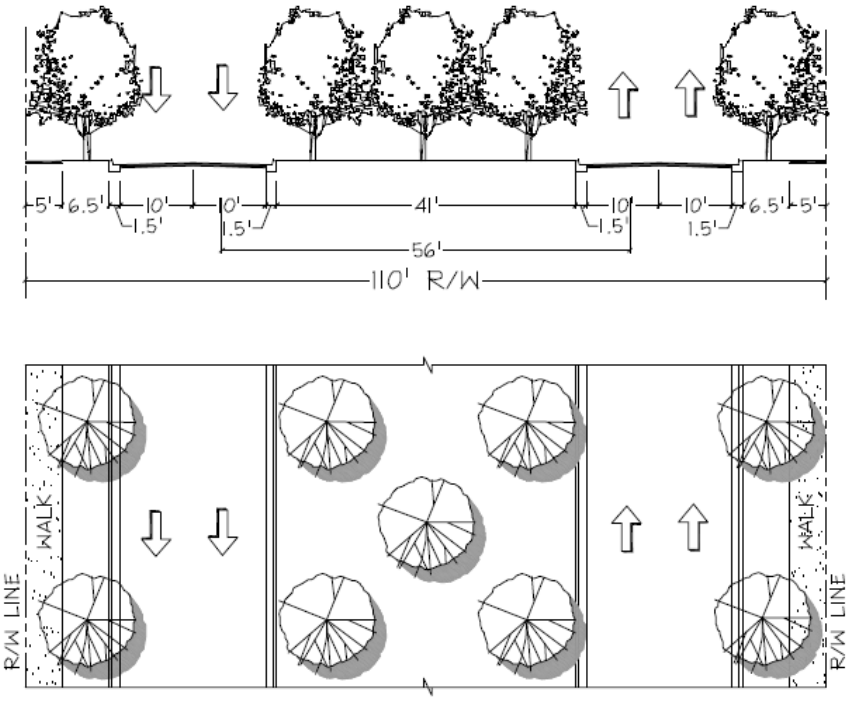


Figure 4.13

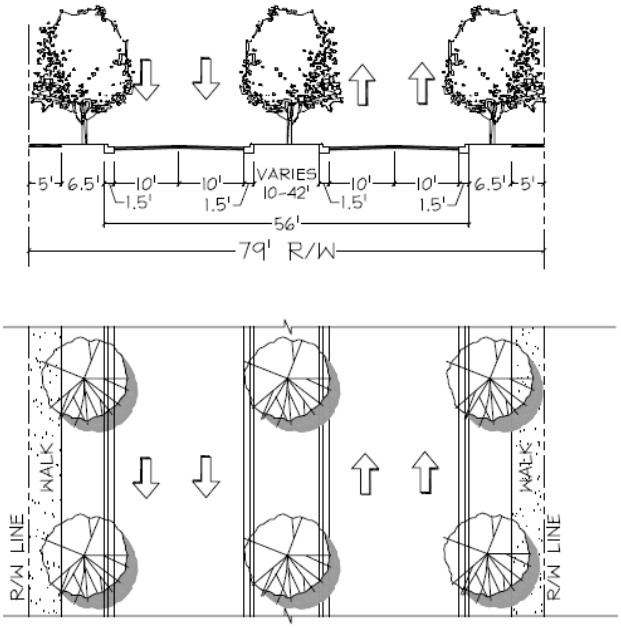


Figure 4.14

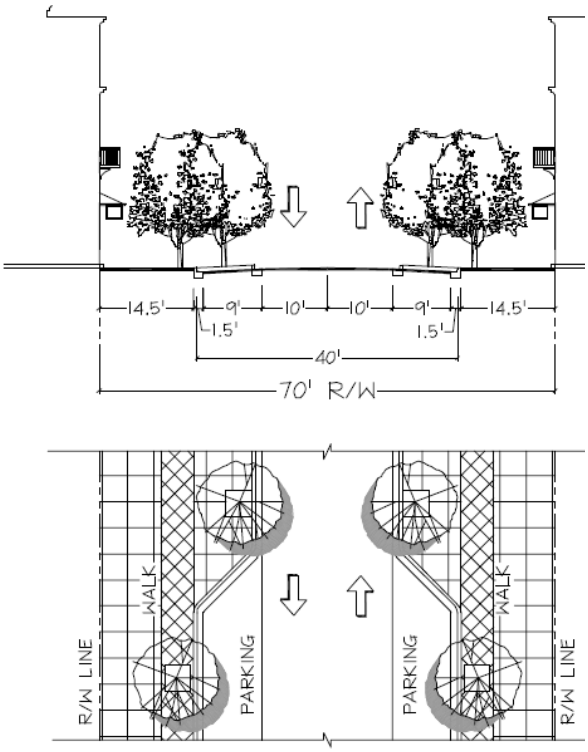


Figure 4.15

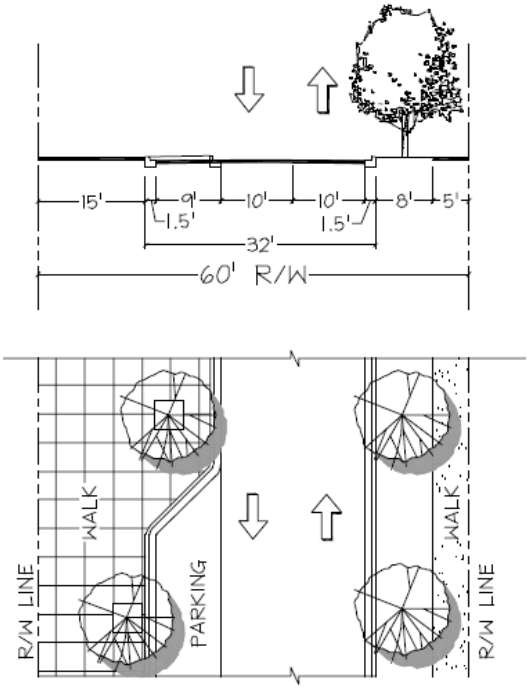


Figure 4.16

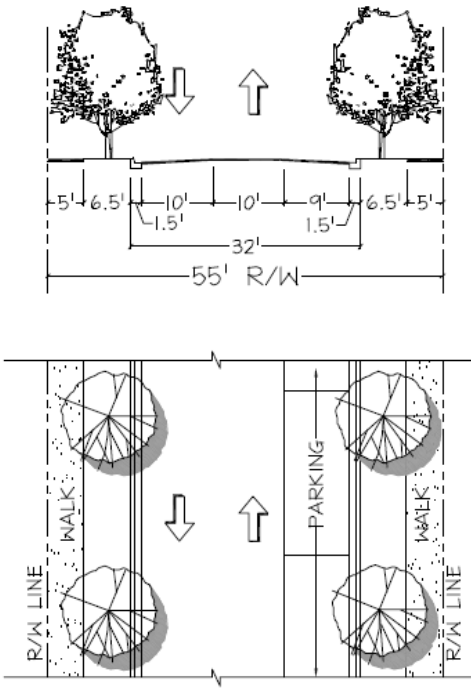


Figure 4.17

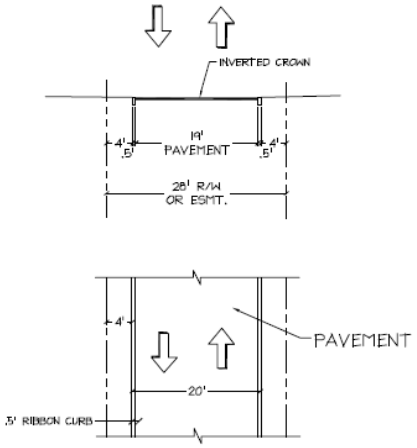


Figure 4.18

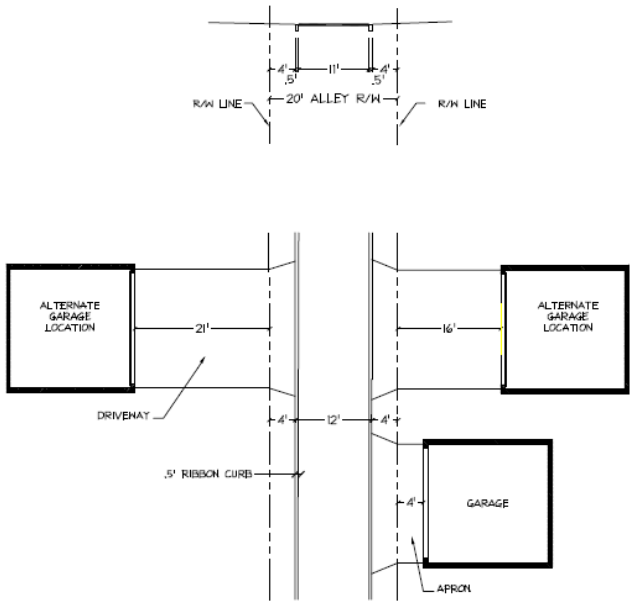
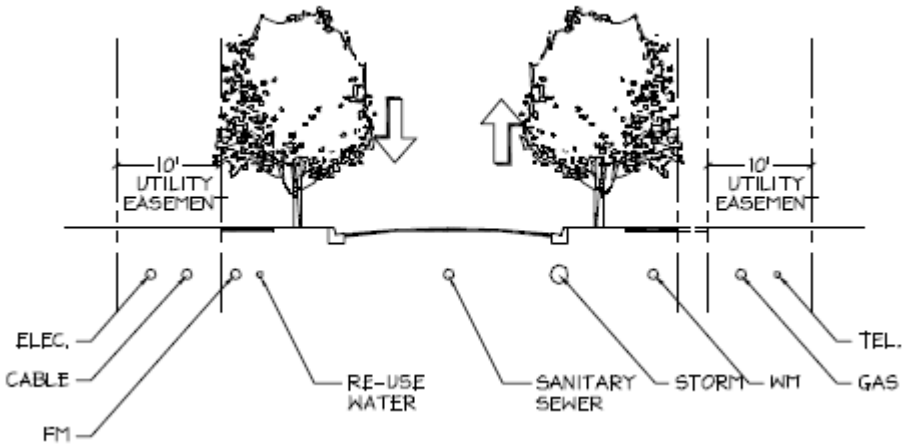


Figure 4.19



G. ***Imperial Lakes (DRI #4)***

Imperial Lakes is a primarily residential DRI, but also contains commercial property and a golf course and encompasses 1,700 acres. Listed below are the land uses, acreage, and dwelling units.

Land Use	Acreage	Units
Existing Developed Area		
Phase I, Section I	199	480
Phase I, Section II	41.4	71
Phase I, Section III “Woodcrest”	9.4	19
Phase I, Section IA & IB	105	255
Phase I, Section IV “Double Eagle”	6.1	57
Phase II, Section II “Meadow Oaks”	14	104
Phase II, Section III “ACreek Woods”	8.5	47
Phase I, Section VII “Pine Run”	5	31
Phase I, Section VIII “Imperial Place”	5.5	50
Phase I, Section IX “Fairwoods”	16.5	231
Phase I, Section V Sparky=s/Office Park	6.4	
Phase I, Section VI Sun Bank/Commercial	5.4	
Phase I, Section IX Sales/Main Office	4.5	
Community Service	2	
Open/Golf/Lakes	185.1	
Total:	**613.8**	**1,348**
Proposed Development Area		
Multi-Family A	14.97	224
Multi-Family B	4	48
Multi-Family C	13.6	163
Village A	109.3	651
Village B	111.2	549
Village C	189.5	996
Commercial A	12.05	
Commercial B	12.75	
Open/Golf/Lakes	576.08	
Proposed County Utility/Water Utility	36	
Existing Utilities	4	
Recreation	2.75	
Total:	1,086.22	2,631
Final Total	1,700.00	3,979

H. ***Winterset (DRI #5)***

Winterset is a mixed-use, multi-phase DRI on 137 acres. Consisting mainly of residential and commercial uses, the development has approval for all four phases. The land use summary is as follows:

LAND USE	ACREAGE	UNITS
Residential	243	780
Condo/Garden Villa	40.4	568
Patio Homes	5.8	31
Apartments	10.4	168
Commercial		
Shopping Center	29.6	323,000 SQ FT
Neighborhood	7	35,000 SQ FT
Branch Bank	0.9	3,500 SQ FT
Service Station	0.5	2,500 SQ FT
Office	4.4	36,000 SQ FT
Road Right-of-Way	5	
Open Space	33	
Total:	137.3	

I. ***State Farm (DRI #7)***

The State Farm DRI is an office development on 109 acres. It contains 415,000 sq. ft. of office space, and serves as a regional headquarters for the State Farm Insurance Company.

J. ***River Ranch (DRI #8)***

The River Ranch DRI is a mixed-use DRI. Primarily containing RV sites, it also has residential and commercial uses. Portions of the development are exempt from the DRI review process. The breakdown of land uses for the site is as follows:

LAND USE	ACREAGE	UNITS
Residential		
Estates		100
Single-Family		90
Multi-Family (Includes motel units)		553
Recreational Vehicle		2,086
Welcome Center/Administration	2.5	12,000 SQ FT
Retail Commercial	3.67	16,000 SQ FT
Community Facility (Wilderness Camping for community organizations)	300	300 Spaces
Service Commercial	0.7	

K. ***Boardwalk & Baseball (DRI #9)***

Boardwalk and Baseball is a predominantly tourist related development, also containing recreational vehicle and multi-family uses located on 840 acres at the southeast corner of US 27 and I-4. The theme park and hotel sites on the portion of the development nearest I-4 are currently zoned Commercial (C-6). The remaining portion of the development is zoned PUD 86-24 which has final approval for Phases I, II, and III of Deer Creek Golf and Tennis RV Resort. Portions of the commercial tracts and the dormitory complex have also been granted final approval. The breakdown of land uses is as follows:

LAND USE	ACREAGE	UNITS
Recreation Vehicles		2,199
Multi-Family Time-Share Units		986
Dormitory Complex		61
Hotel Rooms		1,700
Golf Course		
Commercial	14.5	
Theme Park	135	12,000 SQ FT
Fire Station	1	16,000
Total Acreage:	840 acres	

Section 403 Neighborhood Plan Districts, Established (Revised 01/18/05 Ord. 04-22)

A. ***Purpose and Intent***

A special district may be established as the result of a Neighborhood Plan (NP), which has been reviewed and adopted by the Board of County Commissioners. The Neighborhood Plan Districts are mapped on the Future Land Use Map Series (FLUMS). Development regulations for a neighborhood plan are to be applied in conjunction with the requirements of the Polk County Comprehensive Plan and the development regulations contained elsewhere in this Code. The regulations contained in this Code apply unless otherwise provided for in this Chapter. Where conflict occurs between the NP district regulations and other regulations of this Code, the NP district regulations shall guide and regulate development.

B. ***Applicability***

Neighborhood Plan (NP) districts established below are based upon the Neighborhood Plan (NP) policies and provisions in the Comprehensive Plan. Each NP specifies the Future Land Use Districts permitted within their boundaries, and are reflected in the Future Land Use Map Series (FLUMS). The suffix "X" in the land use district abbreviation indicates that each standard district has been modified. Permitted or conditional uses within each district, are shown on the Use Tables for each individual NP. The district description and intent is the same as those for the Standard Land Use districts in Section 203 and 204, of the Land Development Code, except as modified by the Comprehensive Plan or this Chapter. In addition, conditional uses are listed in Section 303.

C. ***Linked Recreation and Open Space System***

Development in all Neighborhood Plans shall provide a linked recreation and open space system as outlined in the Polk County Comprehensive Plan. The purpose of the system is to provide appropriate linkages between on-site passive and active recreation and open space.

1. Recreation and open space shall comply with the Chapter 10 definition and Section 750, of the Land Development Code.

2. Recreation and open space linkages shall be made possible by inclusion of a pedestrian path or sidewalk and appropriate easements.

D. ***Development in Established Neighborhood Plans***

Development in all Neighborhood Plans shall comply with the land use tables and requirements of this Chapter in addition to all other development standards of this Code. When a Planned Development or Conditional Use is requested, it shall be reviewed and processed in accordance with Chapters 3 and 9 of this Code.

Existing Planned Developments and Conditional Uses or applications submitted prior to the adoption of a Neighborhood Plan, shall remain in effect in accordance with Section 120 and the conditions of approval. All Level 2 Review applications received after the adoption date of the Neighborhood Plan shall meet all requirements of that Neighborhood Plan, in addition to all other Code requirements.

Section 403.01 Wahneta Neighborhood Plan (Wahneta NP)

A**.** ***Purpose and Intent***

The Wahneta NP was created to recognize existing businesses, assist in the redevelopment of the existing residential and commercial areas, and encourage development of vacant properties to assist in the revitalization efforts for the Wahneta area. The districts and performance standards within this Chapter implement the public/private initiatives outlined in the Comprehensive Plan. In order to enhance the community identified by the residents of Wahneta and surrounding areas, a balance of redevelopment and newly residential and nonresidential uses are needed. The revitalization effort is anticipated to address the infrastructure and social needs of the community and improve the quality of life of the residents, as well as the overall image of the community.

The emphasis of the Wahneta Neighborhood Plan is to create a pedestrian-oriented community with a mix of residential and commercial uses to meet its needs. Development within the community shall be consistent with the goals of the Wahneta NP to assist in the improvement of the quality of life of residents in the area.

B. ***Applicability***

This section applies to development within the Wahneta NP, the boundaries of which are shown on the FLUMS.

C. ***Allowable Uses and Intensity of Development*** ***(Revised 2/3/10 – Ord. 10-007)***

1. Future Land Uses B The land use categories and uses allowable in this district are shown in Table 4, of the Wahneta NP.

2. Density and Dimensional Regulations B The allowable densities and density bonus points for the Wahneta NP shall be in accordance to Table 2.2 and Section 303, Planned Developments, of the Land Development Code, unless modified by the Table 1, Table 2, or other requirements of the Wahneta NP below:

   a. Building height within the LCCX is permitted up to 50 feet. All other dimensional regulations of Table 2.2, of the Land Development Code, shall apply.

   b. Within the RSX and RL-1X districts, the interior side setback shall be reduced to seven/five feet (primary/accessory structures) and the interior rear yard shall be reduced to ten/five feet (primary/accessory structures).

   c. Residential development is prohibited within Business Park Center (BPCX) districts, with exception of a residence for security purposes.

   d. The maximum Floor Area Ratio (FAR) is 0.70 within RMX, LCCX, NACX and OCX districts.

   e. Residential Suburban (RSX) shall allow for the following uses:

      i. Residential developments for sites five acres or less, for vested lots prior to December 19, 2003, with a density of up to two dwelling units per acre (2 du/ac), including duplexes or single-family attached units, are permitted with a Level 2 Review, and do not require a Suburban Planned Development (SPD) approval under the following conditions:

         (1) Subdivision review and platting in accordance with the provisions of Chapter 8, of the Land Development Code, shall apply if three or more lots are created from the original parcel, tract, or lot.

         (2) Development shall comply with the requirements of a SPD in Section 303, and the requirements of Section 403.1 C., of the Wahneta NP, but only require a Level 2 Review.

(3) Three bonus points are required for up to one dwelling unit per acre and six bonus points are required for 1.1 to two dwelling units per acre. Bonus points for the development shall be consistent with Table 5, of the Wahneta NP, not the SPD bonus points in Section 303.

(4) The minimum lot size permitted is 10,890 square feet, one-quarter acre.

ii. Development of residential units for sites greater than five acres shall comply with all other requirements of Section 303, Suburban Planned Development (SPD), of the Land Development Code, except the following criteria shall apply, in addition to Bonus Points as required in the Wahneta NP:

(1) Forty percent (40%) developed* (of developable area**) within one-half mile radius for parcels containing from 0.00 to 20.00 acres;

(2) Forty percent (40%) developed* (of developable area**) within three-quarters mile radius for parcels containing from 20.01 to 60.00 acres;

(3) Forty percent (40%) developed* (of developable area**) within one mile radius for parcels containing from 60.01 to 99.99 acres;

(4) Sixty percent (60%) developed* (of developable area**) within one mile radius for parcels containing from 100.00 or more acres.

iii. Residential land divisions meeting the family homestead requirements and vested lots do not require a Suburban Planned Development (SPD) or Level 2 Review, but all other requirements of the Land Development Code shall be met.

iv. Farm Worker Housing, Triplexes, Quads, and Multi-family units - Sanitary sewer is permitted to be extended into the RSX to meet farm working and affordable housing needs of the community.

f. Within Residential Low (RL-X) the density and type of housing units permitted is modified as follows:

i. Triplexes and quads are permitted as a conditional use with Bonus Points and up to four dwelling units per acre.

ii. Multi-family units are permitted as a conditional use with Bonus Points between four and six residential units per acre.

g. Residential uses within non-residential uses in select commercial districts are permitted consistent with Table 2, of the Wahneta NP. The density for residential units shall be based on the requirements of this section. The density for residential units shall be based on the gross density of the site.

h. Residential Infill Development meeting the criteria of Section 303, of the Land Development Code, is exempt from the Bonus Points requirements of this section.

* Existing development is the amount of area included within parcels which contain: residential lots and/or parcels at densities of 1 DU/AC or greater, to also include subdivisions with lots of at least 1 DU/AC which have been built out at least 50%; non-residential structures, excluding agricultural related structures; roads; parks; and other similar improvements.

** Developable areas, for the purpose of this policy, excludes areas not suitable for development and/or areas where the Plan prohibits, or discourages development, e.g. ancient scrub, wetlands, floodplains, lakes, streams, rivers, and other water bodies.

Table 1: Wahneta NP - Residential Development Standards (Districts where residential development is allowed)

Gross Density (du/ac)		
Districts	**Level 2 Review (Bonus Points Required)**	**Level 3 Review (Planned Development with Bonus Points)**
RSX	up to 2 du/ac for sites # five acres[1]	up to 3 du/ac for sites > five acres[3]
RL-1X	up to two (2) du/ac for sites # 10 acres[1]	1.01 to 6 du/ac for sites > 10 acres
RL-2X	up to three (3) du/ac for sites # 10 acres[1]	2.01 to 6 du/ac for sites > 10 acres
RL-3X [2]	up to four (4) du/ac for sites # 10 acres[1]	3.01 to 6 du/ac for sites > 10 acres
RL-4X[2]	up to four (4) du/ac[1]	4.01 to 6 du/ac
RMX [2]	four (4) to seven (7) du/ac with centralized water and sewer up to four (4) du/ac with centralized water and no sewer, with dry-line installation required	Less than four (4) du/ac with centralized water and no sewer, with dry-line installation required 7.01 to 10 du/ac with centralized water and sewer

Note: [1]Density limitation does not apply to guest homes, garage apartments, mother-in-law suites.
[2] Residential development in the Neighborhood Utility Service Area (NUSA) at a density between 3.01 and five (5) du/ac shall be required to connect to centralized water and centralized sewer if available, if not available, dry-line installation shall be required. Residential development greater than five du/ac shall be connected to centralized water and sewer in the NUSA.
[3] A Suburban Planned Development (SPD) is required.

Table 2: Wahneta NP - Residential Units within Non-Residential Buildings (Districts that Allow Mixed Use Buildings along Rifle Range Road)		
Mixed Use Districts	**Gross Density (du/ac) (Level 2 Review with Bonus Points)**	
	Dry-line installation required if centralized sewer is not available	**Centralized water and sewer**
CCX, CEX [1]	up to three (3) du/ac [2]	3.01 to 5 du/ac
LCCX [1]	up to three (3) du/ac [2]	3.01 to 5 du/ac
NACX [1]	up to four (4) du/ac	4.01 to 5 du/ac with centralized water and sewer as a Level 2 Review 5.01 to 10 du/ac as a Planned Development, Level 3 Review, with centralized water and sewer
Note: [1] Residential development in the Neighborhood Utility Service Area (NUSA) at a density between 3.01 and five (5) du/ac shall be required to connect to centralized water and centralized sewer if available, if not available, dry-line installation shall be required. Residential development greater than five du/ac shall be connected to centralized water and sewer in the NUSA. [2] Dry-line installation is not required in the Suburban Development Area (SDA)		

i. Temporary Uses are permitted in accordance with Section 207 and Table 2.3, of the Land Development Code, except as modified by Table 3, of the Wahneta NP, and the following time limitations:

(1.) Food and Produce Stands B Maximum of 90 days per year per parcel, unless operated by the property owner as part of an existing business on the property.

(2.) Retail Stand B Maximum of 45 days per year per parcel.

3. Home occupations shall be permitted to be operated within the garage, in addition to within 25% of the home=s first floor, of a single-family home where the business is operated by the property owner. The operation of the business shall not change the residential character of the unit, and all other requirements of Section 206, E., of the Land Development Code, apply.

Table 4: Wahneta Neighborhood Plan - Use Table (Allowable Uses and Districts) **For revision history, please see last row of table.**

	A/RRX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	CCX	CEX	LCCX	NACX	OCX	BPC-1X	BPC-2X	HICX	INDX	INST-1X	INST-2X	ROSX	PRESVX
Residential Uses																				
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																				
Duplex, Two-family Attached		C2	C2	C2	C2	C2	P													
Triplex & Quad		C3	C3	C3	C2	C2	P													
Multi-family		C3	C3	C3	C3	C3	P			C2	C2									
Family Farm	C1	C1																		
Farm Worker Housing, Seasonal	C2	C2																		
Group Home, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1													
Group Home, Large (7-14 residents)	C3	C3					C1										C1	C1		
Group Living Facility (15 or more residents)	C3	C3	C3	C3	C3	C3	C3										C2	C2		
Mobile Home Park & Subdivision	C3	C3	C4	C4	C4	C4	C4													
Mobile Homes, Individual	C1	C1	C1	C1	C1	C1	C1													
Planned Development	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3
Residential Infill Development		C2	C2	C2	C2	C2														
Rural Residential Development (RRD)	C3	C3																		
Single-family Detached Home & Subdivision	P	P	P	P	P	P	P													
Suburban Planned Development		C3																		
All Other Uses																				
Adult Day Care Center (7 or more clients)	C3	C3	C3	C3	C3	C3	C3										C2	C2		

Table 4: Wahneta Neighborhood Plan - Use Table (Allowable Uses and Districts) **For revision history, please see last row of table.**

	A/RRX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	CCX	CEX	LCCX	NACX	OCX	BPC-1X	BPC-2X	HICX	INDX	INST-1X	INST-2X	ROSX	PRESVX
Agricultural Support, Off-Site	C3	C3							P	P		C3				P				
Airport	C4												C4	C4		C4	C4			
Alcohol Packaged Sales								C1	C1	C1	C1		C1	C1		C1				
Animal Farm, Intensive	P	C3																		
Assembly, Light													P	P	P	P				
Bar / Lounge / Tavern									C3	C3	C3		C1	C1		C2				
Bed and Breakfast	C3	C3	C3	C3	C3	C3	C2		C2	C2	C2									
Breeding, Boarding, and Rehabilitation Facility, Wild or Exotic	C3	C4																		
Car Wash, Full									C2	C2	C2									
Car Wash, Incidental								C2	C2	C2	C2									
Car Wash, Self-Service									C2	C2	C2									
Cemetery	C2	C3							C3	C3	C3						C2			
Childcare Center	C3	C3	C3	C3	C3	C2	C2		C2	P	P	P					P	P		
Clinics & Medical Offices								C2	P	P	C2	C2					C2	C2		
Commercial Vehicle Parking									C2	C2			C2	P	P	P				
Communication Towers, Guyed and Lattice	C2	C3											C3	C3	C2	C2	C2	C2	C3	
Communication Tower, Monopole	C2	C3								C3			C2	C2	C2	C2	C2	C2	C3	
Community Center	C3	C3	C3	C3	C3	C3	C3			C3	C3	C2					P	P	C2	
Construction Aggregate Processing																C3				
Construction Aggregate Storage																C3				
Convenience Stores, Isolated	C2	C2											C2	C2	C2	C2	C2			
Correctional Facility	C4																	C4		
Cultural Facility	C3	C3	C3	C3	C3	C3	C3		P	P	P	P					P	P	C2	
Emergency Shelter, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1													

Table 4: Wahneta Neighborhood Plan - Use Table (Allowable Uses and Districts) **For revision history, please see last row of table.**

	A/RRX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	CCX	CEX	LCCX	NACX	OCX	BPC-1X	BPC-2X	HICX	INDX	INST-1X	INST-2X	ROSX	PRESVX
Emergency Shelter, Medium (7-14 residents)	C3	C3					C1										C1	C1		
Emergency Shelter, Large (15 or more residents)	C3	C3	C3	C3	C3	C3	C3										C2	C2		
Financial Institution								C2	C2	C2	P	P	C2	C2		C2				
Financial Institution, Drive Through								C2	C2	C2	P	P	C2	C2		C2				
Forestry Specialized Operation	C2															P				
Funeral Home & Related Facilities									C3	C2										
Gas Station								C2	C2	C2	C2		C2	C2		C2				
Golf Course	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C2
Government Facility	C3	C3	C3	C3	C3	C3	C3	C3	P	P	P	P	P	P	P	P	P	P	C3	C3
Heavy Machinery Equipment Sales and Services														C2						
Heliports	C2									C3			C2	C2	C2	C2	C2	C2		
Helistops	C2	C3	C3	C3	C3	C3	C3		C3	C2			C2	C2	C2	C2	C2	C2	C2	
Hospitals																	P	P		
Hotels and Motels									C3	C2	C3		C2	C2		C2				
Institutional Camp	C3	C3															C3	C3	C3	
Kennels, Boarding and Breeding	C2	C3							C3	C3										
Lime Stabilization Facility	C3	C3							C3	C3			C3	C3	C3	C3	C3	C3		
Livestock Sale, Auction	C2														C2	C2				
Lodges and Retreats, Private	C3	C3							C2	P							P	P		
Manufacturing, Explosives/ Volatile Material																C2				
Manufacturing, General																C2				

Table 4: Wahneta Neighborhood Plan - Use Table (Allowable Uses and Districts) **For revision history, please see last row of table.**

	A/RRX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	CCX	CEX	LCCX	NACX	OCX	BPC-1X	BPC-2X	HICX	INDX	INST-1X	INST-2X	ROSX	PRESVX
Manufacturing, Light													C2	C2	C2	C2				
Marinas and Related Facility	C3																			
Mining, Non-phosphate	C3	C3	C4	C4	C4	C4	C4	C3	C3	C3	C3	C3	C3	C3	C3	C3	C4	C4	C4	
Motor Freight Terminal										C3				P	P	P				
Nightclub / Dance Hall									C3	C3	C3				C3	C3				
Nurseries, Retail	P	C2							C2	C2	C3									
Nurseries and Greenhouses	P	C2							C2	C2	C3									
Nursing Home							C2		C2	C2							C2	C2		
Office								C2	C2	P	C2	C2	P	P	P	P	C2	P		
Office Park										P	C2		P	P						
Personal Service								C2	C2	P	C2	C2	P	P	P	P				
Printing & Publishing									C2	C2	C2	C2	P	P	P	P				
Recreation, High Intensity	C3	C3	C3	C3	C3	C3	C3										C1	C1	C1	C3
Recreation, Low Intensity	C2	C2	C2	C2	C2	C2	C2										C1	C1	C1	C2
Recreation, Passive	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1
Recreation & Amusement Intensive															C3					
Recreation & Amusement General								C2	C2	C2	C2				C2					
Recreation, Vehicle Oriented	C3	C3	C3	C3	C3	C3	C3										C2	C2	C2	
Recreational Vehicle Park	C4	C4																		
Religious Institution	C3	C3	C3	C3	C3	C3	C3	P	P	P	P	C2					P	P		
Research & Development									C2	C2			P	P	P	P	C2	P		
Residential Treatment Facility	C4								C4	C4							C4	C4		
Restaurant, Drive-thru/Drive-in								C2	C2	C2	C2	C2	C2	C2	C2	C2				
Restaurant, Sit-down/Take-out								C2	C2	C2	C2	C2	C2	C2	C2	C2				
Retail, Less than 5,000 sq.								C2	C2	C2	C2	C2	C2	C2	C2	C2				

Table 4: Wahneta Neighborhood Plan - Use Table (Allowable Uses and Districts) **For revision history, please see last row of table.**

	A/RRX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	CCX	CEX	LCCX	NACX	OCX	BPC-1X	BPC-2X	HICX	INDX	INST-1X	INST-2X	ROSX	PRESVX
ft.																				
Retail, 5,000 – 19,999 sq. ft.									C2	C2	C2	C2	C2	C2	C2	C2				
Retail, 35,000 - 64,999 sq. ft.										C2	C2		C3	C3	C3	C3				
Retail, More than 65,000 sq ft										C3	C3		C3	C3	C3	C3				
Retail, Home Sales Office									C3	C3					P	P				
Retail, Outdoor Sales/Display									C3	C3				C2	C2	P				
Riding Academies	C1	C1	C3																C1	
Salvage Yard															C3	C3				
School, Elementary	C3	C2	C2	C2	C2	C2	C2										P	P		
School, Middle		C3	C2	C2	C2	C2	C2										P	P		
School, High		C3	C3	C3	C3	C3	C2										P	P		
School, Leisure/Special Interest	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	C3	C2	C2		C3	P	P	P	
School, Technical/Vocational Trade/Training	C3							C3	C3	C3	C3	C2	C2	C2		P	P	P		
School, University/College						C3	C3				C3		C2	C2		C3	P	P		
Self-storage Facility										C3	C3		C2	C2	C2	C2				
Solar Electric-Power Generation Facility	C2	C3											C2	C2	C2	C2	C2	C2		
Stable, Riding Academies	P	C3																	C3	
Studio, Production									P	P			P	P	P	P	P	P		
Transit, Commercial														P	P	P				
Transit, Facility									P	P	P		P	P	P	P				
Truck Stop														C3	P	P				
Utilities, Class I	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities, Class II	C1	C1	C1	C1	C1	C1	C1	P	P	P	P	P	P	P	P	P	P	P	P	
Utilities, Class III	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C3	C3	C3	

Table 4: Wahneta Neighborhood Plan - Use Table (Allowable Uses and Districts) **For revision history, please see last row of table.**

	A/RRX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	CCX	CEX	LCCX	NACX	OCX	BPC-1X	BPC-2X	HICX	INDX	INST-1X	INST-2X	ROSX	PRESVX
Vehicle Recovery Service/Agency								C2	C2					C2	C2	C2				
Vehicle Repair, Auto Body									C3	C3				C2	C2	C2				
Vehicle Service, Mechanical									C2	C2	C2			C2	C2	P				
Vehicle Sales, Leasing									C3	C3	C3			C3	C2	C2				
Veterinary Service	P							C1	P	P	P	P			P					
Warehousing/Distribution													P	P	P	P				
Revised 4/19/16 – Ord. 16-022; 8/5/14 – Ord. 14-045; 03/18/14 – Ord. 14-015; 12/6/11 – Ord. 11-033; 12/06/11 – ord. 11-032; 6/28/11 – Ord. 11-008; 4/21/10 – Ord. 10-016; 2/3/10 – Ord. 10-007; 12/01/09 – Ord. 09-073; 09/16/09 – Ord. 09-060; 09/02/09 – Ord. 09-055; 07/22/09 – Ord. 09-047; 11/12/08 – Ord. 08-056																				

Notes: Conditions for the uses within this table are provided in Section 303 and Section 403.01 C., of the Wahneta NP, within the Land Development Code.

Table 5: Wahneta NP - Bonus Points Available for Developments

INFRASTRUCTURE	
Extending sidewalks beyond frontage to connect sidewalks on abutting properties	1 pts per 150 linear feet (up to 4 pts)
Internal sidewalks on one side of the street (local roads in residential subdivision)	2 pts per 25 dwelling units (up to 4 pts)
Internal sidewalks on both sides of the street (local roads in residential subdivisions)	4 pts per 25 dwelling units (up to 8 pts)
Internal street lighting	1 pt
Connection to centralized sewer (Non-residential/commercial uses in NUSA only)	2 pts
Connection to centralized sewer (NUSA only)	2 pts (0 - 25 units) 6pts (51 - 75 units) 4 pts (26 - 50 units) 10 pts (76+ units)
DESIGN	
Additional trees planted or preserved (At least half of the required number)	1 pt
Canopy trees in common areas (buffer areas not counted)	1 pt/500 sq ft of coverage at maturity (up to 4 pts)
Vertical development (single and mixed use developments)	2 pts per story above 1 (maximum of 4 pts)
Landscaping of all storm water ponds with Type “A” Buffer or better	2 pts
Landscape buffer (# 50% redevelopment of site)	2 pts
Sidewalks/Pedestrian designated area from off-site to building entrance	1 pt
Alternatives to driveways (Shared driveways, alley, common parking area)	
TRANSPORTATION	
Interconnectivity to abutting roads and development (Multiple access points)	2 pts
Rear or side parking lot (No front parking area)	2 pts
Internal capture (based on traffic study)	1 pt
Mass transit stop/shelter on an existing or planned route	2 pts
RECREATION	
Active recreation (Includes pool, tennis/basketball/volleyball courts, tot lot, club house/recreational facility, and other active sport courts)	2 pts for each type
Passive recreation (walking paths/trails, bikeway, nature/hiking trail)	1 pt
Common space/Open space for recreational uses/Park areas (retention ponds/conservation areas do not count; in addition to open space requirements)	2 pts per 3,000 sq ft (up to 10 pts)
CONSERVATION	
Xeriscaping (at least 25% of required landscaping) Plan	2 pts
Environmental Conservation easement/tract or Restoration / Creation of wildlife habitat	1 pt per 1/5 acre (up to 10 pts)
Wildlife habitat/Native plant community buffer	2 pts per 500 linear feet (up to 6 pts)
DEVELOPMENT	

Table 5: Wahneta NP - Bonus Points Available for Developments

Affordable housing (based on HUD standards)	5 pts per 5% of project
Farm Working Housing	4 pts
Redevelopment of mobile home subdivision/park or dilapidated homes with conventional or modular homes meeting all current development and building code standards	5 pts (0 - 50 units) 10 pts (51 - 75 units) 15 pts (76 + units)

Table 6a: Wahneta NP - Bonus Points Awarded for Residential Developments in Residential Districts

RSX [1]		RL-1X		RL-2X		RL-3X		RL-4X		RMX	
Bonus Points	**Density (du/ac)**	**Bonus Points**	**Density (du/ac)**	**Bonus Points**	**Density (du/ac)**	**Bonus Points**	**Density (du/ac)**	**Bonus Points**	**Density (du/ac)**	**Bonus Points**	**Density (du/ac)**
0	0.2 (1 du/5 ac)	6 or more	0.4 (1 du/2.5 ac)	8 or more	1.0 - 1.49	8 or more	1.5 - 1.99	12 or more	1.5 - 1.99	15 or more	3.0 - 4.0
3	0.21 - 0.49	4	0.4 - 0.99	4	1.5 - 1.99	6	2.0 - 2.49	10	2.0 - 2.49	12	4.1 - 5.0
6	0.5 - 0.99	0	1.0	0	2.0	4	2.5 - 2.99	8	2.5 - 2.99	10	5.1 - 6.0
9	1.0 - 1.49	2	1.01 - 1.49	2	2.01 - 2.49	0	3.0	6	3.0 - 3.49	5	6.1 - 6.9
12	1.5 - 1.99	4	1.5 - 1.99	4	2.5 - 2.99	4	3.01 - 3.49	4	3.5 - 3.99	0	7
15	2.0 - 2.49	6	2.0 - 2.49	6	3.0 - 3.49	6	3.5 - 3.99	0	4.0	5	7.1 - 8.0
18 or more	2.5 - 3.0	8	2.5 - 2.99	8	3.5 - 3.99	8	4.0 - 4.49	4	4.01 - 4.49	10	8.1 - 9.0
		10	3.0 - 3.49	10	4.0 - 4.49	10	4.5 - 5.0	8	4.5 - 5.0	15 or more	9.1 - 10.0
		12	3.5 - 3.99	12	4.5 - 5.0	12 or more	5.1 - 6.0	12 or more	5.1 - 6.0		
		14	4.0 - 4.49	14 or more	5.1 - 6.0						
		16	4.5 - 5.0								
		18 or more	5.1 - 6.0								

Notes:

[1] Parcels five acres or less can develop up to two (2) du/ac in accordance to Section 403.1, C. 2. e. (3).

Table 6b: Wahneta NP - Bonus Points Awarded for Developments in Commercial Districts

CCX, CEX		LCCX		NACX	
Points Achieved	**Density du/ac**	**Points Achieved**	**Density du/ac**	**Points Achieved**	**Density du/ac**
2	0.1 - 1.0	2	0.1 - 2.0	2	0.1 - 3.0
3	1.1 - 2.0	3	2.1 - 3.0	3	3.1 - 4.0
4	2.1 - 3.0	4	3.1 - 4.0	4	4.1 - 4.99
5	3.1 - 4.0	5 or more	4.1 - 5.0	5	5.0 - 5.99
6 or more	4.1 - 5.0			6	6.0 - 6.99
				7	7.0 - 7.99
				8	8.0 - 8.99
				9 or more	9.0 - 10.0

D. ***Non-Conforming Residential Uses***

1. Single-family residential and other residential units (including rental units) that are damaged or destroyed can be replaced, provided the unit is replaced within five years of the damage or destruction of the original residential unit;

2. The original unit(s) can be replaced with any residential unit type, provided the overall density for the site remains the same as it was prior to the destruction of the unit(s) on the property;

3. A conventional/site-built or modular home may be replaced with a manufactured or mobile home, consistent with Section 303, Mobile Homes, of the Land Development Code;

4. Conventionally built or modular single-family residential units are permitted to be built within commercial and other non-residential districts if the property was created for residential purposes and is vacant;

5. Replacement residences shall comply with all setbacks of the Future Land Use district. If there are two or more districts, the district that is the majority of the site shall be utilized to determine the setbacks;

6. The replacement home shall meet all other requirements of the Land Development Code at the time of replacement.

E. ***Modified Special Use and Conditional Use Requirements*** **B** These requirements shall be met in addition to the requirements of Section 303, of the Land Development Code:

1. Childcare Center

   a. In the RL-3X, RL-4X, and RMX districts, the childcare center shall be required to take the characteristic of a residential unit.

b. Childcare centers are permitted with a Level 2 Review in the RL-3X in the Neighborhood Utility Service Area (NUSA).

2. Duplex, Two-Family Attached

a. Principal structure(s) shall be at least 20 feet from all property lines, except from public or private roads, in which the required setback shall be consistent with Table 2.2, of the Land Development Code.

b. Duplexes and Two-Family Attached units are permitted as a Level 2 Review consistent with Table 4 and all other requirements of the Wahneta NP.

c. In the RL-3X and RL-4X districts within the Neighborhood Utility Service Area (NUSA), a Type "A" Buffer with a six foot tall opaque fence is required if the abutting property is a non-residential district and has a residence on the site. Section 720, of the Land Development Code shall apply for other buffer requirements.

d. Buildings shall be limited to two stories in height.

3. Group Living Facilities (Congregate, Group Home, and Family Care) B Group living facilities shall meet the requirements of Section 303, of the Land Development Code, in addition to the following:

a. Signage, where allowed, shall be limited to one solid based sign consistent with Table 7.16, of the Land Development Code. Other signs exempted from permits are allowed on the property consistent with Section 760, D., of the Land Development Code.

b. A Type "A" Buffer with a six foot tall opaque fence is required for property abutting a non-residential district with a single-family home developed on the site. All other buffers shall be consistent with Section 720, of the Land Development Code.

4. Multi-family

a. In the LCCX and NACX districts, the following shall be required:

i. Multi-family units shall be limited to 20% of the total acreage of the Activity Center proposed for residential development;

ii. All buildings, except accessory structures, shall be at least 50 feet from all property lines, except from the right-of-way or front yard, consistent with Table 2.2;

iii. All other requirements of Section 303, Multi-family Units, of the Land Development Code shall be met.

b. In the RSX district, the following shall be required:

i. A Suburban Planned Development (SPD) with bonus points;

ii. All buildings, except accessory structures, shall be at least 50 feet from all property lines, except from the right-of-way or front yard setback, consistent with Table 2.2, of the Land Development Code;

iii. All other requirements of Section 303, Multi-family Developments, of the Land Development Code shall be met.

5. Nurseries, Retail; Nurseries and Greenhouses

a. The loading and unloading area shall be located at least 50 feet from all property lines abutting residential districts.

b. A six foot fence and/or landscape buffer in accordance with Section 720, of the Land Development Code, shall be provided.

c. No outdoor lighting shall be permitted to illuminate items sold at the nursery in the A/RRX and RSX districts; lighting in other districts shall not create off-site impacts.

d. The retail portion of a nursery shall meet the following requirements:

i. Retail areas shall be limited to 25% of the nursery when in the A/RRX and RSX districts;

ii. The retail area and loading area shall be designated on a site plan;

iii. The retail area shall be at least 50 feet from all property lines, except from the right-of-way or front yard setback, consistent with Table 2.2, of the Land Development Code.

e. An overall site plan shall be submitted by the nursery owner to Development Services, as a Level 2 Review, to determine the consistency with the Wahneta NP.

6. Triplex or Quad B The following shall be required in addition to Section 303, of the Land Development Code:

a. The principal structure(s) shall be at least 20 feet from all property lines, except from the right-of-way or front yard setback, consistent with Table 2.2, of the Land Development Code.

b. Only one entrance is permitted as access, unless the applicant can demonstrate that multiple entrances will improve pedestrian and vehicular safety.

c. In the RL-3X and RL-4X districts within the Neighborhood Utility Service Area (NUSA), a Type "A" Buffer with a six foot high opaque fence is required for developments abutting non-residential districts with a single-family home on the site. Section 720, of the Land Development Code shall apply for other buffer requirements.

d. Building height shall be limited to two stories.

F. ***Development Design Standards and Requirements***

1. Underground utilities B All non-residential, commercial, and residential development with three dwelling units per acre or higher shall utilize underground utilities within the development. Above ground utilities are permitted as needed by the utility service provider(s) in order to meet the regional demands of providing the service(s). Lots of record are exempt from this requirement.

2. Density bonus points shall be provided in accordance to Table 5, 6a, and 6b of the Wahneta NP.

3. Outdoor storage

a. Outdoor storage shall be screened from off-site view with a six foot fence and/or a buffer in accordance to Section 720 or Section 303, of the Land Development Code, whichever is more restrictive.

b. Where outdoor storage of cars, recreational vehicles, and boats is permitted, it shall be to the rear of the building line, except for vehicle sales and leasing and development within the Industrial (INDX) or Business Park Center (BPC-2X) districts.

4. Open Space ***B*** Open Space shall be provided in accordance to Section 750 and Chapter 10, of the Land Development Code. All wet retention/detention ponds may be counted as open space if landscaped to resemble a natural feature. Wet retention/detention ponds shall be required to have a three to six foot tall fence around the perimeter of the ponds. A vinyl coated chain link fence is permitted for this purpose.

5. Signs

a. Off-Premise signs shall be prohibited in all Future Land Use Districts within the Wahneta Neighborhood Plan area except for High Impact Commercial (HICX) and Industrial (INDX) south of Peace Creek along Rifle Range Road (CR 655) and State Road 60. Temporary real estate signs advertising the availability of commercial space and special events are permitted per Section 760, of the Land Development Code.

b. All other signs shall be permitted in accordance with Section 760, of the Land Development Code.

6. Credits for Existing Trees B For residential developments, existing trees, including citrus trees, can be counted toward the buffer requirement per Section 721 and Table 7, of the Land Development Code and Wahneta NP. In non-residential uses, up to 50 percent of the citrus trees can be counted toward the understory trees provided to meet the buffer requirement consistent with Section 721 and Table 7, of the Land Development Code and the Wahneta NP.

7. Tree Planting B The minimum number of trees to be planted or preserved, in addition to buffering and landscaping requirements, are listed in Table 7, of the Wahneta NP.

Table 7: Wahneta NP - Number of Trees to Plant or Preserve for Development
REVISED 4/21/10 – Ord. 10-016

Future Land Use	Minimum Trees Required
A/RRX, RSX, RLX, RMX	8 trees per developable acre
CCX, CEX, OCX	2 trees per developable acre
LCCX, NACX, INSTX	4 trees per developable acre
BPCX, INDX, HICX	6 trees per developable acre

8. Installation of street and security lighting shall be encouraged for new residential and commercial development by the establishment of Street Lighting districts and by including street lighting on a Level 2 Review site plan.

9. Parking space requirements for non-residential and commercial development may be reduced by up to 60% of the required parking spaces in Section 708, of the Land Development Code; however, the applicant shall provide a parking space reduction plan to demonstrate how the proposed development and site plan will promote a pedestrian-oriented community based on the following criteria:

Table 8: Parking Space Reduction Criteria	
Method for Reduced Parking	**Reduction Permitted**
Access from two or more roads with pedestrian access to the site	15%
Sidewalk in place within two miles of the development	15%
Distance from residential districts within 1/4 mile within 2 mile	15% 10%
Market area for development one mile two miles	15% 10%
Transit route and bus stop within 1/4 mile within 2 mile	15% 10%
Other methods to demonstrate reduction in parking will not adversely impact traffic circulation and encourage pedestrian transit	15% each

G. ***Environmental Areas of Concern***

1. Peace Creek Corridor

   a. Recreation amenity areas, trails, and other passive recreation activities are permitted adjacent to or within the Peace Creek Corridor.

   b. New development or redevelopment along the corridor shall include a 50 foot setback, as measured from the centerline of the Peace Creek and designated as a conservation easement or tract.

   c. Buildings and accessory structures, not related to recreation, shall be located outside the 50 foot setback from the centerline of the Peace Creek.

2. Wahneta Farms Drainage Canal

   a. Recreation amenity areas, trails, and other passive recreation activities are permitted adjacent to the Wahneta Farms Drainage Canal.

   b. New development or redevelopment along the corridor shall include a 50 foot setback, as measured from the centerline of the Wahneta Farms Drainage Canal, and designated as a conservation easement or tract.

   c. Buildings and accessory structures, not related to recreation, shall be located outside the 50 foot setback from the centerline of the Wahneta Farms Drainage Canal.

3. Lake Gwyn Area B Recreation amenities areas, trails, other passive recreation activities, and other restoration or natural resource preservation efforts are permitted adjacent to or within the Lake Gwyn area designated as Preservation (PRESVX).

4. Wildlife Refuge

a. A 25 foot wide Type C Buffer shall be required of all development abutting the Wildlife Refuge, located between Lake McCleod and Gerber Dairy Road and between District Line Road and Gerber Dairy Road along Cutrone Road. Individual single-family or existing development with Level 2 Review approval, prior to July 15, 2004, are exempt from this requirement.

b. Stormwater retention/detention areas shall be located along the Wildlife Refuge where feasible. If the stormwater retention/detention areas are not 25 feet in width, the remainder of the area shall include the plantings required by a Type C Buffer to provide a separation from the proposed development from the Wildlife Refuge.

c. No development shall occur within the Wildlife Refuge without the consent from the U.S. Department of Interior or acting agent.

H. ***Multi-Modal Transportation Issues***

1. New developments that are along existing and proposed bus routes, shall be required to designate a bus stop area that can accommodate a bus shelter; the bus stop location shall be reviewed by the bus service provider(s) in the area to determine if it meets the needs for the bus route(s). Prior to Level 2 Review approval, the applicant shall be required to provide a letter from the bus service provider indicating their acceptance of the location or that the stop is not necessary.

2. Transportation improvements shall be consistent with the County=s requirements in Chapter 8, the 2025 Transportation Plan, and the Wahneta Neighborhood Plan.

3. All access and subdivision of land shall comply with the following:

a. All access to collector and local roads shall be consistent with this Section and Chapter 8, of the Land Development Code;

b. Access to collector roads shall be consistent with Chapter 8, of the Land Development Code. Gerber Dairy Road shall be considered a collector road for the portion within the Wahneta NP and development accessing it shall meet the collector road requirements of Chapter 8, of the Land Development Code;

c. The required road frontage may be reduced if access is gained through a joint or shared access, a side road, or other internal road;

d. Where access is shared by more than one user, an easement shall be designated on the site plan at Level 2 Review and any required plat and be recorded as part of the deed. A completed access agreement shall be provided prior to any Level 2 Review approval;

e. Stub-outs and other design features, which make it visually apparent that the abutting properties may be tied in to provide cross-access, shall be constructed at the time of development;

f. If a site is developed prior to an abutting undeveloped property, it shall be designed to ensure that its parking, access, and circulation may be connected to a unified system at a later date; and

g. If a site abuts an existing developed property, it shall be so designed to connect to the abutting parking, access, and circulation unless the Planning Director and County Engineer determines this to be impractical.

4. Pedestrian Access B Sidewalks shall be required to be constructed for all development, consistent with Section 707, of the Land Development Code, and the following:

a. Within one mile of an Activity Center.

b. Within the Neighborhood Utility Service Area (NUSA).

c. Collector roads, arterial roads, and Gerber Dairy Road shall have sidewalks on both sides of the road.

d. Existing development may provide a striped, designated walkway on asphalt in lieu of a sidewalk on the property if the sidewalk interferes with the vehicular circulation and presents a hazard to pedestrians, as determined by the County Engineer, Planning Director, Transportation Planning Organization Manager, or their designees.

I. ***Neighborhood Utility Service Area (NUSA) B*** Development within the NUSA can develop with or without connecting to centralized sewer in accordance to Policy 2.134-E4 of the Comprehensive Plan and Table 1 and 2 within Section 403.01, Wahneta NP, of the Land Development Code.

J. ***Commercial Vehicle Parking Exemptions***

1. Residential Suburban (RSX) B Only one commercial vehicle and trailer, owned and operated by the resident of the home, is permitted on properties that are five acres or more without a special exception, provided all other requirements of Section 216, of the Land Development Code, are met.

2. All other commercial vehicle parking shall be consistent with Section 216, of the Land Development Code.

K. ***Definitions***

1. Quad - Residential units with four units per building and no greater than two stories high.

2. Triplex - Residential units with three units per building and no greater than two stories high.

3. Multi-family - Residential units with more than four units per building.

Chapter 5

GREEN SWAMP AREA
OF
CRITICAL STATE CONCERN

CHAPTER 5 GREEN SWAMP AREA OF CRITICAL STATE CONCERN

Section 501 Purpose and Intent

All development within the Polk County portion of the Area of Critical State Concern shall occur in accordance with the regulations stated within this Code in addition to all other laws and policies within Florida Statutes, and the Polk County Comprehensive Plan. Where there is a conflict in policy or standard, the more stringent shall apply.

A. ***Applicability***

The Green Swamp Area of Critical State Concern (ACSC) has been established in Florida Statutes and is again established as designated on the Polk County Land Use Map Series.

B. ***Vested Projects***

Existing developments and projects granted Vesting Certificates from Polk County and approved by the Department of Community Affairs (DCA) shall be vested from all requirements of this Chapter and the Green Swamp sections of the Polk County Comprehensive Plan. Those developments and certificates shall be listed in Table 5.1. In addition to these projects, all lots of record are exempt from the residential densities established for the Green Swamp ACSC.

1. Residential density exemptions relate to density only and all other requirements of the Comprehensive Plan and this Code apply. However, waivers may be granted if the application of the dimensional regulations of this Code would result in inability to develop a single-family residence. Any waiver shall be consistent with prior settlement agreements and be applied on a case-by-case basis only to the particular lot which could not otherwise be developed with a typical single-family residence, and then only to the minimum extent necessary to provide a reasonable beneficial use of the lot.

Table 5.1 Vested Projects

GREEN SWAMP AREA OF CRITICAL STATE CONCERN RESIDENTIAL DEVELOPMENTS - POLK COUNTY				
Name	Total Lots	Roads		Protection Area
		Paved	Dirt	
Existing Developments **(Developments with Final Development Order; Infrastructure approved and constructed)**				
Buckhorn Run	24	X		Rural

Table 5.1 Vested Projects

GREEN SWAMP AREA OF CRITICAL STATE CONCERN RESIDENTIAL DEVELOPMENTS - POLK COUNTY				
Name	Total Lots	Roads		Protection Area
		Paved	Dirt	
Cedar Knoll	44	X		Polk City
Citrus Hill	52	X		Polk City
Clearwater Lake Estates	161	X		Polk City
Costine Meadows	49		X	Rural
Country Estates	26	X		Polk City
Country Haven	49		X	Rural
Country Meadows	26	X		Rural
Existing Developments **(Developments with Final Development Order; Infrastructure approved and constructed)**				
Country Trails, Phases I-V	447	X		Polk City/Rural
Country Trails Addition	5			Rural
Country Woods	29		X	Rural
Country World Village	21		X	Rural
Countryside	26	X		Polk City
Deer Trails	30	X		Polk City
Deer Trails North	58	X		Polk City
Double Diamond	40		X	Rural
Evans Acres	48		X	Rural
Evergreen Trails	35		X	Rural
Flanders Station	18	X		Rural
Forest Glen	8		X	Polk City
Gibson Oaks	45		X	Rural

Table 5.1 Vested Projects

GREEN SWAMP AREA OF CRITICAL STATE CONCERN RESIDENTIAL DEVELOPMENTS - POLK COUNTY				
Name	Total Lots	Roads		Protection Area
		Paved	Dirt	
Greenwood Estates	66	X		Polk City
Halmac Heights	28	X		Polk City
Hunters Run, Phase I	81	X		Polk City
Kent Acres	25	X		Polk City
KO Estates	25		X	Rural
Lake Agnes Shores	26	X		Polk City
Lake Gum Estates	33		X	Rural
Lake Mattie	10	X		Rural
Lexington Green	58	X		Polk City
Manors of Nottingham	54	X		Polk City
Martin Estates, Phases I-III	121	X		Polk City
Mt. Olive Estates	96	X		Polk City
Mt. Olive Heights	150	X		Polk City
Mt. Olive Heights, Unit 2	100	X		Polk City
North Forty	38	X		Polk City
Nottingham	84	X		Polk City
Oakland Heights	51	2	2	Polk City
Pine Glen	110	2	2	Rural
Pine Haven	6	X		Rural
Plantation Ridge	55	X		Polk City
Plantation Ridge West	49		X	Rural
Ponderosa Ranchettes	43		X	Rural

Table 5.1 Vested Projects

GREEN SWAMP AREA OF CRITICAL STATE CONCERN RESIDENTIAL DEVELOPMENTS - POLK COUNTY				
Name	Total Lots	Roads		Protection Area
		Paved	Dirt	
Ranchland Acres	49		X	Rural
Ranchland Acres Addition	91		X	Rural
Ridge Meadows	40	2	2	Rural
Robson Acres	50		X	Rural
Robson Acres (Unrecorded)	73		X	Rural
Rockridge Acres	33		X	Rural
Rockridge Farmettes, All Phases	101		X	Rural
Rockridge Ranchettes	51		X	Rural
Sugarbush	13		X	Rural
Sunny Acres	9		X	Rural
Timberidge, Phases I-V	293	X		Polk City
Van Fleet Acres	9		X	Rural
Woods # 1-5	242	X		Rural
Woods Ranchettes	49	2	2	Rural
Woods Ranching & Farming Tr.	201		X	Rural
Wood View	31		X	Rural
TOTAL	3886			
Vesting Certificate from County/Approved by DCA by Settlement Agreement, Developers Agreement or Other Written Approval from DCA				
Bay Lakes Resorts RV Park*	368		X	Rural
Buck Hill*	55	X		Rural
Country Trails, Phases VI & VII	202	X		Rural
Deer Trails North, Phases II*	64	X		Polk City

Table 5.1 Vested Projects

GREEN SWAMP AREA OF CRITICAL STATE CONCERN RESIDENTIAL DEVELOPMENTS - POLK COUNTY				
Name	Total Lots	Roads		Protection Area
		Paved	Dirt	
Double Diamond, Phases I-III	17		X	Rural
Gator Creek Campground, Phases I-III	142		X	Rural
Glenridge, Phases I-III		X		Polk City
Hunters Ridge*	49	X		Polk City
Hunters Run, Phases II & III	125	X		Polk City
Lake Littleton Estates*	110	X		Polk City
Lake Margaret Shores*	597	X		Polk City
LeLynn RV Resort	366	X		Rural
Lucky World*	48		X	Core
Manors of Nottingham Addition & Yorkshire*	160	X		Polk City
Mt. Olive Shores, Phases I-V	332	X		Polk City
Nottingham Trails*	59	X		Polk City
Paradise Country Estates*	166		X	Rural
Polo Park West, Phases I-III	725	X		Ridge
Saddlewood Est., Phase I	116	X		Rural
Scandinavia USA, Unit III	136	X		Polk City
Scandinavia, Excl. I & II	833	X		Polk City
Scandinavia/Lake Finlandia	157	X		Polk City
Sherwood Estates	75	X		Polk City
Sonora Heights	25	X		Rural
T & J Estates*	5		X	Rural

Table 5.1 Vested Projects

GREEN SWAMP AREA OF CRITICAL STATE CONCERN RESIDENTIAL DEVELOPMENTS - POLK COUNTY				
Name	Total Lots	Roads		Protection Area
		Paved	Dirt	
Turkey Creek*	57	X		Rural
Westridge, Phases I & II*	170	X		Ridge
Westwood	224	X		Ridge
Yearling Trace*	74	X		Rural
TOTAL	5556			
* Indicates those developments under Settlement/Developer's Agreement with DCA in addition to having Vesting certificate with County. All others have been reviewed by DCA but not appealed. ** Came in after cutoff date for vesting certificates but has County and DCA approval.				
Vesting Certificate from County Not Reviewed by DCA				
Holly Cove MHP	188	X		Polk City
Plano Verde	41	X		Rural
Plano Verde North	12		X	Rural
Saddlewood Estates, Phases II-V	264	X		Rural
TOTAL	505			

C. *Green Swamp ACSC Impact Assessment Statement*

All development as defined in Section 380.04, F.S., with the exception of a single-family dwelling unit and accessory uses, shall submit a Green Swamp Impact Assessment Statement which addresses the following objectives:

1. Flood plain development requirements under Section 507D, where applicable.

2. Wetland development requirements under Section 507E, where applicable.

3. Minimize the adverse impacts of development on resources of the Floridian Aquifer, wetlands, and flood detention areas.

4. Protect or improve the normal quantity, quality and flow of ground water and surface water which are necessary for the protection of resources of state and regional concern.
5. Protect or improve the water available for the aquifer recharge.
6. Protect or improve the functions of the Green Swamp Potentiometric High of the Floridan Aquifer.
7. Protect or improve the normal supply of ground and surface water.
8. Prevent further salt water intrusion into the Floridan Aquifer.
9. Protect or improve existing ground and surface water quality.
10. Protect or improve the water retention capabilities of wetlands.
11. Protect or improve the biological filtering capabilities of wetlands.
12. Protect or improve the natural flow regime of drainage basins.
13. Protect or improve the design capacity of flood detention areas and the water management objectives of these areas through the maintenance of hydrologic characteristics of drainage basins.

D. ***Land Use Districts***

All land use districts located in the Green Swamp ACSC are designated with the suffix AX@ to denote additional standards may apply.

E. ***Use Table*** ***(Revised 09/02/09 – Ord. 09-056)***

The land uses in the Green Swamp ACSC are shown in Table 5.2. Land uses not shown are prohibited. Land uses in the Ridge Special Protection Area are identified within three different Selected Area Plans (SAP): the Ronald Reagan Parkway SAP (Table 4.3), the North US 27 SAP (Table 4.8), and the North Ridge SAP (Table 4.16). Please see Chapter 4 to view the respective SAP and associated Use Table.

F. ***Land Use District Densities and Dimensional Requirements***

The densities and dimensional requirements for all land use districts located in the Green Swamp ACSC are provided in Table 5.3.

G. ***Class III Utilities***

Class III utility facilities may be permitted within the Green Swamp ACSC only if the applicant demonstrates what alternative routes/sites outside of the Green Swamp ACSC were considered and why those routes/sites were not chosen.

H. ***National Pollution Discharge and Elimination System***

Development located within the Business Park Center AX@, Regional Activity Center AX@ or within the Tourist Commercial Center X shall comply the following:

1. With the exception of the general construction activities, facilities engaged in industrial activities, as defined in the Federal Environmental Protection Agency's (EPA) National Pollution Discharge and Elimination System (NPDES) for Stormwater Associated with Industrial Activity (Chapter 40, CFR Part 122) shall not be permitted. Not withstanding the uses indicated in Table 5.2, the following activities are prohibited:

    a. Petroleum pipelines;

    b. Wholesale chemical operations;

    c. Petroleum related industries and fuel dealers (with the exception of gas stations which may be permitted);

    d. Dry cleaning plants; and

    e. Chemical research operations.

2. General construction activities may be permitted. Prior to the County issuing a development permit, all such activities, regardless of threshold exemptions, shall provide evidence that the criteria within the following permit requirements have been met: EPA's NPDES, water management district stormwater criteria for preventing erosion and sediment from being discharged offsite (Rule 17-25.025(7)), as well as the Pollution Source Control on Construction Sites requirements specified in Stormwater BMP 2.04 of the Florida Development Manual (DEP, 1988, Chapter 6).

I. ***Golf Course Management Plan***

All golf courses developed in the Green Swamp ACSC shall prepare and submit, prior to development approval, a Golf Course Management Plan which contains:

1. An Integrated Pest Management Plan designed to prevent contamination of ground and surface waters from pesticides, herbicides, and fertilizers.

2. A water quality and quantity monitoring plan, with emphasis on impacts to groundwater, surface water and wetlands. The plan shall contain a list of the chemicals which will be applied; the name of the laboratory approved by the Florida Department of Environmental Protection which has a AQuality Approved Plan@ which will conduct and analyze the results, and a schedule of quarterly groundwater monitoring results.

3. Best Management Practices which as a minimum identify procedures to be followed for the construction, irrigation, operation and maintenance of the golf course.

4. Golf courses shall be equipped with computer operated irrigation systems using rain or soil moisture sensors to override the irrigation system in the event of significant rainfall.

5. Landscaping for golf courses shall be designed in accordance with xeriscape principles; and

6. Golf courses shall not be used to satisfy open space requirements.

J. ***Irrigation and Landscaping***

All required landscaping shall be in accordance with the following standards:

1. Where possible, the use of stormwater runoff to irrigate landscaped areas.

2. Use xeriscaping whenever practical.

3. Preservation of existing trees and natural vegetation whenever practicable.

4. Where re-use water systems are available, all new development shall connect prior to any certificate of occupancy.

5. Comply with all hour and day limitations based upon water management district requirements.

K. ***Special Protection Areas***

The Green Swamp ACSC is divided into three Special Protection Areas (SPA). These SPAs shall be designated and mapped on the Polk County Land Use Map Series. The three SPAs are: Ridge Area Special Protection Area (RIDGE-SPA), the Polk City/Urban Growth Special Protection Area (PC-SPA), and the Rural Special Protection Area (RURAL-SPA). Each SPA has area specific development standards that apply.

Section 502 Standards for Land Use Districts in the Green Swamp ACSC

A. ***Prohibited Uses*** ***(Revised 09/02/09 – Ord. 09-056)***

The use of land or structures not expressly listed in the Use Table 5.2 as provided in Section 501.E, as permitted or conditional are prohibited.

B. ***Other Regulations***

Uses listed as permitted may be established only after meeting all applicable regulations of Polk County and other governmental agencies.

C. ***Conditional Uses***

Uses listed as conditional may be established only after compliance with the specific conditions and procedures outlined in Chapter 3, Conditional Uses, and all applicable codes of Polk County and other governmental agencies.

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 Reviews, 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 prescribed 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 prescribed in Section 907, Level 4 Reviews.

D. ***Accessory and Temporary Uses***

Accessory and Temporary Uses are defined in Chapter 10 and regulated in Section 206 and 207 of this Code.

E. ***Infill and Compatibility***

All uses are subject to Infill and Compatibility requirements outlined in Sections 219 and 220.

F. ***Non-Phosphate Mining***

For the purposes of the Green Swamp Area of Critical State Concern, non-phosphate mining shall only mean sand and limerock mining.

G. ***Resulting Non-conformity***

Any proposed use that will render a legal use nonconforming shall require a Level 3 Review.

Table 5.2 Use Table for Green Swamp ACSC (For revision history, please see last row in table.)

	Polk City Special Protection Area														Rural Special Protection Area							
	CEX	LCCX[1]	L/RX	RL-1X	RL-2X	RL-3X	RSX	ROS X	INST-1X	INST 2-X	BPC-1 X	BPC-2 X	CCX	OCX	INST-1X	INST-2X	PRE SVX	L/RX	A/RRX	CORE	CEX	RSX
Residential Uses																						
Duplex/Two- Family Attached						C3	C3															C3
Family Farm/Family Homestead							C1												C1			C1
Fly-in Community																			C3			C3
Group Home, Small (6 or less residents)				C1	C1	C1	C1												C1			C1
Group Home, Large (7-14 residents)							C3		C1	C1					C1	C1			C3			C3
Group Living Facility (15 or more residents)				C3	C3	C3	C3		C2	C2					C2	C2						C3
Farm Worker Housing																			C3			
Mobile Home Park & Subdivision				C3	C3		C3															C4
Mobile Homes, Individual				C1	C1	C1	C1												C1	C1		C1
Multi-Family						C3																
Recreation Active			C2	C3	C3	C3	C3	C2	C2	C2					C3	C2		C2	C3			C3
Residential Infill Development				C2	C2	C2	C2															
Short -Term Rental Units			P	C3	C3	C3												P				
Single-Family Detached Home				P	P	P	P												P	P		P
Suburban Planned Development (SPD)							C3															C3
Mixed-Uses																						
Planned Development	C3	C3	C3	C3	C3	C3	C3	C3			C3	C3	C3	C3			C3	C3	C3	C3	C3	C3
Residentially Based Mixed				C3	C3	C3																

Table 5.2 Use Table for Green Swamp ACSC (For revision history, please see last row in table.)

	Polk City Special Protection Area														Rural Special Protection Area							
	CEX	LCCX[1]	L/RX	RL-1X	RL-2X	RL-3X	RSX	ROS X	INST-1X	INST 2-X	BPC-1 X	BPC-2 X	CCX	OCX	INST-1X	INST-2X	PRE SVX	L/RX	A/RRX	CORE	CEX	RSX
Development (RBMD)																						
All Other Uses																						
Adult Day Care Center (7 or more clients)				C3	C3	C3	C3		C2	C2					C2	C2						C3
Agricultural Support, On-site	P		P	P	P	P	P	P	P		P	P	P		P			P	P	P	P	P
Agricultural Support, Off-site		C2					C3												C3	C3		C3
Agriculture, Intensive							C3												C2			C3
Alcohol Package Sales	C1	C1	C1								C1	C1	C1					C1			C1	
Animal Grazing	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P		P	P	P	P	P
Bars, Lounges, and Taverns	C3	C3	C1								C1	C1						C1			C3	
Bed & Breakfast				C3	C3	C3	C3											C3	C3			C3
Breeding Facility, Wild or Exotic																			C4	C4		
Cemetery									C2	C2									C3			C3
Childcare Center	C2	C2		C3	C3	C3			P	P			P	C3					C3		C2	
Clinics & Medical Offices	C3	P							C2	C2			P	P							C3	
Communication Towers, Guyed & Lattice								C3	C2	C2	C3	C2			C2	C2			C2	C2		
Communication Towers, Monopole		C3	C3					C3	C2	C2	C2	C2			C2	C2	C3	C3	C2	C2		
Community Center	C2	C2	C2	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2		C2	C3		C2	C3
Convenience Stores, Isolated							C3												C3			C3
Correctional Facility										C4						C4			C4			
Cultural Facility	C2	C2	C2	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2		C2	C3		C2	C3
Emergency Shelter, Small (6 or less residents)				C1	C1	C1	C1												C1			C1

Table 5.2 Use Table for Green Swamp ACSC (For revision history, please see last row in table.)

	Polk City Special Protection Area														Rural Special Protection Area							
	CEX	LCCX[1]	L/RX	RL-1X	RL-2X	RL-3X	RSX	ROSX	INST-1X	INST 2-X	BPC-1X	BPC-2X	CCX	OCX	INST-1X	INST-2X	PRE SVX	L/RX	A/RRX	CORE	CEX	RSX
Emergency Shelter, Medium (7-14 residents)							C3		C1	C1					C1	C1			C3			C3
Emergency Shelter, Large (15 or more residents)				C3	C3	C3	C3		C2	C2					C2	C2						C3
Equipment Repair, Major												C2										
Farming, General	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P		P	P	P	P	P
Financial Institution	C2	C2									C2	C2	P	C2							C2	
Financial Institution, Drive-Thru	C2	C2									C2	C2	C2	C3							C2	
Forestry Specialized Operations																			C2	C2		
Funeral Home & Related	C3	C2											P								C3	
Gas Stations	C2	C2									C2	C2	C2								C2	
Golf Course			C1	C1	C1	C1	C1	C1										C1				
Governmental Facilities	P	P	C3	C3	C3	C3	C3	C3	P	P	P	P	P	C3	C3	C3		C3	C3	C3	P	C3
Heliports									C2	C2	C2	C2			C3	C3			C2			
Helistops	C3	C2	C3	C3	C3	C3	C3	C3	C2	C2	C2	C2	C2	C3	C3	C3		C3	C2		C3	C3
Hospitals									C3	C2				C3								
Hotels and Motels	C3										C2	C2									C3	
Kennels, Boarding	C3	C3																	C3		C3	
Kennels, Breeding							C3												C3			C3
Lime Stabilization Facility	C3								C3	C3	C3	C3			C3	C3			C3			C3
Livestock Sale/Auction																			C3			
Lodges and Retreats, Private			P						P	P								P	C3			
Manufacturing, Light											C2	P										
Marina & Related Facilities	C1	C1	C1										C1					C1	C3		C1	

Table 5.2 Use Table for Green Swamp ACSC (For revision history, please see last row in table.)

	Polk City Special Protection Area														Rural Special Protection Area							
	CEX	LCCX[1]	L/RX	RL-1X	RL-2X	RL-3X	RSX	ROSX	INST-1X	INST 2-X	BPC-1X	BPC-2X	CCX	OCX	INST-1X	INST-2X	PRE SVX	L/RX	A/RRX	CORE	CEX	RSX
Mining, Non-phosphate	C3		C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3				C3	C3	C3	C3	C3
Motor Freight Operations	C3											P									C3	
Nightclubs and Dance Halls		C3	C3								C1	C1						C3			C3	
Nurseries, Retail	C2	P											P								C2	
Nurseries & Greenhouses	C2	P					C3						P						P		C2	C3
Nursing Homes	C2	C2							C2	C2					C2	C2					C2	
Offices	C2	P							C2	C2	P	P	P	P							C2	
Personal Service	C1	C2									P	P	P	C2							C1	
Printing & Publishing		P									C2	C2		C3								
Recreation, High Intensity			C3	C3	C3	C3	C3	C2	C2	C2								C3				
Recreation Passive	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1
Recreation, Low Intensity	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2					C3	C3	C3	C2	C3	C3		C2
Recreation & Amusement, General	C3	C2	P										P	C3				P			C3	
Recreation & Amusement – Intensive									C3	C3												
Recreational Vehicle Park			C2															C2				
Religious Institutions	C2	C2	C2	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2		C2	C3		C2	C3
Institutional Campgrounds			P				C3	C3										P	C3	C3		C3
Research & Development									C2	C2	P	P		C2	C2	C2						
Residential Treatment facility									C4	C4									C4			
Restaurant, Drive-through	C2	C2									C2	C2	C2								C2	
Restaurant, Sit-down & Take-out	C2	C2	C2								C2	C2	C2					C2			C2	

Table 5.2 Use Table for Green Swamp ACSC (For revision history, please see last row in table.)

	Polk City Special Protection Area														Rural Special Protection Area							
	CEX	LCCX[1]	L/RX	RL-1X	RL-2X	RL-3X	RSX	ROSX	INST-1X	INST 2-X	BPC-1X	BPC-2X	CCX	OCX	INST-1X	INST-2X	PRE SVX	L/RX	A/RRX	CORE	CEX	RSX
Retail, Less than 5,000 square feet	P	P	C2								C2	C2	P	C3				C2			P	
Retail, 5,000 - 49,999 square feet	C2	C2											C3									
Retail, Outdoor Sales/Display	C3	C2										P									C3	
Riding Academies							C1	C1										C1	C1			C1
School, Leisure/Special Interest	C2	C2	C3					P	P	P	C2	C2	C2	C3				C3			C2	
School, Technical/Vocational/Trade/ Training	C3	C3	C2						C3	P	C2	C2	C3	C2				C2			C3	
Self-storage facility	C2	C2									C2	C2									C2	
Solar Electric-Power Generation Facility							C3		C2	C2	C2	C2			C2	C2			C3			C3
Stable/Riding Academy			P					P														
Studio, Artisan	P	P										P	P						C3		P	
Studio, Production	P	P							P	P	P	P		P	P	P					P	
Transit, Commercial	C3	C3									C3	P										
Transit Facility	P	P							P	P	P	P			P	P					P	
Utilities, Class I	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C2	P	P	P	P	P
Utilities, Class II	C1	P	C1	C1	C1	C1	C1	C1	P	P	C1	C1	C1	C1	P	P	C2	C1	C1	C1	C2	C1
Utilities, Class III	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3		C3	C3	C3	C3	C3
Vehicle Repair, Auto body	C3	C3										P									C3	
Vehicle Service, Mechanical	C3	C2										P	P								C3	
Vehicle, Sales and Leasing	C2	C2																			C2	
Veterinary Services	C1	P											C1						C3		C1	

Table 5.2 Use Table for Green Swamp ACSC (For revision history, please see last row in table.)

	Polk City Special Protection Area														Rural Special Protection Area							
	CEX	LCCX [1]	L/RX	RL-1X	RL-2X	RL-3X	RSX	ROS X	INST-1X	INST 2-X	BPC-1 X	BPC-2 X	CCX	OCX	INST-1X	INST-2X	PRE SVX	L/RX	A/RRX	CORE	CEX	RSX
Warehousing/Distribution											P	P										

Rev. 4/19/16 – Ord. 16-023; 11/4/14 – Ord. 14-066; 12/6/11 – Ord. 11-033; 12/06/11 – Ord. 11-032; 8/19/10 – Ord. 10-058; 2/3/10 – Ord. 10-007; 11/23/09 – Ord. 09-066; 12/01/09 – Ord. 09-073; 07/22/09 – Ord. 09-047; 02/16/05 - Ord. 05-05; Rev. 01/03/05 - Ord. 04-80; Rev. 12/08/03 - Ord. 03-67; Rev. 03/19/03 - Ord. 03-23; Rev. 10/23/02 - Ord. 02-68; Rev. 5/15/02 - Ord. 02-22; Rev. 2/11/02 - Ord. 02-04 - Ord. 02-06; Rev. 12/28/01 - Ord. 01-92; Rev. 7/25/01 - Ord. 01-57)

Footnotes for Table 5.2

1. Comprehensive Plan Amendments to change a parcel's Future Land Use District to Linear Commercial Corridor within the Polk City Special Protection Area are prohibited by Policy 2.132-C3 of the Polk County Comprehensive Plan. Only parcels with the existing LCCX Future Land Use District are allowed within the Polk City Special Protection Area.

Table 5.3. Density and Dimensional Regulations for Green Swamp Area of Critical State Concern
(Rev. 2/11/02 - Ord. 02-06)

	CORE	A/RRX uplands	A/RRX wetlands	RSX	RLX-1	RLX-2	RLX-3	RLX-4
Maximum Residential Gross Density [1, 2]	1 du/20 ac	1 du/10 ac	1 du/20 ac	1 du/5 ac	8 du/ac	8 du/ac	8 du/ac	8du/ac
Minimum Residential Gross Density [1, 2]	none	none	none	none	none	none	none	none
Minimum Residential Lot Area [3]	20 ac	10 ac	20 ac	5 ac	40,000 sf	15,000 sf	10,000 sf	6,000 sf
Maximum Non-residential Impervious Surface Ratio (ISR) [4]	0.50	0.50	0.50	0.60	0.65	0.65	0.70	0.70
Maximum Non-residential Floor Area Ratio (FAR) [5]	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25

Table 5.3. Density and Dimensional Regulations for Green Swamp Area of Critical State Concern
(Rev. 09/02/09 – Ord. 09-056; 2/11/02 - Ord. 02-06)

	RMX	RHX	TCCX	LCCX	RACX	CEX	CCX	OC
Maximum Residential Gross Density [1, 2]	15 du/ac	20 du/ac [14, 15]	none	none	25 du/ac	none	NA	N/A
Minimum Residential Gross Density [1, 2]	none	none	none	none	15 du/ac	none	none	N/A
Minimum Residential Lot Area [3]	6,000 sf	5,000 sf	none	none	none	none	none	none
Maximum Non-residential Impervious Surface Ratio (ISR) [4] **UGA/UDA** **SDA** **RDA**	0.70	0.60	0.70 0.60 0.50	0.70 0.60 0.50	0.70	0.70 0.60 0.50	0.70 0.60	0.700. 60

Table 5.3. Density and Dimensional Regulations for Green Swamp Area of Critical State Concern (For revision history, see last row in table below footnotes.)

	TCX	L/RX	BPCX-1	BPCX-2	INSTX	ROSX	PRESVX
Maximum Residential Gross Density [1, 2]	10 du/ac	10 du/ac	none	none	none	none	none

Table 5.3. Density and Dimensional Regulations for Green Swamp Area of Critical State Concern (For revision history, see last row in table below footnotes.)

Max Non-residential Impervious Surface Ratio (ISR) **SDA** **RDA**	0.70 0.60	0.70 0.60 0.50	0.70 0.60 0.55	0.70 0.60 0.55	0.70 0.60 0.50	0.20 0.15 1.10	0.01
Minimum Residential Gross Density [1, 2]	5.01du/ac	none	none	none	none	none	none
Minimum Residential Lot Area [3]	4,000 sf	none	none	none	none	none	none

Footnotes for Table 5.3

1. Residential density is the average number of dwelling units per acre of land. Gross density is calculated by dividing the total number of dwelling units on a site by the gross site area, exclusive of existing water bodies (Note: The term "water bodies" does not include man-made wet retention/detention areas, lakes, or ponds that are to be created as part of a proposed development). The area for computing gross density shall include all public and institutional land areas (e.g. internal streets, sewer plants, schools, or parks) located within a site, as well as one half of the right-of-way area for perimeter local streets, and one fourth of the right-of-way area for perimeter local street intersections (measured from the right-of-way when the right-of-way meets County standards. If the right-of-way does not meet County standards, then the area shall be measured from the centerline of the roadway).

2. Higher or lower densities may be achieved through a Planned Development. See Chapter 3.

3. Lot areas are given on a per unit basis for single-family and duplex units. Smaller lot areas may be achieved through a Planned Development. See Section 503.

4. The Impervious Surface Ratio (ISR) is the relationship between the total amount of impervious surface which is present on a site and the total site area. Impervious surfaces are those which do not absorb water. They include buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt. The ISR is calculated by dividing the total area of all impervious surfaces on a site by the gross site area, excluding existing water bodies (Note: The term "water bodies" does not include man-made wet retention/detention areas, lakes, or ponds that are to be created as part of a proposed development).

5. The floor area ratio (FAR) is the relationship between the total floor area on a site and the total site area. The FAR is calculated by adding together all floor areas of all floors and dividing this total by the gross site area, exclusive of existing water bodies (Note: The term "water bodies" does not include man-made wet retention/detention areas, lakes, or ponds that are to be created as part of a proposed development).

6. Front, exterior side, and exterior rear setbacks for principal and accessory structures shall be determined by the distance from the road right-of-way (R/W) or road centerline (C/L), whichever results in the greatest distance from the property line. Setbacks from private roads shall be calculated in the same manner or from the edge of pavement, whichever is greater. All linear dimensions are given in feet.

7. All development is subject to Section 507C - Setbacks from lakes and surface waters.

8. All development is subject to Section 220 - Compatibility.

9. All development is subject to Section 219 - Infill Requirements.

10. Chimneys, smoke stacks, communication towers, and Religious Institution symbols, including but not limited to: minarets, prayer towers, steeples, crosses, menorahs, Star of David, and bell towers are exempt from the structure height limitations.

11. All structures are subject to compliance with the Polk County Joint Airport Regulations.

12. There are no minimum setback requirements from railroad rights-of-way in the BPCX districts. Structures in all other categories shall use the applicable setback.

13. All structures shall comply with Section 214 - Distance between Buildings.

14. The maximum density for RHX shall be 20 dwelling units per acre unless the RHX is adjacent to a RACX or TCX, in which case the minimum density shall be 15 dwelling units per acre with a maximum density of 25 units per acre.

Table 5.3. Density and Dimensional Regulations for Green Swamp Area of Critical State Concern (For revision history, see last row in table below footnotes.)

15. Location of residential units above non-residential uses in the RHX shall be encouraged by not considering such units, up to a maximum of 150 units, against the maximum residential percentages and densities.
Revised 09 – Ord. 09-056; 05/06/09 - Ord. 09-020; 01/03/05 - Ord. 04-80; 12/02/04 - Ord. 04-80; 1/30/03 - Ord. 03-15; 7/29/02 - Ord. 02-52; 2/11/02 - Ord. 02-06)

Section 503 Planned Development in the Green Swamp ACSC

A. ***Planned Development*** ***(Rev. 4/4/02 - Ord. 02-18; Rev. 2/11/02 - Ord. 02-06)***

All planned development within the Green Swamp ACSC shall meet the following standards:

1. Use of innovative design techniques and additional open space.

2. Conservation of natural resources.

3. Utilization of land economically and efficiently.

4. Efficient use of existing and programmed public services and facilities.

5. Creation of attractive and functional development that is compatible with surrounding uses and utilizes wetlands and flood plain areas as the required open space.

6. All planned development within the Ridge SPA and US 27 SAP shall be using the density bonus point schedule in Chapter 4, Section 401 to achieve higher or lower densities and intensities.

7. All planned development within the Ridge SPA and the North Ridge SAP shall be using the density bonus point schedule in Chapter 4, Section 401 to achieve higher or lower densities and intensities.

B. ***Density Bonuses*** ***(Rev. 2/11/02 Ord. 02-06)***

All planned development within the Ridge SPA and US 27 SAP shall be using the density bonus point schedule in Chapter 4, Section 401 to achieve higher or lower densities and intensities.

All planned development within the Ridge SPA and the North Ridge SAP shall be using the density bonus point schedule in Chapter 4, Section 401 to achieve higher or lower densities and intensities.

Chapter 4 provides the residential density bonuses available for residential and mixed-use Planned Development[1]projects located in the N US 27 SAP and North Ridge SAP of the Green Swamp ACSC. These densities indicate the maximum density 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.

C. ***Performance Standards for Residential PD's Located in the Green Swamp ACSC***

Applicable performance standards for Residential Planned Developments are set forth in Section 303.

D. ***Performance Standards for Mixed-Use Planned Developments Located in the Green Swamp ACSC*** ***(Revised 08/18/10 – Ord. 10-059; 09/02/09 – Ord. 09-056)***

Applicable performance standards for Planned Developments are set forth in 303. Additionally, the following standards apply:

1. If the non-residential uses are intended to serve other customers than contained in the residential portion of the development, the applicant must demonstrate that the proposed non-residential uses meets a spacing of one mile from any other non-residential activity center.

2. Non-residential uses in the RL-1X, RL-2X, RL-3X RL-4X and RMX land use districts shall be limited to the uses and dimensions listed:

    a. Personal Services.

    b. General retail such as bakeries, hardware stores and convenience stores, excluding gasoline services.

    c. Offices and financial institutions, excluding drive-through windows.

    d. Government and civic uses.

    e. The maximum non-residential structures shall not exceed 19,999 square feet when developed as a residentially based mixed-use development as provided in Section 303.

[1]In residential mixed-use developments commercial uses are permitted up to a total of 19,999 square feet.

3. Development of RHX parcels shall be subject to the following restrictions:

a. Commercial development shall be prohibited unless permitted in conjunction with a Residentially-Based, Mixed-Use Development or a Residentially-Based Mixed-Use Structure. If a Residentially-Based, Mixed-Use Development or Residentially-Based, Mixed Use Structure is approved, then commercial restrictions shall be as set forth in the Ridge-SPA and the North US 27 SAP.

b. Consistent with the objectives and goal of making shorter the average daily trip lengths, and the goal of providing affordable housing in close proximity to places of employment and major transportation corridors, residential development within the RH parcel shall be allowed a maximum of 20 du/ac, providing the development meets the terms and conditions of the CARMP and Comprehensive Plan.

E. ***Procedures for Planned Development Located within the Green Swamp ACSC***

Procedures for Planned Developments are set forth in Section 303.

F. ***Minor Modifications to Planned Development Located in the Green Swamp ACSC***

Procedures for Planned Developments are set forth in Section 303. In addition to the requirements of Section 303, all non-phosphate mine plan amendments shall be reviewed pursuant to Section 303U-10.

Section 504 Ridge Special Protection Area (Ridge-SPA)

A. ***Connection to Public Facilities***

All development within the Ridge-SPA shall be connected to central water and sewer.

B. ***Residential Densities*** ***(Rev. 09/02/09 – Ord. 09-056; 4/4/02 - Ord. 02-17; Rev. 2/11/02 Ord. 02-06)***

Residential densities shall be in compliance with the following:

1. Residential development shall not exceed a gross density of four dwelling units per acre in the RL-1X, RL-2X, RL-3X, RL-4X land use districts, unless developed in compliance with Section 401.

2. Residential development shall not exceed a gross density of six dwelling units per acre in the RM land use district, unless developed in compliance with Section 401.

3. Residential development shall not exceed a gross density of 20 dwelling units per acre in the RHX land use district, unless specified otherwise in Table 5.3

C. ***Open Space*** ***(Rev. 2/11/02 Ord. 02-06)***

Development in the RIDGE-SPA shall comply with Section 750 and the following open space and impervious surface ratio (ISR) standards, whichever are more restrictive:

1. All residential development up to or equal to four dwelling units per acre must provide a minimum open space set aside of no less than 30 percent of total land area. Residential development greater than four dwelling units per acre must provide a minimum open space set aside of no less than 40 percent of total land area.

2. Single-family detached lots shall not exceed an impervious surface ratio of 50 percent unless 50 percent is accounted for in a planned development.

3. Non-residential development within Planned Development projects shall not exceed an impervious surface ratio of 60 percent.

4. Development within the TCX, BPCX, TCCX, RACX, CACX, INDX, NACX, PIX, L/RX, and INSTX land use districts shall not exceed an impervious surface ratio of 70 percent.

5. Open space may be used for passive and active recreation areas, environmental preservation, and drainage areas (if approved by the County as usable recreation areas).

6. The following shall not be considered as open space:

    a. Roads and road rights-of-way.

    b. Natural water bodies.

    c. Impervious parking areas.

    d. Fenced storm water management facilities.

7. Open space areas can be designated on the subdivision plat. In such cases, the applicant shall be required to indicate the entity or entities responsible for the perpetual maintenance of the open space areas. The open space areas shall be protected by covenants, running with the land, conveyances, or dedications.

8. Where an applicant proposes to phase a Planned Development, a phasing plan for open space shall be provided.

9. 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.

10. Where a phased development is proposed, a phasing schedule for open space shall be provided consistent with the amount of land to be developed in each phase.

D. ***Future development standards may apply in Chapter 4 for the specific selected area plans.*** ***(Rev. 2/11/02 - Ord. 02-06)***

Section 505 Polk City/Urban Growth Special Protection Area (PC-SPA)

A. ***Connection to Public Facilities***

All development within the Polk City SPA meeting the definition of availability as provided in Section 702 shall be connected to central water and sewer.

B. ***Use of On-Site Sewerage Treatment and Disposal Systems (OSTDS) (Septic Tanks)***

The use of septic tanks shall only be permitted within the SDA. If septic tanks are used, the maximum net density shall be one dwelling unit per 40,000 square feet.

C. ***Residential Densities***

Residential development shall comply with the densities provided in Table 5.3.

D. ***Bonus Densities***

Residential development shall not exceed a gross density of one dwelling unit per five acres in the RS land use districts, unless developed in compliance with Section 502. Densities may be increased up to three units per acre subject to the bonus points in Table 3.3 and following the density schedule in Table 5.6.

Table 5.6 Density Bonus Awards for Polk City SPA

Points	Density Permitted du/ac	Points	Density Permitted du/ac
5	0.4	13	2
7	1	14	2.2
8	1.2	15	2.4
9	1.4	16	2.5
10	1.5	17	2.7
11	1.6	18	2.8
12	1.8	20	3

E. ***Open Space***

Residential development shall provide an open space set aside of at least 30 percent of the total land area of the development or as provided in Section 750, whichever results in the greater amount. The open space shall be located in a large common area or areas and in buffers and shall not be located within individual platted lots.

F. ***Impervious Surface Ratio (ISR) Standards***

Development shall comply with the following Impervious Surface Ratio (ISR) standards:

1. Detached single-family lots shall not exceed an impervious surface ratio of 50 percent.

2. Non-residential development shall not exceed an impervious surface ratio of 60 percent.

3. Development within the BPCX districts shall not exceed an impervious surface ratio of 70 percent.

Section 506 Rural Special Protection Area (RURAL-SPA) (Rev. 12/08/04 - Ord. 03-68)

A. ***Connection to Public Facilities***

All development within the Rural-SPA, except in the CORE, meeting the definition of availability as provided in Section 702 shall be connected to central water and sewer.

B. ***Use of On-Site Sewerage Treatment and Disposal Systems (OSTDS) (Septic Tanks)***

Where septic tanks are used, the maximum net density shall be one dwelling unit per 40,000 square feet.

C. ***Residential Densities***

Residential development shall not exceed a gross density of one dwelling unit per ten acres.

D. ***Conservation Area***

All development located within the A/RR land use district of the Rural-SPA shall provide a conservation area set aside of at least 80 percent of the total land area of the development. This requirement shall be accomplished in accordance with the following.

1. The conservation (open space) shall be located in a large common area or areas and in buffers and shall not be located within individual platted lots,

2. For this requirement, non-phosphate mining is not deemed to be development,

3. Any subdivision of land requiring a plat shall indicate on the plat document that portion of the land which is to be conserved; and,

4. Any Plat shall clearly state that no clearing and no structures of any kind, except for family agriculture purposes, are to be placed within the conservation area.

E. ***Modified Districts***

Rural Mixed-Use Developments and Rural Residential Developments are prohibited.

F. ***Conservation Core (Core) Land Use District***

1. ***Connection to Public Facilities***

Extension of central sewer in the CORE is prohibited.

2. ***Use of On-Site Sewerage Treatment and Disposal Systems (OSTDS) (Septic Tanks)***

Where septic tanks are used, the maximum net density shall be one dwelling unit per 40,000 square feet.

3. ***Residential Densities***

Residential development shall not exceed one dwelling unit per 20 acres.

4. ***Conservation Area***

All development shall provide a conservation area set aside of at least 90 percent of the total land area. For this requirement, non-phosphate mining is not deemed to be development.

5. ***Modified Districts***

Rural Mixed-Use Developments and Rural Residential Developments are prohibited.

6. ***Overlay Districts***

In addition to the other overlay districts a Sand Mining Overlay shall be designated and located on the Future Land Use maps of Polk County, based upon the Official Settlement Agreement between the Department of Community Affairs (DCA) and Jahna Industries.

a. Once granted and maintained by Jahna Industries, ALife-of-the-Mine Permit@ or equivalent permit from the Department of Environmental Regulation, shall trigger an amendment to the FLUM indicating the new overlay district.

b. The overly district shall allow sand mining and ancillary uses as per the Official Settlement Agreement between DCA and Jahna Industries.

c. Nothing in these regulations regarding this overlay district shall be construed to allow, other than sand mining and ancillary uses, or expand the right to development within this district, nor weaken the controls and conditions of the Official Settlement Agreement or the Polk County Comprehensive Plan.

G. ***Additional Density and Dimensional Regulations***

In addition to the densities and dimensions found in Table 5.3, development within the Rural-SPA shall conform to the regulations listed:

1. The following residential densities shall apply within the A/RRX:

a. Uplands: one dwelling unit per ten acres (1 DU/10 AC).

b. Wetlands: one dwelling unit per twenty acres (1 DU/20 AC).

2. Wetland density shall be transferred to the uplands and shall not be platted into individual lots. Wetland shall be placed in an open space easement in perpetuity and dedicated to a homeowners association or other not for profit entity. Wetlands shall remain in their native unaltered state.

H. ***Golf Courses***

Golf courses are expressly prohibited in the Conservation-Core.

I. ***Lots of Record***

Lots created prior March 3, 1993, that are less than five acres in size and have direct access onto a County approved road shall be permitted to construct one single-family detached home.

Section 507 Resource Protection

A. ***Green Swamp ACSC Resource Protection Regulations***

This Section provides additional requirements in order to regulate development intensity within the Green Swamp ACSC where environmentally sensitive lands may be subject to adverse impacts of development, or where a specific natural or man-made feature or structure. These regulations are in addition to those in Chapter 6. Where there is a conflict, the most stringent shall apply.

B. ***Stormwater Management***

In order to maintain surface water quality and quantity and reduce nutrient loading within the Green Swamp ACSC, the following provisions apply:

1. Post development peak rate of discharge shall not exceed the pre-development peak rate of discharge for the 25 year/24 hour storm event.

2. A stormwater management system may not cause a net reduction in flood storage within the 100 year flood plain.

3. Systems shall be designed to retain and infiltrate the total run-off generated by a 25 year frequency, 24 hour duration storm event. This volume shall be recovered within 14 days.

4. Stormwater management facilities shall be designed to accommodate maintenance equipment access and shall facilitate regular operational maintenance such as under drain replacement, unclogging filters, sediment removal, mowing and vegetation control. Prior to platting, the applicant shall ensure that a designated responsible entity, approved by the County for the maintenance of the stormwater management system has been established and is listed on the plat.

5. Monitoring and operational maintenance requirements include:

    a. Inspection reports will be submitted one year after construction and every year thereafter to the relevant water management district.

b. A registered professional engineer must sign and seal the report certifying the stormwater management system is operational as designed.

c. The County shall require that the following activities shall occur on a regular basis:

i. Removal of trash and debris;

ii. Inspection of inlets and outlets;

iii. Removal of accumulated sediments and decaying organic matter from pond bottom and sediment sumps;

iv. Stabilization and restoration of eroded areas;

v. Mowing and removal of grass clipping; and

vi. Aeration, tilling, or replacement of topsoil as needed to restore percolation capacity. If the topsoil is tilled or replaced, vegetation must be established on the disturbed surface.

d. These provisions are enforceable by the Codes Enforcement Division and Code Enforcement Board.

6. Pollution abatement requirements shall be the first one inch (or 2.5 inches times the impervious area) of runoff for the developed site, or as per the regulations of Southwest Florida Water Management District (SWFWMD) or St. Johns River Water Management District (SJRWMD), with this volume being recovered within 72 hours.

7. Runoff shall be discharged from impervious surfaces through retention areas, detention devices, filtering and cleansing devices, or selected Florida Department of Environmental Protection (DEP) Best Management Practices (BMP) for projects which include substantial paved areas. Removal of oil, grease, and sediment from stormwater discharges shall be provided for all projects which include substantial impervious areas.

8. Prior to issuing a construction permit, all required federal, state, and water management district stormwater permits shall have been obtained.

9. Infiltration Standard: Projects or portions of projects in Most Effective Recharge Areas must retain three inches of runoff from directly connected impervious areas within the project. Applicants may instead demonstrate that the post development recharge will be equal to or greater than the pre-development recharge. Most Effective Recharge Areas are those areas with soils classified by the Natural

Resources Conservation Service as Type "A" Hydrologic Soil Group. Directly connected impervious areas are those impervious areas which are connected to the surface water management system by a drainage improvement such as a ditch, storm sewer, paved channel, or other man-made conveyance. Stormwater that is retained must be infiltrated into the soil or evaporated such that the storage volume is recovered within 14 days following a storm event.

C. ***Surface Water Protection***

In order to maintain surface water within the Green Swamp ACSC quality and reduce nutrient loading in lakes and watercourses, this Section restricts the amount of clearing or removal of shoreline vegetation, requires that new structures be set back a reasonable distance from surface waters, cypress domes, swamps, sloughs and watercourses and requires additional stormwater treatment. See Section 610 for a list of provisions that apply concerning surface water protection.

D. ***Flood Hazard Management and Flood Plain Protection***

This Subsection applies to all areas of special flood hazard and all lands lying within 100 feet from the top of the bank of a water course. Development within a "Flood Plain Protection Area," as defined in Chapter 10, shall conform to the following development criteria:

1. All development shall locate on the non-flood plain portions of a development site and density may be transferred from undeveloped flood plain areas to contiguous non-flood plain areas, under the same ownership, within the same platted subdivision, provided:

    a. Residential densities shall be transferred from the 100 year flood plain to the area outside the 100 year flood plain based on a density of one dwelling unit per ten acres (1 du/10 ac); and

    b. Such transfer does not result in lot sizes, or areas per dwelling unit, less than 65 percent of the minimum lot area specified in Table 5.3 (the minimum lot/area size shall be exclusive of the flood plain area) with lots in the SDA and RDA no less than 40,000 square feet.

2. If, within a parcel, there is no land located outside the 100 year flood plain, then the highest density allowed would be one dwelling unit per 20 acres (1 du/20 ac).

3. No parcel shall be created after December 1, 1993, which consists entirely of 100 year flood plain, unless accompanied by a deed restriction which prohibits any future development on the parcel.

4. A detailed flood study shall be performed for all subdivision proposals and other proposed development which have five acres or more in the 100 year flood plain.

The construction of a single-family residence on a parcel of land containing five or more acres which is not part of a subdivision or which is part of a subdivision in existence on the effective date of this plan is exempt from this requirement. Phases of a larger development, if the larger developments meet the five acre criterion, are not exempt from this requirement. If existing subdivisions are proposed for re-platting, the re-platted portion shall be required to comply with this requirement if the re-platted portion meets the five acre criterion. The study shall be performed in accordance with the Flood Insurance Study Guidelines and Specifications for Flood Contractors (FEMA Publication 37).

E. ***Wetland Protection***

No disturbance of wetlands within the Green Swamp ACSC is allowed unless authorized or exempted from the regulation by the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, and the applicable water management district. Evidence of the appropriate permit or exemption shall be required prior to the issuance of a development permit.

1. Development in wetlands is prohibited with the following exceptions:

   a. No parcel shall be created after December 1, 1992, which consists entirely of wetlands, unless accompanied by a deed restriction which prohibits any future development on the parcel.

   b. Where impacts to wetlands cannot be avoided, impacts shall be minimized and shall be mitigated by wetland compensation or wetland enhancement. Where impacts to wetlands are unavoidable and when properly mitigated, as determined by agencies having jurisdiction, after the issuance of a development order, the following shall be permitted:

      i. Access to the site;

      ii. Internal traffic circulation, where other alternatives do not exist, and for purposes of public safety;

      iii. Utility transmission and collection lines;

      iv. Pre-treated storm water management;

      v. Mining that meets state and federal regulations; or

      vi. For the purpose of preventing all beneficial use of the property.

2. If a site use is such that all beneficial use of the property would be precluded due to wetland restrictions, the parcel shall be allowed to develop with one dwelling unit.

3. Commercial and industrial development shall locate on the non-wetland portion of the development site.

4. Where impacts to wetlands cannot be avoided, all permits for an agency with jurisdiction shall be approved prior to the County issuing a final Development Order. An "intent to issue a final Development Order" may be issued in writing prior to the issuance of said order if pre-approval is required by an agency with jurisdiction.

5. Development regulations shall permit residential densities to be transferred from wetland areas to contiguous non-wetland areas within the same development subject to the following:

   a. Residential densities shall be transferred from wetland areas to non-wetland areas at a density of one dwelling unit per 20 acres. Wetlands shall be shown as preservation areas on the plat and it shall be noted that the wetlands shall be retained in their natural and unaltered state.

   b. All such transfers of density shall:

      i. Be contiguous property under the same ownership or control;

      ii. Only be permitted within a subdivision platted and developed in accordance this Code;

      iii. The minimum lot size in the SDA and RDA shall be 40,000 square feet (the minimum lot/area size shall be exclusive of the wetland area); and

      iv. Be noted on the face of the final plat as a restrictive covenant enforceable by the Polk County.

6. Wetlands shall be shown as preservation areas on any plat and shall be maintained in their natural and unaltered state. However, controlled burns, selective thinning, and ecosystem restoration and maintenance are permissible activities within the wetlands, provided they are performed in accordance with current Silviculture Best Management Practices published by the Division of Forestry. Any isolated wetlands of less than one acre shall be exempt from these requirements.

7. No development may occur within 50 feet of the upland extent of a wetland.

8. Mining activities shall not be closer than 50 feet to the furthest extent of the wetland.

9. Surface Water Protection Zones shall extend from the Ordinary High Water Line (OHWL) of all lakes, cypress domes swamps, sloughs, and watercourses landward 200 feet.

F. ***Aquifer Protection***

The Green Swamp ACSC contains the Potentiometric High of the Floridan Aquifer and many out croppings of the Aquifer which require protection. The following criteria are required.

1. All development within the Green Swamp ACSC must protect and not negatively alter the recharge quality or quantity to the aquifer. A registered professional geologist or hydrologist must certify that there are no likely significant negative changes to water recharge quality or quantity based upon the implementation of the approved development plans.

2. Discharge to sinkholes, wetlands, lakes, rivers, and streams is prohibited.

3. No incompatible uses shall be allowed in areas that are highly susceptible to pollution.

G. ***Habitat Protection*** ***(Revised 5/20/09 – Ord. 09-023)***

The following standards shall be met to protect endangered and threatened animal and plant species and preserve wildlife habitat. All applications for development approval, except those for an individual single-family dwelling and subdivisions under ten lots, shall submit a report documenting whether the site contains significant wildlife habitat. The report shall indicate that the official habitat maps and the most current aerial photograph available from the Land Development Division have been reviewed.

1. If a potential habitat exists, a field survey shall be conducted by a qualified biologist or environmental scientist to determine the exact location of the habitat and whether the development affects that habitat.

2. If the habitat will be affected by development, a qualified environmental scientist or biologist shall prepare a Habitat Protection Plan. Such plan shall be submitted to the Florida Fish and Wildlife Conservation Commission (FWCC). All recommendations of the FWCC shall be included within the final Habitat Management Protection Plan and subsequent development permits.

3. Habitat, for the purpose of the Habitat Protection Plan, shall be defined as areas occupied/used by endangered, threatened, or species of special concern. It shall be the responsibility of the applicant to submit documentation, exhibits, or studies, for the purpose of establishing that properties should not be classified as habitat.

4. Those properties identified as containing habitat shall comply with the following requirements:

    a. Development shall be required to locate on the non-habitat portions of a development site unless such requirement would result in a net loss of

density. Residential densities shall be transferred from habitat areas to contiguous non-habitat areas within the same subdivision, subject to the following:

i. Residential densities shall be transferred from the habitat areas to non-habitat areas based on the underlying residential land use density where development does not occur within the habitat area of the project.

ii. Residential densities shall be transferred from habitat areas to non-habitat areas at the underlying density and shall be clustered to the greatest extent possible to protect habitat. Any transfer of density to facilitate clustering shall not result in lot sizes, or areas per dwelling unit less than 65 percent of the required minimum lot area. The minimum lot/area size shall be exclusive of the wetland area.

iii. Lots utilizing septic tanks shall be no less than 40,000 square feet.

iv. Portions of lots may be platted into habitat areas and shall not be construed as having disturbed the habitat area for this density transfer provision so long as that portion of the lot does not include any fill, construction, improvements, or other development, and a restriction is placed upon the plat to prohibit such future actions within habitat areas.

b. All such transfers of density shall:

i. Be to contiguous property under the same ownership or control;

ii. Only be permitted within a subdivision platted and developed in accordance with this Code; and

iii. Be noted on the face of the final plat as a restrictive covenant enforceable by Polk County.

c. Development shall be clustered and designed, to ensure that the smallest possible area of habitat be utilized to allow no net loss of density.

d. Non-residential development in areas inhabited by threatened and endangered species shall be mitigated in accordance with the guidelines of the Florida Fish and Wildlife Conservation Commission (FWCC).

H. *Wellfield Protection*

Unless approved by the applicable water management district and owned by Polk County, well fields not in existence upon adoption of this Code are prohibited.

I. ***Conservation***

Open space areas are required within a Planned Development (PD) located within RS and A/RR categories in order to encourage the continuation of agricultural activities, preserve environmentally sensitive lands, and to preserve the rural character of the area. Open space shall be reserved as follows:

1. A minimum of 50 percent of the property within a PD shall be set aside as open space.

2. The open space may be used for only pre-existing agricultural uses, habitat protection, or the preservation of historic, cultural or natural features.

3. The open space shall first include environmentally sensitive lands, such as wetlands, 100 year flood plain, and scrub or other endangered habitats, before setting aside lands for other reasons, such as platted lots and continued agricultural uses.

4. In compliance with Section 750 or this Section, whichever is more restrictive.

Section 508 Special Procedure Requirements

A. ***Flood Hazard Warning***

The following statement shall be noted on all plats, applications for development permits and on all final permits:

FLOOD HAZARD WARNING

This property may be subject to flooding. Even meeting federal, state or local standards does not ensure that any improvements such as structures, driveways, yards, sanitary sewage systems, and water systems will not be flooded in certain rain events.

B. ***Connection***

Not withstanding the requirements in the SPAs, development located in the Urban Development Area (UDA), and the Urban Growth Area (UGA), the Suburban Development Area (SDA) of the Green Swamp ACSC must connect to public water and sewer systems.

Lots of record which do not meet the 64E6 connection requirement of the F.A.C. shall be exempt from this requirement.

C. ***On-Site Sewerage Treatment and Disposal Systems (OSTDS)***

The use of properly built on-site sewage treatment and disposal systems is an alternative where no other means of handling wastewater exists.

1. In the UGA/UDA, Ridge Special Protection Area below Interstate 4 where sewer is not available, lots created prior to May 1994 shall be allowed to utilize OSTDS. Where individual on-site sewage disposal systems are utilized with in the Green Swamp ACSC the public health shall be protected and groundwater and surface waters shall be protected from possible contamination.

2. Septic tanks and drain fields in the Green Swamp ACSC are allowed only within the Rural Development Area (RDA) and the Suburban Development Area (SDA), and shall require a minimum lot size of 40,000 square feet.

3. Individual on-site sewage treatment and disposal systems in subdivisions must have prior approval from the local County Health Unit.

4. No OSTDS shall be installed, replaced or used without prior written approval from the Polk County Health Unit and accompanied by a Polk County Building Permit.

5. Chapter 64E6 of the Rules of the State of Florida are hereby adopted, except to the extent these regulations modifies such rule.

6. All OSTDS installed in the Green Swamp ACSC after the effective date of this Code shall meet or exceed the requirements of these regulations.

7. All septic tanks and all drain fields shall be set back a minimum of 75 feet from the furthest upland extent of any wetland.

8. Inspection of OSTDS shall comply with the following requirements:

    a. Pursuant to Polk County Ordinance 98-31, all septic tank permits issued by the Polk County Health Unit (Health Unit) within the Green Swamp ACSC shall be issued in conjunction with a Notification of Mandatory Maintenance which shall require that the property owner have the OSTDS inspected by a registered OSTDS contractor and, if necessary, cleaned at least once every five years, at the expense of the owner, in accordance with the requirements of the Health Unit. The Notification of Mandatory Maintenance shall also require that the property owner provide the Health Unit with evidence on forms provided by the Health Unit that the OSTDS has been inspected by a registered septic tank contractor and cleaned if necessary. If upon any inspection the septic tank contractor determines that cleaning is unnecessary,

the OSTDS contractor shall determine a date prior to which the OSTDS shall be re-inspected and cleaned, if necessary. The Health Unit shall provide the owner with an updated Notification of Mandatory Maintenance. The Health Unit shall be authorized to require that the OSTDS be cleaned, if necessary, and that the OSTDS including the mound, drain field and septic tank system be in good working order and does not appear to be a sanitary nuisance.

b. The Health Unit shall be authorized to assess a fee to be paid by the property owner to cover the costs of administering this program.

c. In the event that the Health Unit does not receive evidence that the OSTDS has been inspected and cleaned, if necessary, within the appropriate time frame, the Health Unit shall be authorized to require, via written notification, that the property provide evidence within three months from the date of written notification. If evidence is not received by the Health Unit within three months, the Health Unit shall be authorized to notify the property owner, via certified mail, that the property owner is not in compliance with this Section, and that the property owner has 30 days to provide evidence of compliance, otherwise the case will be forwarded to the Code Enforcement Board.

9. Land spreading of septage/sludge within the boundaries of the Green Swamp ACSC is prohibited, with the exception of existing locations permitted by the Florida Department of Community Affairs.

D. ***Road Standards*** ***(Rev. 4/4/02 - Ord. 02-18)***

This Subsection establishes special requirements applicable to the transportation systems within the Green Swamp ACSC.

1. Parking, loading, and internal circulation of developments within the Green Swamp ACSC shall be of pervious materials wherever feasible and there is no environmental hazard.

2. New roads designed and built after the adoption of this Code shall be subject to the following:

a. New roads, unless determined to be necessary for the health or safety of the general population, shall not be constructed by the public nor shall public funds be used for the construction of new roads.

b. The County shall not utilize public dollars to maintain new private roads. A maintenance agreement or a taxing district may be established by the developer/land owners association and the County to maintain the roads at private expense.

3. New subdivision roads shall be required to meet County construction standards.

4. Construction of new roads over rivers and major tributaries shall only be permitted where it has been demonstrated that no other alternative is practical. In such cases design and construction shall:

   a. Minimize adverse impacts to water quality,

   b. Prevent adverse impacts to the free flow of water through natural channels, and

   c. Prevent the creation of major obstacles to the movement of aquatic and wetland dependent species.

5. Unless determined to be a health or safety issue, the County shall place the paving of roads within the RURAL-SPA as the lowest paving priority for the County. This shall not be construed to include the maintenance of roads already paved in this area.

E. ***Silviculture***

1. Silviculture shall follow the Best Management Practices (BMPs) as outlined in the latest edition of "Silviculture Best Management Practices" by the Florida Department of Agriculture and Consumer Services, Division of Forestry.

2. A landowner or his agent shall notify the County Agricultural Officer at the Polk County Sheriff office that timber harvesting will occur.

Chapter 6

RESOURCE PROTECTION

CHAPTER 6 RESOURCE PROTECTION

Section 601 Purpose and Intent

The regulations included in this Chapter are intended to implement the policies of the Comprehensive Plan which identify and protect Polk County=s natural and historic resources. This is accomplished through the establishment of overlay districts which are applied to various environmentally sensitive or historic areas of Polk County as mapped in the Future Land Use Map Series (FLUMS). These are collectively referred to as Resource Protection and Development Limitation Area Overlay Districts. Within these overlay districts, any use or development of land shall conform to the regulations, conditions or limitations of this Chapter. Protection of these resources is necessary to insure the health, safety, and welfare of the residents of Polk County.

Section 602 General Provisions

The Polk County Future Land Use Map Series designates and maps aquifers, wetlands, flood plains, well fields, ecological communities, and historic resources. The surface waters regulated in Section 630 are not mapped. These areas are shown on the Future Land Use Map Series with presumptively correct borders. In most cases, the specific boundaries of these areas may not be finalized until site specific field inspections are conducted for verification. It shall be the responsibility of the applicant to submit documentation, exhibits, or studies, for the purpose of establishing that land should, or should not, be included within a Development Limitation Area Overlay District when the adopted land use maps indicate otherwise. Each overlay district supersedes all other requirements of this Code to the extent that provisions of the overlay district are in conflict with other provisions.

Section 603 - 609 Reserved

Section 610 Surface Water Protection *(Rev. 06/08/04 Ord. 03-96)*

A. ***Purpose and Intent***

In order to maintain surface water quality and reduce nutrient loading in lakes and watercourses, this Section requires that new structures, onsite sewage disposal systems and mines be set back a reasonable distance from surface waters and requires additional storm water treatment.

B. ***Applicability***

The regulations set forth in this Section, shall apply to all lands, lakes, and watercourses within the unincorporated areas of Polk County, Florida. The Surface Water Protection Zones are not mapped but are established to implement these requirements. Surface Water Protection Zones shall extend 200 feet landward from the Ordinary High Water Line (OHWL) of all lakes and watercourses.

C. ***Exemptions*** ***(Rev. 12/03/03 Ord. 03-38):***

The placement of all structures and location of onsite sewage disposal systems, however, shall comply with this Section to the greatest extent possible. The following shall be exempt from the requirements of this Section:

1. Lots within recorded subdivision plats recorded prior to May 1, 1991.

2. Projects which have unexpired engineering plan approvals from Polk County;

3. Docks, walkways, gazebos, and other accessory structures less than 100 square feet in size and which do not require a permit from the Polk County Building Division;

4. Mining in a surface water body provided that all of the following conditions are met:

   a. All of the surface water body must be owned or controlled by the mining entity.

   b. The mining operation must not reduce flood plain storage during mining or after reclamation.

   c. Mining must be conducted under a valid Polk County Mine Plan and Operating Permit.

5. Mining pits which have not been reclaimed per Section 303, Criteria for Conditional Uses, or are part of a non-phosphate mining operating permit;

6. Projects directly related to bona fide agricultural use that meets the requirements of the water management district;

7. Mines which are exempt from groundwater monitoring according to FDEP are exempted from this requirement.

D. ***Development Standards*** ***(Rev. 7/25/01 - Ord. 01-57; Rev. 06/08/04 Ord. 03-96)***

All development in a Surface Water Protection Zone shall be designed, constructed and maintained in accordance with the following requirements:

1. Siltation and erosion control measures shall be applied as needed to stabilize banks and un-vegetated areas during and after construction. Sediment settling ponds, if required, shall be installed for storm water runoff prior to the creation of any impervious surfaces.

2. An undisturbed vegetative buffer adjacent to surface waters with an average width of 25 feet and a minimum width of 15 feet shall be maintained for storm-water treatment and wildlife utilization measured perpendicularly from the OHWL or the jurisdictional wetland line, whichever is greater.

3. Complete re-vegetation of the Surface Water Protection Zone is required upon completion of construction.

4. Onsite Sewage Disposal System (OSDS)

   a. Onsite sewage disposal system on lands with soils identified in the *Polk County Soil Survey* as having soil limitation ratings of Aslight@ or Amoderate@ with respect to septic tank absorption fields shall not be located within 150 feet of the ordinary high water line (OHWL) or mean annual water line of surface waters or water filled mine pits. This setback may be reduced if a higher treatment system is used in accordance with performance based treatment standards listed in Table 6-1, and permitting requirements by the Polk County Health Department:

Table 6-1: OSDS Setback Reduction

	Setback Reduction
Standard Septic Tank System	No change.
Aerobic Treatment Unit (ATU)	25%
Secondary Treatment	25%
Advanced Secondary Treatment	30%
Advanced Wastewater Treatment	40%

   b. Onsite sewage disposal system on lands with soils identified in the Polk County Soil Survey as having soil limitation ratings of Asevere@ with respect to septic tank absorption fields shall not be located within 200 feet of the OHWL or mean annual water line of surface waters or water filled mine pits. This setback may be reduced if a higher treatment system is used in accordance with performance based treatment standards listed in Table 6-1, and permitting requirements by the Polk County Health Department.

   c. Mining activities, phosphate and non-phosphate, shall provide setbacks from existing onsite sewage disposal system as follows:

      i. Mines, measured from their design OHWL, shall be no closer than 150 feet from existing on-site disposal systems on lands with soils identified in the Polk County Soil Survey as having soil limitation ratings of Aslight@ or Amoderate@ with respect to septic tank absorption fields.

      ii. Mines, measured from its design OHWL, shall be no closer than 200 feet from existing on-site disposal systems on lands with soils

identified in the Polk County Soil Survey as having soil limitation ratings of Asevere@ with respect to septic tank absorption fields.

5. All water bodies or canals maintained, constructed by, or belonging to the Lake Region Lakes Management District are prohibited from having structures within 20 feet of a seawall or bank or canal. Water dependent structures are not exempt from this requirement. Construction of buildings, swimming pools, docks, boathouses, davits, retention ponds, and any load bearing structure is prohibited within 20 feet of the seawall or bank of any canal constructed by, belonging to, or maintained by the Lake Region Lakes Management District. This prohibition shall extend to any structure which could, over time, damage a District seawall or bank or which would significantly obstruct access by District employees to the seawall or bank for the purpose of repair and maintenance of said seawall, bank, or canal, but shall not be construed to prohibit the installation of fences, irrigation, landscaping, or other non load bearing devices or structures. Trees must be planted such that their canopy at maturity will be five feet back from a District seawall or bank or their trunk within twenty feet back from a District seawall or bank, whichever is less.

6. All new structures adjacent to surface water or watercourses shall be located landward of the 100 year flood plain or 50 feet landward of the 10 year flood plain if one has been established (whichever is less restrictive). A site specific survey shall be performed, signed and sealed by a professional surveyor and mapper. Water dependent structures are exempt from this requirement.

E. ***Conservation Easements***

The County may request a conservation easement to preserve the functioning of drainage facilities and features.

F. ***Variances***

Variances shall be processed in accordance with Section 930.

Section 611 - 619 Reserved

Section 620 Wetland Protection

A. ***Purpose and Intent*** **(Rev. 06/04/13 Ord 13-020)**

It is the policy of Polk County to minimize the disturbance of wetlands in the County and to discourage their use except for purposes compatible with their natural functions and environmental benefits. This Section provides for the protection, maintenance, enhancement, and utilization of wetlands within Polk County in accordance with applicable Federal and State laws and regulations.

B. ***Applicability*** **(Rev. 06/04/13 Ord 13-020)**

1. The requirements of this Section shall apply to all wetlands under the jurisdiction of one of the following:

   a. The U.S. Army Corps of Engineers (USACOE).

   b. The Florida Department of Environmental Protection (FDEP).

   c. The Southwest Florida Water Management District (SWFWMD).

   d. The South Florida Water Management District (SFWMD).

2. No disturbance of wetlands covered by this Section shall be allowed unless authorized or exempted from regulation by the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, and the applicable Water Management District. Proof of the appropriate permit or exemption shall be required prior to the issuance of a Final Development Order from the County.

3. An undisturbed vegetative buffer adjacent to surface waters with an average width of 25 feet and a minimum width of 15 feet shall be maintained for stormwater treatment and wildlife utilization measured perpendicularly from the OHWL or the jurisdictional wetland line, whichever is greater.

C. ***Development Standards***

All development within areas covered by this Section shall comply with the following:

1. Wetland impacts shall be avoided to the maximum extent possible.

2. Wetland impacts, where unavoidable and where properly mitigated as determined by agencies having jurisdiction, shall be permitted for:

   a. Access to the site;

   b. Internal traffic circulation, where other alternatives do not exist, or for purposes of public safety;

   c. Utility transmission and collection lines;

   d. Pre-treatment storm water management facilities;

   e. Mining uses which meet State and Federal regulations; or

   f. The purpose of avoiding cases where all beneficial use of the property is denied as provided by the Polk County Comprehensive Plan.

D. ***Beneficial Use***

If a site is such that all beneficial use of the property would be denied due to wetland restrictions, the parcel shall be allowed to develop at a gross density of one dwelling unit per ten acres. After December 1, 1992, no parcel shall be created which consists entirely of wetlands, unless accompanied by a deed restriction which prohibits future development on the parcel.

E. ***Density Transfers***

Residential densities may be transferred from wetland areas to contiguous non-wetland areas within the same development except in rural land use categories. All density transfers authorized by this Section shall be subject to the following:

1. If it is determined that development within a wetland is unavoidable, residential densities may be transferred from the wetland areas to non-wetland areas based on the density of one dwelling unit per ten acres.

2. When there is to be no disturbance to wetlands, residential densities may be transferred from wetland areas to non-wetland areas at a density of one dwelling unit per acre, or at the underlying land use density if the underlying density is less than one dwelling unit per acre. Portions of lots may be platted into wetland areas and shall not be construed as having disturbed wetland for this density transfer provision so long as that portion of the lot does not include any fill, construction, improvements, or other development, and a restriction is placed upon the plat to prohibit such future actions within wetland areas.

3. All such transfers of density shall:

    a. Be contiguous property under the same ownership;

    b. Only be permitted within a subdivision platted and developed in accordance with the requirements of this Code;

    c. Not result in lot sizes, or areas per dwelling unit, less than 65 percent of the requirements of this Code (the minimum lot/area size shall be exclusive of the wetland area); and

    d. Be noted on the face of the final plat as a restrictive covenant enforceable by the Board of County Commissioners.

F. ***Allowable Uses***

Certain activities are presumed to have an insignificant adverse effect on the beneficial functions of a wetland. These activities shall not be considered disturbances for purposes of determining the amount of transferred development and include the following:

1. Scenic, historic, wildlife, or scientific preserves;

2. Commercial or recreational fishing or hunting, and creation and maintenance of temporary blinds;

3. Cultivating agricultural or horticultural products that occur naturally on the site;

4. Developing a "Wetlands Storm Water Discharge Facility" in accordance with state permits received under Chapter 62-25, Florida Administrative Code (F.A.C.).

G. ***Onsite Sewage Disposal System (OSDS)***

The standards of Chapter 64-E6, F.A.C. shall be met regarding Onsite Sewage Disposal Systems.

Section 621 - 629 Reserved

Section 630 Flood Hazard Management and Flood Plain Protection

A. ***Purpose and Intent (Rev. 06/04/13 Ord 13-020)***

The flood hazard areas of Polk County are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Therefore, the purposes of this Section are to:

1) implement the National Flood Insurance Program,

2) minimize the adverse impacts of development on resources of the Floridian Aquifer, wetlands and flood detention areas,

3) promote the public health, safety and general welfare,

4) ensure that potential homebuyers are notified that property is in a flood hazard area.

5) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

6) minimize public and private losses due to flood conditions in specific areas,

7) reduce the potential burden of all taxpayers in the County through the use of public expenditures for flood control projects,

8) minimize prolonged business interruptions;

9) minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, roadways, and bridges and culverts located in floodplains;

10) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion in flood conditions,

11) require that structures subject to flooding be protected against flood damage,

12) protect the storage capacity of flood plains,

13) control filling, grading, dredging and other development which may increase erosion or flood damage

14) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands,

15) protect the normal quantity, quality and flow of ground water and surface water which are necessary for the protection of resources of state and regional concern,

16) protect the water available for aquifer recharge,

17) protect the normal supply of ground and surface water,

18) protect the water retention capabilities of wetlands,

19) protect the biological filtering capabilities of wetlands,

20) protect the natural flow regime of drainage basins, and

21) protect the design capacity of flood detention areas and the water management objectives of these areas through the maintenance of hydrological characteristics of drainage basins.

B. ***Applicability*** ***(Rev. 06/04/13 Ord 13-020; Rev. 8/28/02 - Ord. 02-56)***

1. No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with this Section and other applicable regulations.

2. The provisions of this Section are intended to be minimum requirements and shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

3. This Section shall apply to all portions of a project proposed for development within Areas of Special Flood Hazard, closed drainage basins, and to all lands lying within 100 feet of the top of bank of a water course in unincorporated Polk County.

4. The "Areas of Special Flood Hazard" identified by the Federal Emergency Management Agency in the Flood Insurance Study for Polk County, dated January 19, 1983, with the accompanying maps and other supporting data, and subsequent revisions thereto, are adopted by reference and declared to be a part of this Code.

5. The Polk County Surface Water Management Plan, with accompanying maps and other supporting data, and subsequent revisions thereto; and all lands lying within 100 feet of the top bank of a watercourse not covered in this Section, are adopted by reference and declared to be a part of this Code.

6. The Floodplain Administrator may use all available information, such as engineering studies, Water Management District lake level data or historical records to best define Areas of Special Flood Hazard.

C. ***Warning and Disclaimer of Liability***

The degree of flood protection and surface and ground water protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the Areas of Special Flood Hazards or uses permitted within such area will be free from flooding or flood damages. This Section shall not create liability on the part of the Board of County Commissioners or by any officer or employee thereof for any flood damages or adverse effects of changes in quantity or quality of surface or ground water that result from reliance on this Section or any administrative decision lawfully made thereunder.

D. ***Floodplain Administrator (Rev. 6/4/13 – Ord. 13-020)***

1. The Polk County Board of County Commission has designated the County Engineer or his/her assigns to administer and implement the provisions of this Section and is herein referred to as the Floodplain Administrator.

2. The duties and responsibilities of the Floodplain Administrator or his/her assignees under this Section shall include, but not be limited to, the following:

   a. Obtain and maintain a record of the actual elevation (in relation to mean sea level), based from the survey certificate provided by the permit holder, of the lowest floor of all new and substantially improved structures, and the actual elevation to which the new and substantially improved structures have been flood proofed in accordance with this Section.

b. Review all development permit applications which involve new construction and substantial improvement in the Special Flood Hazard Area to assure that the requirements of this Section have been met.

c. Coordinate all change requests to the FIS, FIRM and FBFM with the requester, State of Florida, and FEMA and submit all reports as required by the National Flood Insurance Program;

d. Provide technical information and assistance to the Building Official and other County staff in the interpretation and application of this Section;

e. Make necessary interpretation of soil surveys to determine classification of proposed development site;

f. Grant exceptions to the requirements of this section in the event of local emergency, extreme hardship, or infeasibility.

g. Review for approval all subdivision proposals to determine if such proposals meet the requirements of this Section and whether such proposals will be reasonably safe from flooding;

h. Notify adjacent communities and the appropriate State planning agency and the Water Management Districts, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);

i. Review all development plan applications for commercial sites to assure that the requirements of this Section are met;

j. Review development plans to assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is maintained;

k. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in an annual report submitted to FEMA;

l. Obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, when base flood elevation data has not been provided by FEMA.

m. Require that FEMA be notified within six months when new technical or scientific data becomes available to the community concerning physical changes affecting flooding conditions so that risk premium rates and flood plain management requirements will be based on current data.

n. The following factors shall be considered when approving or denying permit applications

i. The characteristics and limitations of the soil at the proposed site;

ii. The existing topography of the proposed site and the extent of topographical changes after development;

iii. The existing vegetation of the proposed site and the extent of vegetational changes after development;

iv. The existing hydrology of the proposed site and the impact of the proposed alterations on the existing hydrology;

v. The impact the proposed project will have on the natural recharge capabilities of the site;

vi. The impact the proposed project will have on downstream water quantity and quality and specifically the potential for downstream flooding conditions created by the proposed development;

vii. The plans and specifications for structures or devices the applicant intends to employ for the purposes of on-site water retention, detention, erosion control and flow attenuation;

viii. Conformity of storm water management plans with the requirements of this Code.

E. ***Development Plan (Rev. 6/4/13 – Ord. 13-020)***

Prior to the issuance of any development permit subject to this section, the applicant must submit a development plan, as part of the application, that proves that the proposed development meets or exceeds the standards set forth in this Section. Specifically, the following information must be provided:

1. A statement of proposed use, approximate development schedule, and details of proposed improvements, stating the number of days after receipt of all required permits each phase of development will be initiated and completed. Items addressed in the development schedule should include (when applicable) but are not limited to: land clearing, storm water management construction, utilities, sediment control facilities construction, building construction, re-vegetation, and sewage treatment facilities construction;

2. A legal description of the property;

3. A location map showing the location of the property relative to cities, towns, and road systems;

4. An aerial photograph with property boundaries depicted;

5. A list of all permits or approvals that will be required by any federal, state, regional, or local agency;

6. A Storm Water Management Plan as described in Section 740.A;

7. A certified survey of the site showing topography in one foot contours. This must be prepared by a land surveyor registered in the State of Florida and the document must be signed and sealed. This item will be labeled topographic map/site plan. The Base Flood Elevation and Area of Special Flood Hazard, as depicted on the Flood Insurance Rate Map, shall be indicated on this map. The proposed lots, building locations, and dimensions, and soils information overlays and road layout shall also be shown on this map;

8. The elevation in relation to mean sea level of the lowest floor of all structures, certified by a land surveyor or professional engineer registered in the State of Florida;

9. A description prepared by an engineer of the extent to which any watercourse will be altered or relocated as a result of the proposed development;

10. A certificate from a registered professional engineer or architect that any nonresidential flood proofed structure meets the flood proofing criteria set forth in this Section;

11. Soils analysis to include:

    a. A copy of the appropriate Natural Resources Conservation Service (NRCS) map or Certified Soil Survey by a soil scientist or an appropriate registered professional where SCS maps are not available;

    b. A description of each of the soils on the property shall be shown on the construction plan;

    c. A map at a scale sufficient to show the boundaries of the soil associations.

F. ***Development Plan Approval (Rev. 6/4/13 – Ord. 13-020)***

A development plan as described in Section 630. E. shall be submitted and approved prior to the issuance of any development permit for:

1. Any development, other than phosphate mining, undertaken within 100 feet of a watercourse;

2. Those activities which constitute development as defined herein and activities performed by or on behalf of any county, state, or federal agency;

3. Any development for which FEMA adopts regulations establishing standards.

G. ***Development Standards***

All development within areas covered by this Section shall comply with the following requirements:

1. Flood plain impacts shall be avoided to the maximum extent possible.

2. Impacts to an Area of Special Flood Hazard, where unavoidable, shall be permitted for:

   a. Access to the site; fill for house pads and onsite sewage disposal systems;

   b. Internal traffic circulation, where other alternatives do not exist, or for purposes of public safety;

   c. Utility transmission and collection lines;

   d. Pre-treatment storm water management facilities;

   e. Mining that meets state and federal regulations; or

   f. For the purpose of avoiding cases denying all beneficial use of the property as provided by the Polk County Comprehensive Plan.

H. ***Beneficial Use***

If a site is such that all beneficial use of the property would be precluded due to flood plain restrictions, the parcel shall be allowed to develop at a gross density of one dwelling unit per ten acres. No parcel created after September 1, 2000, shall consist entirely of an Area of Special Flood Hazard, unless accompanied by a deed restriction which prohibits future development on the parcel. Any such parcel shall not be considered buildable.

I. ***Allowable Uses***

Certain activities are presumed to have an insignificant adverse effect on the beneficial functions of a flood plain. These activities shall not be considered disturbances for purposes of determining the amount of transferred development and include the following:

1. Scenic, historic, wildlife, or scientific preserves: Any improvements to historic structures may be exempted from one or all of the standards contained in this Section, provided the request for an exemption is approved as a waiver granted in accordance with the requirements of this Code, and the proposed improvements are certified by a certified local government or the State Historic Preservation Officer as maintaining the historical integrity and classification of the building.

2. Commercial or recreational fishing or hunting, and creation and maintenance of temporary blinds. Functionally dependent and water dependent facilities may be exempted from one or all of the standards contained in this Section, provided that a request for an exemption is approved as a waiver granted in accordance with the requirements of this Code.

3. Cultivating agricultural or horticultural products that occur naturally on the site.

4. Developing a "Wetlands Storm Water Discharge Facility" in accordance with state permits received under Chapter 62-25, Florida Administrative Code.

J. ***Flood Hazard Reduction - General Standards (Rev. 6/4/13 – Ord. 13-020)***

1. New construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. Manufactured homes, and any additions, shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to, and consistent with, applicable state requirements for resisting wind forces.

3. New construction and substantial improvements, including manufactured homes shall be constructed with materials and utility equipment resistant to flood damage and by methods and practices that minimize flood damage.

4. Electrical, heating, ventilation, plumbing, air conditioning equipment including duct work, and other service facilities shall be designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. New and replacement water supply and sanitary sewage systems shall be designed and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

6. Onsite Sewage Disposal System (OSDS) shall be located and constructed to avoid impairment to them, or contamination from them, during flooding.

7. Any alteration, repair, reconstruction, or improvements to a building which is in compliance with the provisions of this Code, shall meet the requirements of "new construction" as contained in this Section.

8. Any alteration, repair, reconstruction, or improvements to a building which is not in compliance with the provisions of this Code, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

9. The flood carrying capacity of a watercourse shall be maintained by any relocation, alteration or bridge construction.

10. Adequate drainage paths shall be provided around structures to guide storm water runoff away from them, as well as adjacent structures and property.

11. Proposed development shall not affect a change in the flood pattern in such a manner that would cause lands not previously flood prone to become flood prone.

12. The cumulative effect of proposed development, when combined with all other existing and anticipated development, shall not increase base the flood elevation.

13. Any improvements made to buildings for which permits were issued on or after the effective date of the Flood Insurance Rate Map ("post-FIRM buildings"), shall conform to the standards of this Section

14. All subdivision plats and permits for lots within an Area of Special Flood Hazard within the unincorporated boundaries of Polk County must prominently publish the following hazard warning in a prominent location within the document in a font or typeface of no less than 12 point:

> FLOOD HAZARD WARNING
>
> This property may be subject to flooding. Even meeting federal, state or local standards does not ensure that any improvements such as structures, driveways, yards, sanitary sewage systems, and water systems will not be flooded in certain rain events.

15. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction.

16. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

17. The applicant shall obtain and provide all permits or approvals required by state or federal laws or regulations or shall fulfill obligations required by a state or federal agency or by state or federal laws or regulations prior to the commencement of the development, which is preceded by a pre-construction meeting with County staff.

K. ***Specific Standards for Numbered "A" Zone Flood Hazard Areas (AE) (Rev. 6/4/13 – Ord. 13-020)***

In all Areas of Special Flood Hazard denoted with an "A" prefix on the Flood Insurance Rate Map where base flood elevation data have been determined, the following provisions are required in addition to the general standards of this Section.

1. New construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, together with all mechanical and electrical equipment, including laundry facilities and food freezers, and including any basement, elevated no lower than one foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate automatic equalization of the flood hydrostatic forces shall be provided in accordance with standards of this Section, Elevated Buildings.

2. New construction and substantial improvement of any commercial, industrial, or non-residential building (or manufactured structure used for non-residential purposes) shall have the lowest floor, together with all mechanical and electrical equipment, and including any basement or duct work installed below the lowest floor, elevated no lower than one foot above the Base Flood Elevation. Buildings located in all A-zones may be flood proofed in lieu of being elevated, provided that all areas of the building components, together with attendant utilities and sanitary facilities, below the required Base Flood Elevation and associated freeboard are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. The floor of an attached garage or loading dock may be placed below the base flood elevation, provided the openings required in this Section are installed and all mechanical and electrical equipment are elevated above the Base Flood Elevation. One switch and outlet connected to a ground fault breaker may be installed below the base flood elevation, and all construction below that elevation shall be of flood resistant materials. A registered professional engineer or architect shall certify that the standards of this Section are satisfied by submission of a properly completed FEMA Flood Proofing Certificate.

3. New construction and substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the Base Flood Elevation shall be designed to preclude finished living space and shall be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed all of the following criteria:

i. Provide a minimum of two openings (in walls or doors) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding;

ii. The bottom of all openings shall be no higher than one foot above highest adjacent grade;

iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of flood waters in both direction.

b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

c. The interior portion of such enclosed area shall not be partitioned and finished into separate rooms.

d. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation.

L. ***Specific Standards for Un-numbered "A" Zones (Flood Zones and Floodways without Base Flood Elevations) (Rev. 6/4/13 – Ord. 13-020)***

Any land located within the Areas of Special Flood Hazard established by the FIRMs, which is denoted with the letter "A" and having no suffixes are referred to as "un-numbered A zones." In those areas where special flood hazards exist but where no base flood data has been provided, the following provisions apply in addition to the other standards of this Section:

1. No encroachments, including fill materials or structures, shall be located within a distance of the center of the watercourse to 0.25 times the width of the Area of Special Flood Hazard or 50 feet each side from the center of the stream, whichever is greater, unless certification by an engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge. The cumulative effect of proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point within Polk County;

2. Where no Base Flood Elevation has been provided, the lowest floor of a residential structure shall be elevated at least three feet above the highest adjacent grade.

3. All new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, are required to provide base flood and floodway data, developed through a FEMA accepted methodology. The current applicable FEMA publications shall be used as a guide. The results of this study shall be submitted to FEMA with all applicable fees and additional information requested. The applicant shall submit as-built certification information in support of a Letter of Map Revision (LOMR) upon completion of every significant phase of construction.

4. Where no Base Flood Elevation has been provided and the site does not otherwise meet the requirements of this Section the lowest floor of a non-residential structure must be set using a detailed engineering method

M. ***Specific Standards for Areas of Shallow Flooding (AO or AH Zones) (Rev. 6/4/13 – Ord. 13-020)***

Located within the Areas of Special Flood Hazard are areas designated "AO" or "AH" on the Flood Insurance Rate Maps. These are shallow flooding areas. These areas have Special Flood Hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. Therefore, the following provisions apply in addition to the other standards of this Section.

1. All new construction and substantial improvements of residential structures in all AO Zones shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Flood Insurance Rate Map, plus one foot. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to no less than three feet above the highest adjacent grade.

2. All new construction and substantial improvements of non-residential structures shall:

   a. Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Flood Insurance Rate Map, plus one foot.

   b. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to at least three feet above the highest adjacent grade, or

   c. Together with building contents and attendant utility and sanitary facilities be completely floodproofed to, no less than one foot above, that level which meets the floodproofing standard specified in Section 630 K.

3. Adequate drainage paths around structures shall be provided on slopes to guide water away from structures.

4. Fully enclosed areas below the lowest floor that are subject to flooding shall meet the non-elevation design requirements of Section 630 K.

N. ***Specific Standards for Appurtenant Structures (Rev. 6/4/13 – Ord. 13-020)***

For this Section, an Appurtenant Structure means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure (including but not limited to garages, storage sheds, pole barns and hay sheds). Appurtenant structures may be exempted from the elevation requirement of this Section, provided all of the following criteria are met:

1. The structure is used solely for vehicle parking, access or storage.

2. The structure is designed and constructed so as to have a low potential for damage during a flood (e.g., using flood resistant materials).

3. The structure shall be located on the building site so as to offer the minimum resistance to the flow of flood waters (e.g., parallel to a watercourse).

4. The structure is firmly anchored to prevent flotation, collapse and lateral movement.

5. All electrical service, heating/cooling equipment, and other mechanical or electrical equipment is elevated above the base flood elevation. One electrical switch and outlet connected to a ground fault interrupt breaker is allowed below Base Flood Elevation.

6. Openings to equalize hydrostatic forces shall be provided in accordance with section 630 K (*Specific Standards for Numbered "A" Zone Flood Hazard Areas (AE)*

O. ***Specific Standards for Substantial Improvement (Rev. 6/4/13 – Ord. 13-020)***

"Substantial improvement," for this Section only, means any combination of repairs, reconstruction, alteration, or improvements to a building (including electrical, plumbing and heating/air conditioning), taking place during a 10-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the building. Substantially improved buildings must be elevated and otherwise brought into conformance with the requirements for new construction contained in this Section. In determining "substantial improvement", the Building Division shall utilize data for the market value of the structure and the value of the improvements that are justifiably comparable. Substantial improvement calculations shall include the cost of labor and mechanical, electrical and plumbing systems, cabinetry, finishes, and any other improvements that will be permanently affixed to the structure, except for structurally independent exterior decks and porches. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with issuance of the first permit, shall be utilized to determine whether "substantial improvement" has occurred. Interpretation and determination of substantial improvements shall rely on applicable FEMA publications and policy guidance.

1. When an existing building is rehabilitated, reconstructed, or renovated, with no additions or minimal additions, and the total improvement costs meet the definition of "substantial" (equal or exceed 50 percent of the value of the structure before the “start of construction” of the improvement), the existing structure must be elevated and otherwise brought into conformance with this Section.

2. When the substantial improvement is a lateral addition to an existing structure, only the addition is required to be elevated and conform with the standards of this Section, provided that no greater than a 36” opening is created in the common wall between the existing building and the addition. When improvements are being made to the existing structure which, together with the addition, equal or exceed 50 percent of the market value of the structure before the “start of construction” of the improvement. both the existing structure and the addition must conform to this Section.

3. When the substantial improvement is a vertical addition to an existing structure, the improvement is classified as a "renovation" or "reconstruction,” and the existing structure must be elevated and brought into conformance with this Section.

P. ***Specific Standards for Manufactured Homes in Areas of Special Flood Hazard (Rev. 6/4/13 – Ord. 13-020)***

1. All manufactured homes and park model trailers placed or substantially improved, together with all mechanical and electrical equipment, on individual lots or parcels outside of manufactured home parks or subdivisions, in new manufactured home parks or subdivisions, in expansions to existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new residential construction contained in this Section, including elevation, anchoring, and non-elevation design requirements of Section 630 K.

2. Any additions to manufactured homes subject to provisions of this Section shall also be considered "new construction" since they must be supported by an independent foundation system. "Additions" must therefore comply with the provisions contained in this Section, including elevation. This may necessitate elevating an existing manufactured home to match the required elevation of the "addition.”

3. All manufactured homes in an existing manufactured home park or subdivision must meet the following criteria;

   a. In an existing manufactured home park or subdivision in which a manufactured home has “substantial improvement” either;

      i. The lowest floor of the manufactured home must be at or above one foot above the Base Flood Elevation, or

      ii. The manufactured home chassis must be supported by reinforced piers or other foundation elements of at least

equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequate foundation system to resist flotation, collapse, and lateral movement.

b. In an existing manufactured home park or subdivision in which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of this Section.

c. Any additions to manufactured homes subject to provisions of this Section shall be considered "new construction" subject to the provisions contained in this Section including installation on permanent foundation systems, elevation, anchoring and non-elevation design requirements of Section 630 K.

Q. ***Specific Standards for Recreational Vehicles (Rev. 6/4/13 – Ord. 13-020)***

In addition to meeting all other requirements of this Section, the following requirements apply to all recreational vehicles:

1. Be on the site for fewer than 180 days, and

2. Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures) or,

3. Meet all the requirements for new construction, including anchoring and elevation standards in accordance with Section 630 P(1) (*Specific Standards for Manufactured Homes in Areas of Special Flood Hazard)* when Q1 and Q2 are not met.

R. ***Specific Standards for Floodways (Rev. 6/4/13 – Ord. 13-020)***

Located within the Areas of Special Flood Hazard are areas designated as "floodways". The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and create the potential for erosion. Protection of a floodway is critical for maintaining the ability of the watercourse to carry the 100 year flood, therefore, the following provisions apply in addition to the other standards of this Section:

1. Where a floodway has been designated by FEMA along a watercourse, no encroachments, including fill, new construction, substantial improvements and other developments within the regulatory floodway unless certification (with supporting technical data) by a registered professional engineer is provided through hydrologic and hydraulic analyses performed in accordance with standard engineering practice demonstrating that encroachments would not result in any increase in flood levels during occurrence of the base flood discharge.

2. Where no "floodway" has been designated along a watercourse in an “AE” flood zone for which Base Flood Elevations have been provided on the FIS/FIRM, no encroachments, including fill material or structures shall be located within Areas of Special Flood Hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within unincorporated Polk County. The engineering certification shall be supported by technical data that conforms to standard hydraulic engineering principles.

3. The placement of manufactured homes/mobile homes, except in an existing manufactured homes/mobile homes park or subdivision, is prohibited. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards, the elevation standards and the encroachment standards of this Section are met.

4. Onsite sewage disposal systems (OSDS) and any replacement systems shall not be located within the floodway.

S. ***Specific Standards for Watercourse and Lake Flood Plains (Rev. 6/4/13 – Ord. 13-020)***

In addition to meeting all other requirements of this Section, the following requirements apply to watercourse and lake flood plains.

1. Encroachments, including fill material and structures into watercourses and watercourse flood plains (riverine floodplains which have not been determined to be “regulatory floodways” in the FIS/FIRM), shall not be located within a distance of the center of the watercourse equal to 0.25 times the width of the Area of Special Flood Hazard or 50 feet each side from the center of the watercourse, whichever is greater, unless certification by a registered professional engineer is provided demonstrating (with supporting technical data) that such encroachments shall not result in any increase in the flood levels during the occurrence of the base flood discharge. Functionally dependent structures are exempt from this requirement.

2. In addition to the watercourse requirements, in riverine floodplains identified in the FIS/FIRM, as a regulated floodway, an undisturbed 100 foot wide buffer shall be maintained. This buffer may be disturbed, to the extent necessary, and as approved by FDEP, to provide reasonable access to a water body, to include the construction of boat ramps, docks, and walkways.

3. Encroachments into lake flood plains, including fill material, new construction, substantial improvements, and other development, shall be prohibited unless certification by a registered professional engineer is provided demonstrating (with supporting technical data) that such encroachments shall not result in any increase in the flood levels during the occurrence of the 100 year base flood discharge. An undisturbed 25 foot wide wildlife habitat buffer shall be maintained from the ordinary high water line. This buffer may be disturbed, to the extent necessary, and as approved by FDEP, to provide reasonable access to a lake, to include the construction of boat ramps, docks, and walkways.

T. ***Specific Standards*** for Critical ***Facilities (Rev. 6/4/13 – Ord. 13-020)***

In addition to meeting all other requirements of this Section, the following requirements apply to Critical Facilities.

1. New critical facilities are prohibited within the Areas of Special Flood Hazard. Substantially improved critical facilities are required to be protected from damage and loss as a result of the 100 year flood or flood of record, whichever is higher.

2. The lowest floor elevation of critical facilities shall be at least two feet higher than the Base Flood Elevation (BFE), unless Polk County demonstrates that it should be higher.

U. ***Specific Standards for Flood Plain Storage Capacity (Rev. 6/4/13 – Ord. 13-020; Rev. 12/08/03 Ord. 03-69)***

1. Encroachments, including fill, new construction, substantial improvements and other development, are prohibited unless a registered professional engineer provides plans and calculations certifying that compensatory storage is provided.

2. Whenever any portion of a flood plain is authorized for use, the volume of space occupied by the authorized fill or structure below the Base Flood Elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the ground profile and above seasonal high ground water level. All such excavations shall be designed and constructed to be connected with the flood plain and to fluctuate freely with the water body or watercourse.

3. The applicant shall ensure that the flood-carrying capacity within the altered flood plain or relocated portion of any watercourse is maintained. Upon completion of the project, the applicant shall submit documentation, prepared by a professional engineer, ensuring that any modified culverts, flood plain alterations, or relocated of portion of any watercourse will be maintained to preserve their designed function. The applicant shall provide a description and schedule of its operation and maintenance.

V. ***Specific Standards for Subdivisions*** ***(Rev. 6/4/13 – Ord. 13-020; Rev. 8/28/02 - Ord. 02-56)***

In addition to meeting all other requirements of this Section, the following requirements apply to Subdivisions.

1. All subdivisions, including manufactured home parks and industrial and commercial subdivisions, shall be designed to minimize flood damage.

2. All subdivisions including manufactured home parks having public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize flood damage.

3. All subdivisions including manufactured home parks shall have adequate drainage provided to reduce exposure to flood hazards.

4. Base flood elevation and floodway data shall be provided in accordance with Section 630 L (*Specific Standards for Un-numbered "A" Zones without Base Flood Elevations and Regulatory Floodways)*.

5. The Special Flood Hazard Area, floodway if applicable, and the applicable Base Flood Elevation shall be clearly marked on all preliminary and final subdivision plans, and recorded subdivision plats, whether for residential, commercial, or industrial use.

6. Each lot must include adequate area suitable for constructing a structure in conformity with the standards of this Section.

7. All roads shall be reasonably safe from flood waters.

    a. Existing roads shall be maintained above the 10-year flood elevation.

    b. The lowest elevation of the pavement edge of new roads shall be constructed and maintained above the Base Flood Elevation.

Sections 631 - 639 Reserved

Section 640 Density Transfer and Credits **(Revised 5/20/09 – Ord. 09-023)**

Any portion of a residential subdivision which lies within an Area of Special Flood Hazard may be given density credits equal in value to the density of the residential development allowed by the land use district of the property. The landowner shall have the option of transferring these density credits only to portions of the same proposed residential subdivision which has the same land use district and which lies outside Special Flood Hazard Areas, thereby maintaining the same total density within the subdivision as if the Special Flood Hazard Area had been developed. This provision shall be applied only if the Land Development Director and the County Engineer find that the following conditions will be met:

A. ***Adverse Effects***

The construction of the proposed residential subdivision without density credit transfer will have adverse effects on existing structures and uses in the event that flooding occurs, adverse effects to natural wetlands and natural water bodies are likely to result.

B. ***Minimum Lot Size***

The minimum lot size shall be exclusive of the Area of Special Flood Hazard.

C. ***Resulting Lot Size***

The density credit transfer shall not result in a lot size decrease of more than thirty-five percent of the minimum lot size or the required land area per dwelling unit permitted by the land use district.

D. ***Consistent with Uses***

The density credit transfer shall be consistent with the permitted uses allowed by the land use district.

E. ***Contiguous Land***

The transfer must be to land having at least one point of contiguity with the land within the Area of Special Flood Hazard.

F. ***Notice of Plat***

The density credit transfer shall only be allowed in subdivisions as defined herein, developed and approved pursuant to the Chapter 8, and the fact of the density credit transfer shall be noted on the face of the plat in such form as prescribed by the County Engineer. Said notice shall constitute a covenant running with the land, enforceable by the Board of County Commissioners.

G. ***Area of Special Flood Hazard Zone***

If it is determined that development within an Area of Special Flood Hazard Zone is unavoidable, residential densities shall be one unit per ten acres.

H. ***Disturbance to an Area of Special Flood Hazard***

When there is to be no disturbance to an Area of Special Flood Hazard, residential densities may be transferred from a Flood Hazard Area to a non-Flood Hazard Area at a density of one dwelling unit per acre, or at the underlying land use density if the underlying density is less than one dwelling unit per acre. Portions of lots may be platted into Areas of Special Flood Hazard and shall not be construed as having disturbed the flood plain for this density transfer provision so long as that portion of the lot does not include any fill, construction,

improvements, or other development, and a restriction is placed upon the plat to prohibit such future actions within Areas of Special Flood Hazard.

I. ***Insignificant Impact***

Certain activities are presumed to have an insignificant adverse effect on the beneficial functions of a flood plain. These activities shall not be considered disturbances for purposes of determining the amount of transferred development and include the following:

1. Scenic, historic, wildlife, or scientific preserves;

2. Commercial or recreational fishing or hunting, and creation and maintenance of temporary blinds;

3. Cultivating agricultural or horticultural products that occur naturally on the site;

4. Developing a AWetlands Storm Water Discharge Facility@ in accordance with state permits received under Chapter 62-25, Florida Administrative Code.

Section 641 Airport Impact District (AID)

A. ***Purpose and Intent***

The Polk County Comprehensive Plan and Land Development Code shall effect aviation-compatible land uses for airports licensed for public-use by limiting or restricting aviation-incompatible land uses and activities, as defined by the Polk County Airport Zoning Regulations. As the County is a member of the Polk County Joint Airport Zoning Board (JAZB), which adopts and administers airport zoning regulations pursuant to Chapter 333, Florida Statutes, the Airport Impact District overlay and its related development criteria are established to incorporate the provisions of the Polk County Airport Zoning Regulations to ensure the establishment of aviation-compatible land uses and activities in the County. All development within the County shall comply with the Polk County Comprehensive Plan, the Land Development Code, and the Polk County Airport Regulations.

The Airport Impact District (AID) overlay is established to ensure that land uses and activities are compatible with the existing operations of public-use airports and the planned operations of those with adopted Airport Master Plans. The AID includes all of unincorporated Polk County in order to protect the health and safety of its residents and to preserve the public investment in, and utility and benefits arising from public use airports.

B. ***Applicability***

The Airport Impact District overlay shall apply to all of unincorporated Polk County. The existing public-use airports within the Airport Impact District (AID) include:

a. Bartow Municipal Airport,
b. Chalet Suzanne Airport,

c. Brown Seaplane Base,
d. Lakeland Linder Regional Airport,
e. Lake Wales Municipal Airport,
f. River Ranch Resort Airport,
g. South Lakeland Airpark, and
h. Winter Haven Municipal Airport.

C. ***Development Standards***

The County=s Land Development Code shall include provisions applicable to the Airport Impact District (AID) to ensure the establishment of aviation-compatible land uses and thus include appropriate land development criteria, consistent with the provisions of the Polk County Airport Zoning Regulations.

1. The following land use compatibility criteria shall be reviewed for all existing and new development within the County for compliance with the Polk County Airport Zoning Regulations.

   a. Height restrictions based on the federal obstruction standards contained in 14 CFR Part 77. Property owners are required to provide notice to the Federal Aviation Administration (FAA) for the construction and alteration of certain structures, including those structures greater than 200 feet in height above ground level, and any such structure must obtain an airport obstruction permit from the Airport Zoning Administrator, or agent thereof, and/or airport obstruction variance from the Airport Zoning Board of Adjustment (AZBA);

   b. Restrictions on noise-sensitive land uses and requirements for certain structures to meet sound-level reduction (SLR) standards within the Airport Noise Zones established by the Polk County Airport Zoning Regulations;

   c. Restrictions on land uses subject to the recurring overflight of aircraft in the Airport Overflight Zones established by the Polk County Airport Zoning Regulations;

   d. Restrictions on the location of educational facilities of public and private schools in areas defined by the Polk County Airport Zoning Regulations;

   e. Restrictions on land uses or activities that induce aircraft bird strike hazard;

   f. Restrictions on land uses or activities that generate In-flight visual or electronic interference;

   g. Other applicable regulations or restrictions that may be required by, including amendments to, the Polk County Airport Zoning Regulations.

2. Consistent with applicable law, all development within an Airport Impact District shall be subject to the County's development review procedures.

D. ***Variances/Special Exceptions/Appeals***

Variances, special exceptions, and appeals must be approved by the Airport Zoning Board of Adjustment (AZBA) in order for certain land developments to be in compliance with the Polk County Airport Regulations and the Land Development Code. Requests for variances, special exceptions, and appeals under Section 641 must be made to the Airport Zoning Administrator, who is appointed by the Joint Airport Zoning Board (JAZB).

Section 642 Military Compatibility Zones (Rev. 09/21/12 Ord. 12-028)

A. Purpose and Intent

The Avon Park Air Force Range (APAFR), located in southeast Polk County, is a training facility serving all branches of the military, the National Guard and some civilian organizations, such as the South Florida Community College Law Enforcement Academy.

The Military Compatibility Zones (MCZ) overlay is established to ensure that land uses and activities are compatible with the operations of the APAFR, in order to protect the health and safety of residents and to preserve the mission of the Range. This Section contains the development standards and criteria applicable within the MCZ overlay. Where there is conflict between the overlay standards and other regulations of this Code, the overlay standards shall be followed.

B. Applicability

The MCZ overlay standards shall apply to the areas adjacent to the Avon Park Air Force Range identified in the Military Compatibility Zones Map as Military Compatibility Zone 1 (MCZ-1) and Military Compatibility Zone 2 (MCZ-2).

C. Development Standards

Development within the MCZ overlay shall be consistent with the following criteria:

1. MCZ - 1: Redevelopment and new development within MCZ-1 shall be consistent with the following:

    a. Proposed structures shall comply with the Maximum Structure Height as established in Table 2.2 (Density and Dimensional Regulations for Standard Districts) for each land use district. Any structure taller than 50 feet will require a variance in compliance with Section 930 of this LDC. A variance to the height requires an evaluation by the Board of Adjustment to determine if it will have a negative impact on the operations within the APAFR restricted air space;

b. The location of landfills and land application of septage as defined in Polk County Ordinance 95-69 (Domestic and Industrial Wastewater Residuals and Septage) shall be prohibited because these activities may induce aircraft bird strike hazard;

c. Outdoor lighting will be required to comply with "dark sky" requirements as follows:

   i. Street and Parking Lot Lighting;

   ii. Street Light fixtures shall be limited to 16 feet in height, unless otherwise further restricted in this Code;

   iii. Parking lot lighting fixtures shall be limited to 24 feet in height;

   iv. All lighting shall be fully shielded with cut-off, non-glare fixtures directed only onto the subject site (see Figure 642-A). Non-shielded fixtures without cut-offs are prohibited.

d. Non-residential Development Lighting will be required to comply with the following:

   i. Electrical reflectors, spotlights, floodlights and other sources of illumination may be used to illuminate buildings, landscaping, signs, parking and loading areas, on any property provided the illumination is cast downward and the fixtures focus the illumination only onto the aforementioned features and prevent illumination upon adjacent properties or any public right-of-way.

   ii. All lighting shall be fully shielded with cut-off, non-glare fixtures directed only onto the subject site (see Figure 642-A).

e. Sign Lighting shall be downward projecting or backlit. Lighting attached to signage shall be projected directly at the sign and downward using light shields, hoods, and cut-off type fixtures.

f. Lighting Curfew

   i. After closing hours and until sunrise, businesses shall turn off any unnecessary lights (those not associated with safety and security)

   ii. Businesses open 24 hours shall reduce the illumination by 30% between 11 pm and sunrise.

Figure 642-A – Street Lighting

g. Prohibited light sources

i. Mercury vapor lamps and fixtures;

ii. Any illumination patterns common to aviation (similar to runway guidance lighting, flood lights above horizontal plane, etc.) when used on buildings or surrounding.

iii. Laser source light when projected above the eaves of structures.

iv. Searchlights or laser source lighting used for advertising or entertainment purposes.

h. Lighting exempt from these regulations:

i. Residential lighting in swimming pools and other residential water features governed by Article 680 of the National Electrical Code;

ii. Exit signs and other illumination required by building codes.

iii. Lighting for stairs and ramps, as required by the building code.

iv. Holiday lighting for no more than thirty (30) days per year.

v. Existing ballpark, field lighting, or other sporting venue lighting approved prior to the adoption of this section.

vi. Low voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light upwards onto adjacent properties.

i. The County shall, in writing, inform all applicants of proposed development within MCZ-1, of the potential noise nuisance and of sound-level reduction (SLR) standards that could be implemented to mitigate nuisances caused by recurring overflight and other military training activities within the MCZ.

2. MCZ - 2: Redevelopment and new development within MCZ-2 overlay shall be consistent with the criteria under MCZ-1 except that there is no height restriction other than that imposed by the land development code for each land use district, the Airport Impact districts, and other state or federal requirements.

3. Consistent with applicable law, all development within the Military Compatibility Zones shall be subject to the County's development review procedures;

Section 643 - 649 Reserved

Section 650 Aquifer Protection

This Section is to safeguard the health, safety and welfare of the citizens of Polk County by protecting the principal source of water for domestic, agricultural, and industrial use, the Floridan Aquifer.

A. ***Applicability***

The requirements of this Section shall apply to unincorporated Polk County.

B. ***Compliance with Regulations***

All development shall meet regional, state, and federal rules and regulations pertaining to the protection of the quantity and quality of groundwater.

Sections 651 - 659 Reserved

Section 660 Ecological Communities

A. ***Purpose and Intent***

It is the purpose of this Section to provide standards necessary to protect endangered and threatened animal and plant species through the preservation of wildlife habitat.

B. ***Applicability***

The requirements of this Section shall apply to unincorporated Polk County.

C. ***Compliance with Regulations***

All development shall meet state and federal rules and regulations pertaining to the protection of listed species.

D. ***Development Standards***

1. Development which has one or more listed species located on the property shall avoid disturbing the area occupied/used by the listed species. If impacts can not be avoided, then impacts to the area occupied/used by the listed species shall be minimized or mitigated by compensation or enhancement.

2. Development of property identified at the 1989 Archbold Biological Station Scrub Conference as being worthy of public acquisition (see Volume 2 of the Polk County Comprehensive Plan, Resource Protection Districts, specifically the Greenway District) shall be confined to the non-scrub portion of the property unless such requirement would result in a net loss of density.

3. For residential development occurring within scrub habitat, as defined above, densities shall be transferred from the scrub area to a non-scrub area at a density of one dwelling unit per acre, or at the underlying land use density of the scrub area if the underlying density is less than one dwelling unit per acre. The density transfer is applicable only if there has been no disturbance to the scrub area other than access or internal circulation within the site when such disturbance is unavoidable.

4. All such transfers of density shall:

    a. Only be permitted within a subdivision platted and developed in accordance with this Code; and

    b. Not result in lot sizes, or areas per dwelling unit, less than 65 percent of the requirements of this Code (the minimum lot/area size shall be exclusive of the scrub area); and

    c. Be noted on the face of the final plat as a restrictive covenant enforceable by the Board of County Commissioners, and

    d. Meet the following provisions when the density is transferred to an area other than to a contiguous property under the same ownership/control:

        i. Both properties in question (the scrub site and the non-scrub site) shall be platted at the same time;

ii. The plat for the scrub site shall include a note indicating which plat the density from the scrub site has been transferred to; and

iii. The plat for the non-scrub site shall include a note indicating from where the extra density was obtained.

Sections 661 - 669 Reserved

Section 670 Wellhead Protection

A. ***Purpose and Intent***

The purpose and intent of this Section is to safeguard the health, safety and welfare of the citizens of Polk County by protecting potable water wells that supply community water systems and non-transient, non-community water systems. This section establishes Criteria for regulating or prohibiting land uses which in their operation store, handle, use, or produce substances which may be harmful to potable water wells.

B. ***Applicability***

This Section sets out special requirements for the development of land that impacts, or puts at risk, any potable water wells located within the unincorporated areas of Polk County. The following are regulated activities within the Wellhead Protection Areas which require compliance under this Section:

1. Any new or expanded facility that uses, handles, stores, generates, or disposes of a regulated substance (see Subsection O) in a Wellhead Protection Area.

2. Any expansion or modification to an existing use/activity, or any other improvement made to an existing non-conforming prohibited activity or facility which will extend the useful life of the activity or facility.

C. ***Conflicts***

In the event of a conflict between the standards of this Section and rules and regulations of the state, the more restrictive requirement governs.

D. ***Burden of Proof***

An applicant seeking approval of a development within a wellhead protection area must demonstrate that the development complies with the requirements of this Section and with all applicable state and federal requirements. A professional engineer or geologist registered in the State of Florida and knowledgeable in groundwater supply development and protection must certify the plans or plat as complete and accurate and in compliance with the requirements of this Section.

E. ***Exemptions***

The following legally existing activities are deemed by the County to be exempt from the requirements of this Section provided that all regulated substances listed in Subsection O are stored, used, generated, transported, and disposed of in accordance with existing local, state, and federal regulations:

1. The transportation of any regulated substance through a designated Wellhead Protection Area shall be exempt from the provisions of this Section provided that the transporting motor vehicle is in continuous transit. The transport of any regulated substance through existing permanent pipelines shall also be exempted provided that the currently authorized use or uses do not change.

2. The use of any petroleum product solely as a fuel in a vehicle fuel tank or as a lubricant in a vehicle, shall exempt the vehicle from the provisions of this Section.

3. The use of regulated substances for maintenance and cleaning purposes.

4. The activities of constructing, repairing or maintaining any facility or improvement on land within a wellhead protection area shall be generally exempt from these Sections provided that all agents, when using, handling, storing, producing, transporting, or disposing of regulated substances use applicable Best Management Practices.

5. Retail sales establishments which store and handle, for resale, regulated substances in the substance's original and unopened containers.

6. The application of pesticides, herbicides, fungicides, and rodenticides in pest control, and aquatic weed control activities provided that:

    a. Application of substances is in strict conformity with the use requirements as set forth in the EPA registries for those substances and as indicated on the containers in which the substances are sold; and

    b. The application is in strict conformity with the requirements as set forth in Chapters 482 and 487, F.S.; and

    c. The use of these substances within protection areas shall be under the supervision of a certified applicator. The certified applicator shall keep records, for a minimum of two years, of the date and amount of the substances applied at each location and said records shall be available for inspection by the County.

7. The use of fertilizers containing nitrogen for agricultural purposes, non-residential landscape areas, and golf courses shall be generally exempt from the provisions of this Section to the extent that they are applied in levels not exceeding application rates recommended by the Institute of Food and Agricultural Science (I.F.A.S.), of

the University of Florida. The applicator shall keep records for a minimum of two years of the date and amount of the substances applied at each location and said records shall be available for inspection by the County.

8. Individual residences.

9. Potable water utilities shall not be required to meet the requirements of this Section if the purpose is for the handling, storage, use, generation, transport, or disposal of regulated substances is in the proper and normal course of business of the utility.

10. Existing prohibited activities listed in Subsection I and storage tanks located in Zone 2, provided the use is operating under compliance of all existing applicable federal, state, and local regulations.

F. ***Administrative Decisions***

An affected person in a Wellhead Protection Area may request an administrative decision from the requirements of this Section pursuant to Section 921. In so granting, additional conditions and safeguards may be prescribed to protect the water resources. The applicant shall demonstrate by the preponderance of competent substantial evidence:

1. Unique circumstances exist which are peculiar to the particular activity or facility and which are different than any other prohibited or permitted activity or facility; and

2. The best available technology exists which will isolate the activity or facility from the existing or future potable water well; and

3. Site specific hydrologic data and analysis establish that the activity or facility will not, by itself or combined with existing conditions and/or uses, elevate water quality parameters above the limits set forth in Chapter 62-3, F.A.C.

G. Zones Established

Wellhead Protection Areas are established as follows:

1. Zone 1: 500 foot radius surrounding all potable water wells.

2. Zone 2: The land area within the 10 year time of travel of any potable water well with Water Management District Water Use Permits in excess of 100,000 gallons per day (major potable water well).

H. ***Maps (Revised 5/20/09 – Ord. 09-02)***

Wellhead Protection Area Maps developed by Polk County for Zone 2 of all major potable water wells are hereby adopted by reference and made part of this Code. The official Wellhead Protection Area Maps shall be kept on file at the Natural Resources and Drainage and Growth Management Department offices. Wellhead Protection Area Maps may be

modified at any time by the Board of County Commissioners upon notice of an advertised public hearing.

I. ***Prohibited Activities (Revised 05/21/13 – Ord. 13-018)***

As of the effective date of this Code, certain activities are prohibited in the established Wellhead Protection Areas.

1. The following new activities/facilities are prohibited in Zone 1 unless exempted from groundwater monitoring, as verified in writing, by the Florida Department of Environmental Protection:

   a. Industrial activity, including hazardous waste treatment, storage, or disposal facilities, which in its operation handles, utilizes, generates, or disposes of regulated substances.

   b. Domestic, commercial and industrial wastewater treatment plants, or septic systems serving industrial activities.

   c. Animal farms intensive.

   d. Livestock waste storage, treatment and disposal operations.

   e. Underground storage tanks.

   f. Mining. However, surface mining may be permitted in Zone 1 in accordance with the following conditions:

      i. Existing potable wells shall be within a confined aquifer (hydrogeologically separated from the surface deposits by a confining unit);

      ii. The confinement of the aquifer will not be altered during or following mining of surface deposits; and

      iii. Surface mining will not adversely affect current groundwater quality or current quantity (groundwater production rates) of the confined aquifer.

      The above conditions shall be confirmed in writing by a professional engineer or geologist registered in the state of Florida and knowledgeable in groundwater supply development and protection.

   g. Well installations, which do not meet the construction requirements of 40D-3, F.A.C. for public supply sources, except for non-contact air conditioning return flow wells (with no provision for additives) which have been grouted from the gravel pack seal to the surface, and properly permitted

monitoring wells, in accordance with federal, state, and local government agencies.

2. Prohibited activities in Zones 1 and 2 include any new:

   a. Sanitary landfills including, but not limited to, disposal of solid waste as permitted under Chapter 62-701.020, F.A.C.

   b. Phosphogypsum stacks.

   c. Land applications of wastewater residuals, including sludge, septage or industrial wastes which require a permit.

   d. Hazardous waste treatment, storage or transfer facilities.

   e. Injection wells, except for non-contact air conditioning return flow wells (with no provision for additives) which have been grouted from the gravel pack seal to the surface.

J. ***Regulated Activities***

An application may be submitted for an Administrative Determination to authorize a use prohibited in Section I, above.

1. Such application shall be made pursuant to Section 921 and the following additional requirements.

   a. A detailed description of the proposed activities that involve the storage, use, generation, transportation and/or disposal of regulated substances on site;

   b. A list of regulated substances which are, or are proposed to be, stored, used, generated, transported, and/or disposed of on site, including their quantities.

   c. A description of the containment, emergency collection devices, and emergency and reporting plan that will be implemented to ensure that contamination by regulated substances will not occur.

   d. A description of the monitoring records, including well and groundwater monitoring if applicable, and regular maintenance of containment and emergency equipment.

   e. A description of a reconstruction plan to be implemented after a catastrophe (fire, vandalism, flood, explosion, collapse, wind, war or other);

   f. A Closure Plan, to be implemented upon cessation of operation of the activity or facility. This plan shall specify compliance with all federal, state, and local regulations. The closure plan shall provide for notification to the Polk

County Natural Resources and Drainage Division and allow for the inspection and certification that all regulated substances have been removed from the site in accordance with the closure plan.

2. An authorized agent of the County shall be permitted to inspect the subject premises. Inspections shall be made with notice to the owner or operator. Inspections may be made without notice in emergency situations and refusal to allow such inspection shall be sufficient grounds for consideration of revocation of the approval.

3. Agents of the County are authorized to investigate and verify permits and permit conditions with regard to water resource protection of other state agencies.

K. ***Reporting Spills and Unauthorized Discharges***

1. Any discharge of a regulated substance that requires reporting under state or federal guidelines shall also be reported to the County=s Emergency Management Division within the same time frame as State or Federal notification requirements.

2. An unauthorized discharge of any quantity of a Regulated Substance must be remediated in such a way that contamination of soils, surface water, or groundwater is minimized.

3. Clean-up activities shall begin concurrent with or immediately following emergency response activities. A full written report including the steps taken to contain and clean-up the spill shall be submitted to the Natural Resources and Drainage Division and the Emergency Management Division within five days of the discovery of the spill.

L. ***Protection of Future Wells.***

The standards and restrictions set forth by this Section shall apply to any future potable water wells officially designated by the Board and shall become effective upon approval of the revised Wellhead Protection Area Maps. Prior to final action by the Board, the applicant requesting approval for the public water well shall provide the required data to determine, by radii or through modeling depending on the size of the well, the proposed wellhead protection area and to demonstrate that it will be located outside the area of influence of any existing use that would be prohibited under Subsection I. All property owners and discernible operating activities within the area affected, shall receive notice pursuant to Chapter 125.66, F.S.

M. ***Development Review*** ***(Revised 5/20/09 – Ord. 09-023)***

This Section applies to all development of land, within a Wellhead Protection Area and in areas where this Section is in effect by contractual agreement. In addition to the appropriate review procedures and materials outlined in Chapter 9, the following procedures and provisions for development applications shall apply:

1. At the time of application submittal, the Land Development Division Director or his/her designee will determine if a proposed development is within a wellhead protection area as established by this Section and will notify the applicant if additional information is required in order to comply with the requirements of this Section.

2. The Land Development Division shall forward all complete applications for projects within a wellhead protection area to the Director of the Natural Resources and Drainage Division or his designee, who will review the application for sufficiency and compliance with local, state, and federal standards regarding the protection of potable water wells.

3. The Natural Resources and Drainage Division Director or his designee shall make appropriate surveys, tests and inspections of property facilities, equipment and processes proposed or operating under the provision of this Section to determine compliance. The director or his designee shall grant approval if the applicant demonstrates that adequate technology exists to isolate the facility from the potable water well in accordance with this Section.

N. ***Regulated Substances*** ***(Revised 12/1/10 - Ord. 10-082)***

Regulated substances include:

1. The current listing of Section 313 of Title III of the Superfund Amendment Re-Authorization Act (SARA) of 1986; and

2. By-products, reaction products, and waste products generated from the use, handling, storage, or production of these items.

Sections 671 - 678 Reserved

Section 679 Ridge Scenic Highway ***(Added 2/21/12 - Ord. 12-007)***

A. ***Purpose and Intent***

1. The intent of this Section is to ensure the ongoing conservation, protection, and enhancement of the SR 17 Ridge Scenic Highway, a community asset of scenic, environmental, historic and archeological significance, and to implement the policies of the Polk County Comprehensive Plan. The key elements of the SR 17 Ridge Scenic Highway Resource Protection District Overlay are its Quality Development Regulations and its Incentives to encourage both the construction of the Ridge Scenic Highway multi-modal trail and scenic pull-offs and the protection of scenic vistas.

2. The SR 17 Ridge Scenic Highway Resource Protection Overlay has been established to protect and enhance the scenic, environmental, historic and archeological characteristics of the highway and surrounding community while continuing to promote economic development opportunities (including new residential

communities and non-residential development) on both public and private unincorporated property and within the municipalities that exist along its 39 mile path. While the goals of the Comprehensive Plan have been incorporated into the development guidelines, Polk County recognizes that the impact of development on the road system itself may, from time to time, necessitate improvements along SR 17, such as an increase in the number of travel lanes, intersection improvements, or turn lanes. However, as development occurs in the vicinity of SR 17, agencies shall seek first to build connections out to US 27 before widening SR 17, as the preference is to minimize traffic impacts on the SR 17 Ridge Scenic Highway. When infrastructure improvements are required as future development occurs, these shall be constructed in a manner which preserves the character along SR 17, and in a manner which does not preclude or degrade the standards in this section.

B. ***Applicability***

1. The Quality Development Standards within Section 679.C shall apply to all new development, and redevelopment, of structures and uses on property abutting the SR 17 Ridge Scenic Highway right-of-way and all land associated with a request to utilize the optional incentive program with the exception of bona fide agricultural uses, legally established agricultural-support activities, and residential lots of record (as defined in the Comprehensive Plan).

2. All eligible parcels adjacent to the SR 17 Ridge Scenic Highway right-of-way are encouraged to utilize the optional incentives within Section 679.F to set aside land for scenic vistas, pull-offs, and multi-modal trailheads.

3. A development application utilizing the incentives within Section 679.F may, at the option of the applicant(s), include multiple parcels with either common or separate ownership in order to accomplish the Resource Protection goals of this SR 17 Ridge Scenic Highway Overlay. In order to be included within a development utilizing the incentives of Section 679, at a minimum, all applications utilizing the incentive program shall meet the following criteria:

   a. All parcels shall have frontage on the SR 17 Ridge Scenic Highway right-of-way; and,

   b. Incentives may be transferred from one parcel fronting the SR 17 Ridge Scenic Highway right-of-way to another site within this Resource Protection Area fronting SR 17 provided the two sites are contiguous.

C. ***Quality Development Standards***

The Quality Development Standards for the SR 17 Ridge Scenic Highway Resource Protection Overlay, which are intended to protect and enhance the SR 17 Ridge Scenic Highway and surrounding area, are embodied in the following categories; Roadway and Development Landscaping, Landscape Maintenance, Screening, Parking, Building Location and Orientation, Street and Development Lighting, Signage, Walls and Fences, Building Height, Stormwater

Retention Facilities, Utilities and Prohibited Activities. All development shall submit a tree survey showing all trees and grading plan prior to land alteration/clearing.

1. Roadway Landscaping

   a. A 25-foot wide landscape/buffer shall be required for all development adjacent to both sides of the Ridge Scenic Highway right-of-way. This landscape/buffer area shall be provided on the development site, exclusive of dedicated or existing road rights-of-way.

   b. Minimum planting requirements for this landscape/buffer area shall consist of a Type C Buffer (4 canopy trees, 5 understory trees and 20 shrubs for every 100 linear feet of right-of-way frontage) (see Figure A).

   c. Up to a 50% credit towards the planting requirements shall be granted for the conservation of existing Florida Native trees in accordance with the provisions of Section 721.

   d. Only native plantings endemic to the Lake Wales Ridge (e.g. live oak, slash pine, long leaf pine, scrub hickory, turkey oak) shall be used in the landscape and buffer areas.

   e. To ensure species diversification, no single species shall comprise more than 50% of each required planting type (canopy tree, understory tree, and shrub).

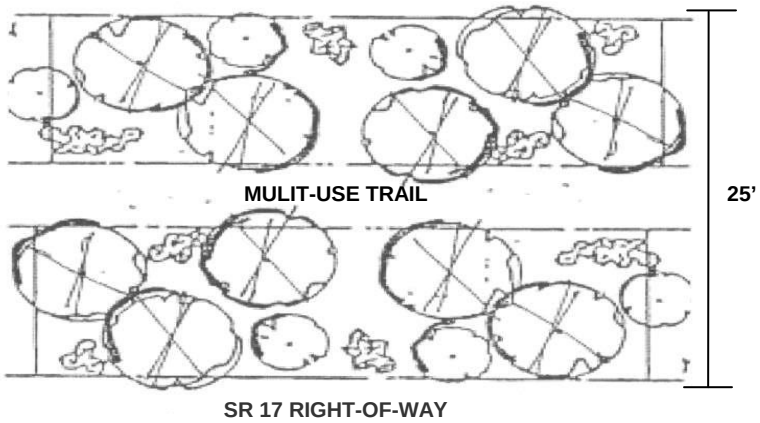
   f. All landscaping shall be designed, installed and maintained in a non-linear and informal manner so that it mimics the environment native to the planting's natural setting.

   g. Landscaping shall also be encouraged along road rights-of-way within each development.

   h. Where it can be demonstrated that the required landscaped buffer would impact or reduce a designated Scenic Vista (as described in Section 679.D) viewed from the SR 17 Ridge Scenic Highway, plantings may be reduced to 25% of the landscape/buffer planting requirement in an alternative planting scheme approved by the Development Review Committee as part of the Level 2 Review process. The remaining 75% of those plantings that have been removed from that portion of the buffer shall be planted in other areas of the buffer or throughout the development site.

   i. An exception to Section 679.C.1.a is available for existing commercial lots of less than 150 feet in depth. In these cases, the applicant shall include as much of the required buffer depth and plant material as practicable.

Figure A – SR 17 Roadway Landscape Buffer with Trail



2. Development Landscaping

All new development shall plant canopy trees native to the Lake Wales Ridge in accordance with the following sub-section. Up to a 50% credit of the required landscaping shall be granted for conserving and maintaining existing Florida Native trees in accordance with the provisions of Section 721. All tree plantings shall be planted in such a manner that will allow the species to reach maturity.

a. Single-family and duplex residential units shall provide two canopy trees per dwelling unit.

b. All other residential developments shall provide one canopy tree per unit.

c. All non-residential development shall provide trees meeting the canopy coverage requirements of Section 720. No more than 50% of the required canopy trees shall be located within required buffer areas and no more than 50% of all required plantings shall be of any one species.

3. Landscape Maintenance

The property owner shall be responsible for the perpetual care and maintenance of all landscape and buffer areas to ensure that plantings are healthy and remain in an orderly appearance, free of refuse and debris. Property owners shall replace any planting that will not recover to reach maturity, including all dead and severely diseased plantings, within 90 days. Vegetation which is required to be planted or preserved by this Section shall be replaced with equivalent vegetation if it is not living. Replacement vegetation may be substituted as long as it is appropriate for the water use zone within which it is proposed to be planted, is native to the Lake Wales Ridge, and meets the other provisions of Section 720 (i.e. canopy coverage requirements). Preserved trees for which credit was awarded, which subsequently die, shall be replaced by the requisite number of living trees according to the standards established by Section 721 and this Section.

4. Screening

The intent of this section is to diminish the visual impacts of uses that, by their nature, may detract from, or have a negative visual impact upon, the SR 17 Ridge Scenic Highway Resource Protection Overlay area and the overall community image.

a. Loading areas and docks (including delivery truck parking), outdoor storage (retail and wholesale), self storage, parking areas, and trash collection and storage areas shall either be located 200 feet away from the SR 17 Ridge Scenic Highway right-of-way or be buffered with a Type A Buffer (as illustrated in Section 720). This buffer is in addition to the landscaping required within the first 25 feet of the SR 17 Ridge Scenic Highway right-of-way.

b. Landscape screening shall be provided for rear yards of both residential and non-residential uses adjacent to the SR 17 Ridge Scenic Highway right-of-way, except in cases where it can be demonstrated that the plantings would reduce the view to one of the scenic vistas identified on the Resource Protection Overlay.

c. A Type A Buffer shall be provided around the perimeter of utility lift stations, substations, and other above-ground utilities.

5. Parking

a. In order to minimize their visibility from SR 17, all parking areas shall be located internal to the development, within rear and side yards only, and at least 100 feet from the SR 17 right-of-way. If the parking area is located within a rear or side yard that faces SR 17, it shall be buffered with an additional Type A Buffer. Exceptions may be granted by the DevelopmentReview Committee if the applicant can illustrate how the topography, water management issues or permit conditions force the location of the parking area to the front yard, an area visible from, or within 100 feet of SR 17.

b. While parking areas facing the SR 17 Ridge Scenic Highway are discouraged, they may be permitted when it can be demonstrated that their placement would provide for additional open space within a designated viewshed or pull-off on the Resource Protection Overlay map.

c. The parking requirements of Section 708 may be reduced through shared parking agreements and for all mixed-use and interconnected developments with a supporting parking study and by approval of the Development Review Committee as part of the Level 2 Review process without requiring a waiver. Non-residential parking may be reduced by up to 20% alone and 30% if shared with another complimentary use (i.e.- 9 a.m. to 5 p.m. office adjacent to 5 p.m. to 9 a.m. residential).

6. Street Lighting

a. Roadway illumination of any kind, including street lighting, is prohibited along SR 17 within 25 feet of the SR 17 right-of-way except adjacent to entrance driveways for developments and public roadway intersections with SR 17.

b. Lighting fixtures shall be limited to 12 feet in height within 25 feet of the SR 17 Ridge Scenic Highway right-of-way and 16 feet in height within 200 feet of the SR 17 right-of-way.

c. All lighting shall be fully shielded with cut-off, non-glare fixtures directed only onto the subject site (see Figure B). Non-shielded fixtures without cut-offs are prohibited.

Figure B – Street Lighting

Prohibited: No Cut-Off	Permissible: Full Cut-Off

7. Non-residential Development Lighting

a. Electrical reflectors, spotlights, floodlights and other sources of illumination may be used to illuminate buildings, landscaping, signs, parking and loading areas, on any property provided the illumination is cast downward and the fixtures focus the illumination only onto the building, landscaping, signs, parking and loading areas and prevent illumination upon adjacent property or any public right-of-way.

b. Lighting shall be directed away from all residentially developed or designated areas.

c. All lighting shall be fully shielded with cut-off, non-glare fixtures directed only onto the subject site (see Figure B).

8. Signage

a. On-and Off-Premise SignsIn order to emphasize the intrinsic qualities and scenic views of SR 17, signage is more restrictive within the SR 17 Ridge Scenic Highway Resource Protection area than the existing Land Development Code contained in Section 760. Development within the Overlay shall use signage that is lower in height and smaller in area to protect and enhance the SR 17 Ridge Scenic Highway area in accordance with the following:

i. Roof signs and all types of electronic message boards are prohibited.

ii. Banners, portable signs, and flapping flags are prohibited. One US flag and one State of Florida flag are allowed for each parcel.

iii. Flashing, blinking, fluctuating or otherwise changing light source signage are prohibited. Electronic message boards and light emitting diode (LED) signs are prohibited.

iv. Sign lighting shall be downward projecting or backlit. Lighting attached to signage shall be projected directly at the sign and downward using light shields, hoods, and cut-off type fixtures.

b. On-Premise – Maximum sign area (square footage) and maximum sign height shall each be reduced 25% from the standards permitted in Table 7.16 On-Premises Sign Standards within Section 760 of this Code. Signs with decorative sign boundaries and landscaping along the base for the entire width of the face shall only be subject to a 15% reduction. All other sign standards from Section 760 shall apply.

c. Off-Premise signs (where permitted by state and local standards)

i. Are prohibited within 1,000 feet of a Scenic Overlook Pull-Off or Vista as illustrated on the Resource Protection Overlay map;

ii. Shall not exceed 30 feet in height;

iii. Shall be limited to monopole construction, single sign face height and single sign face width (no stacked or double-wide signs); and,

iv. Shall be limited to a minimum of 128 square feet and a maximum of 288 square feet per sign face.

9. Walls (see Figure C)

All walls shall maintain the scenic views and natural character of the area.

a. Materials

Walls shall be constructed of stone, precast concrete, concrete block, or brick in units of uniform length and size. Concrete shall be painted neutral or earth tone colors that blend with the vegetation, roadway landscaping, or vista. Walls that are regularly interspersed with open fencing (such as wrought iron fencing or comparable material in between brick or concrete block posts) and allow views into and through the property are preferred (see Figure C).

b. Location

Walls with greater than 20% opacity shall be prohibited (see Figure C) within the first 50 feet from the SR 17 road right-of-way, or within vistas and pull-off areas. All walls are prohibited within the required 25 foot roadway landscape/buffer. The sole exception to these limitations is for those walls required solely for slope stabilization; these walls shall be allowed provided a Type A Buffer is installed between the required roadway landscape/buffer and the wall.

c. Height

All walls within 50 feet of the required SR 17 roadway landscape/buffer shall be limited to six feet in height measured from the average adjacent grade.

Figure C - Walls

Prohibited	Permissible

10. Fences and berms (see Figure D)

All fences and berms shall maintain the scenic views and natural character of the area.

a. Materials

Fences shall be constructed of ornamental wrought iron, other ornamental metals manufactured for fences, or wood. PVC fencing, chain link fencing and privacy fencing (more than 20% opaque) is prohibited within 50 feet of the SR 17 right-of-way. Property located outside of scenic vistas may use these fences provided a Type A buffer is installed between the required 25 foot SR 17 roadway landscape/buffer and the fence. When chain link fencing is utilized, only black vinyl coated chain link fencing shall be permitted. Opaque fences along SR 17 shall be prohibited. Fences that are regularly interspersed with openings and allow views into and through the property are permissible.

b. Finish and presentation

Fences must be constructed to present the finished or decorative side of the fence to the right of way if the appearance of the fence is not the same on both sides. Wrought iron and other ornamental metal fences shall be finished in black or white. Other fences shall be painted neutral or earth tone colors that blend with the vegetation, roadway landscaping, or vista and wood

fences. Wood fences shall be left natural (unstained), stained in a natural wood color, or painted white or an earth-tone color and shall be constructed as split rail and open pasture type fencing (see Figure D).

c. Location

Fences with greater than 20% opacity (see Figure D) and all berms higher than three feet shall be prohibited within the first 50 feet from the SR 17 road right-of-way, within scenic views and pull-off areas. All fences and berms shall be prohibited within the required 25 foot roadway landscape/buffer.

d. Height

All fences within 50 feet of the required SR 17 roadway landscape/buffer shall be limited to six feet in height measured from the average adjacent grade. Other fences within the Overlay shall comply with the following standards:

i. Single family residential fences shall be limited to a height of six feet from the average adjacent grade.

ii. Multi-family and non-residential fences may be increased to eight feet provided the fencing is not within a scenic vista and a Type A Buffer is installed between the required 25 foot roadway landscape/buffer and the fence.

Figure D – Fences

Prohibited	Permissible

11. Residential Building Height and Location

Buildings shall be located and designed to preserve views from the right-of-way both along SR 17 and through properties where identified. Buildings shall comply with the following height limitations in order to preserve existing viewsheds and to avoid a "tunnel" effect along the Ridge Scenic Highway:

a. Building heights within 0 to 40 feet of the Ridge Scenic Highway right-of-way shall be limited to one story (17 feet).

b. Building heights within 41 to 50 feet of the Ridge Scenic Highway right-of-way shall be limited to two stories (35 feet).

c. Building heights more than 50 feet from the Ridge Scenic Highway right-of-way shall follow existing Land Development Code building height regulations.

d. Where a vista has been identified on a property, buildings shall be encouraged to locate outside of the vista by clustering the buildings and utilizing administratively permitted (Level 2 Review) impervious surface ratio increases up to 25%. Variances of up to 50% of the standard side and rear building setback requirements shall be permitted administratively (as part of the Level 2 Review) if the applicant can demonstrate how the variance will contribute to the enhancement of a viewshed on or through the property.

e. Infill lots and redevelopment within historic areas and urban cores (including Lake-of-the-Hills and Babson Park community downtown areas) shall be exempt from these requirements provided the proposed structures meet the average setback of existing adjacent structures.

12. Stormwater Retention Facilities

a. All development shall require a grading plan. Site preparation including clearing, grubbing, grading and excavation shall not be permitted prior to Level 2 Review approval.

b. All stormwater retention facilities and drainage areas within the SR 17 Resource Protection Overlay district shall be naturally shaped (curvilinear, not basic geometric shapes) and landscaped with species native to the Lake Wales Ridge along the edge of bank and within the pond area (see Figure E). The number and type of plantings along the edge of bank shall be consistent with Type A Buffer requirements; however, plantings shall be grouped and dispersed to present a natural distribution rather than installed in a linear distribution.

Figure E – Stormwater Retention

Undesirable	Desirable

13. Utilities

Distribution and/or collection systems for power, gas, water, and wastewater utilities within new development shall be located underground unless explicitly required to be above ground by the utility provider.

14. Prohibited and Conditional Uses

As of the effective date of this Code, the following uses and activities are either prohibited or conditioned within the set distances from the Ridge Scenic Highway Resource Protection Overlay district boundary.

a. The following uses shall be prohibited within 750 feet from the SR 17 Ridge Scenic Highway right-of-way: salvage yards, adult uses, car washes, hazardous waste transfer/storage, vehicle sales, mobile home sales, vehicle repair, drive-in movie theatres, power plants, landfills, communication towers greater than 75 feet in height, and truck stops.

b. The following conditional uses shall require a Level 3 Review when proposed within 500 feet of the SR 17 Ridge Scenic Highway right-of-way: outdoor storage, motor freight terminals, self-storage, and non-residential/retail greater than 20,000 square feet in building size. Applicants

shall demonstrate how these conditional uses have been designed to be compatible and consistent with all other policies of the SR 17 Ridge Scenic Highway. The most intense activities shall be located on the site where they are farthest from the SR 17 right-of-way and where they minimize the reduction of views through the site.

c. Commercial vehicle parking shall be prohibited within 250 feet of the SR 17 right-of-way and within identified viewsheds or pull-offs unless the vehicle is parked temporarily in association with an active agricultural use.

15. Non-Residential Development

a. Building Height - Buildings shall be located and designed to preserve views from the right-of-way both along SR 17 and through properties where identified. Buildings shall comply with the following

i. Building heights within 0 to 40 feet of the Ridge Scenic Highway right-of-way shall be limited to one story (17 feet).

ii. Building heights within 41 to 50 feet of the Ridge Scenic Highway right-of-way shall be limited to two stories (35 feet).

iii. Building heights more than 50 feet from the Ridge Scenic Highway right-of-way shall follow existing Land Development Code building height regulations.

b. Incentives for Scenic Conservation - Non-residential uses along the SR 17 right-of-way shall dedicate land and construct the multi-modal trail in accordance with Tiers 1 and 2 of Section 679D(1)(a. & b.). In exchange for this dedication and construction, non-residential development may waive the Impervious Surface Ratio (ISR) and vary the minimum setback requirements as established in Table 2.2 of this Code in the following manner:

i. Impervious Surface Ratio (ISR) – Non-residential development shall be permitted to a 25% increase in ISR by approval of the Development Review Committee as part of the Level 2 Review process without requiring a variance or waiver.

ii. Minimum Setback Requirements - Non-residential side and rear yard building setbacks (as established in Table 2.2) may be reduced by up to 50%, provided they are not adjacent to, or within 100 feet of, the SR 17 Ridge Scenic Highway right-of-way.

D. Ridge Scenic Highway Incentive Program

The following voluntary incentive program was established to provide the means for land owners and developers to receive development bonuses for contributing to the conservation of land (in perpetuity) and construction of public improvements that maintain and enhance the scenic, environmental, historic and archeological qualities along the SR 17 Ridge Scenic Highway. While this program is limited to the intensities or densities outlined in the Future Land Use Element of the Polk County Comprehensive Plan and the available infrastructure (concurrency), it provides an alternative way of achieving the maximum density/intensity within each land use district by utilizing a unique credit system that is based upon the community's desire to have land developed in a manner that respects these qualities of the Ridge Scenic Highway. This credit system may also be used to add additional density on top of a Level 3 Review, provided the final density for the proposed development does not exceed the density of the underlying land use district.

The following section outlines when and how each voluntary step of improvements is exchanged for a corresponding development bonus. These steps range from land donation to the construction of a multi-modal trail or pull-off park along the Ridge Scenic Highway. Because the scenic viewsheds, pull-off areas, historic sites, and areas suitable for beautification have been identified on the SR 17-Scenic Highway Resource Protection Overlay (of the Comprehensive Plan Future Land Use Map Series) and the trail alignment location has been identified by the Florida Department of Transportation, only land that corresponds to these location-specific scenic resource markers may take advantage of those particular bonuses. A Comprehensive Plan Amendment shall be required to consider adding additional resources to this map.

1. Incentives

There are four Tiers (levels) of incentives within the Ridge Scenic Highway Incentive Program. All participation is voluntary. Compliance with the criteria established under Tier 1 must be met before proceeding to Tiers 2-4. Participation in Tiers 2-4 is dependent upon the availability of the attribute being incentivized. For example, if the trail alignment is on the opposite side of the highway and there are no recognized scenic viewpoints or pull-off locations on the property, the land owner/developer cannot participate in Tiers 2-4 and may only utilize Tier 1 bonuses. Incentives are granted upon the completion of a Level 2 Review process after the applicant illustrates that all requirements for the proposed Tier have been met. Each bonus that is attained is applied to a previously approved bonus or Planned Development approval. Incentive bonuses expire with the expiration of the Level 2 plans.

a. Tier 1

In exchange for a gross density of one unit per acre through a Level 2 Review process, Tier 1 requires:

i. full participation in the Scenic Highway Overlay Quality Design Criteria;

ii. installation and maintenance of the required roadway buffer as defined in this section;

iii. utilization of centralized potable water for the development; and,

iv. a minimum of 30% open space within the project with 70% of that open space adjacent to the Ridge Scenic Highway right-of-way.

b. Tier 2

In exchange for the construction of a multi-modal trail along the entire Ridge Scenic Highway frontage and the donation of the trail infrastructure and land to a public entity for maintenance and public use, Tier 2 entitles the applicant a 10% Density Bonus through a Level 2 Review process for every 1000 linear feet of SR 17 Ridge Scenic Highway right-of-way frontage of trail construction. The total percentage of Density Bonus shall be calculated in fractional measurements (for example, 500 feet of linear frontage = 500 feet of trail constructed = 5% Density Bonus).

c. Tier 3This Tier requires the applicant to donate land for a Scenic Overlook Pull-Off in one of the locations illustrated on SR 17-Scenic Highway Resource Protection Overlay (of the Comprehensive Plan Future Land Use Map Series).

i. Because multiple parcels are adjacent to, or associated with, the locations identified on this Overlay map, the applicant shall request and pay for a pre-application conference with the Development Review Committee by submitting an application with an explanation of how the proposed project will contribute to the preservation or enhancement of the selected viewshed or site attribute.

ii. Upon approval, the applicant shall be permitted to participate in Tier 3 and shall be permitted a 10% Density Bonus able to be utilized as part of the Level 2 Review process.

d. Tier 4This Tier requires the applicant to build the infrastructure and related support facilities for a Scenic Overlook Pull-Off.

i. Because there are multiple potential configurations of the parking lot and options for the related support facilities for a scenic pull-off, the applicant shall request and pay for a pre-application conference with the Development Review Committee by submitting an application with an explanation of how the proposed project will contribute to the

preservation or enhancement of the selected viewshed or site attribute for approval as part of the Level 2 Review application.

ii. Upon approval, the applicant shall be permitted to participate in Tier 3 and shall be permitted a 20% Density Bonus able to be utilized as part of the Level 2 Review process.

2. Density Bonuses

a. The Density Bonuses available for Tiers 1, 2, 3, and 4 may be combined when calculating total permissible development potential.

b. If a development application includes multiple parcels (679.B.3), the density bonuses available for Tiers 2, 3, and 4 shall be calculated on the frontage and acreage of the combined parcels.

3. Submittal Requirements

If an applicant desires to participate in the Ridge Scenic Highway Incentive Program, the development application and supporting documentation shall include a notarized letter indicating the applicant's intention to participate in the program and the following (as applicable):

a. A commitment to full participation in the Ridge Scenic Highway Incentive Program and the specific Tier (Tier 1 - Tier 4) of participation,

b. The legal description and acreage included in the proposed multi-modal trail and a written commitment to construct the multi-modal trail to current Florida Department of Transportation (FDOT) specifications, and no less than those illustrated in Figure F, across the entire Ridge Scenic Highway right-of-way frontage of the property,

c. The legal description and acreage included in the proposed Scenic Overlook Pull-Off,

d. A written commitment to construct a Scenic Overlook Pull-Off and a description of the number of parking spaces (paved and unpaved) and related support facilities proposed for the property.

4. Ridge Scenic Highway Multi-Use Trail

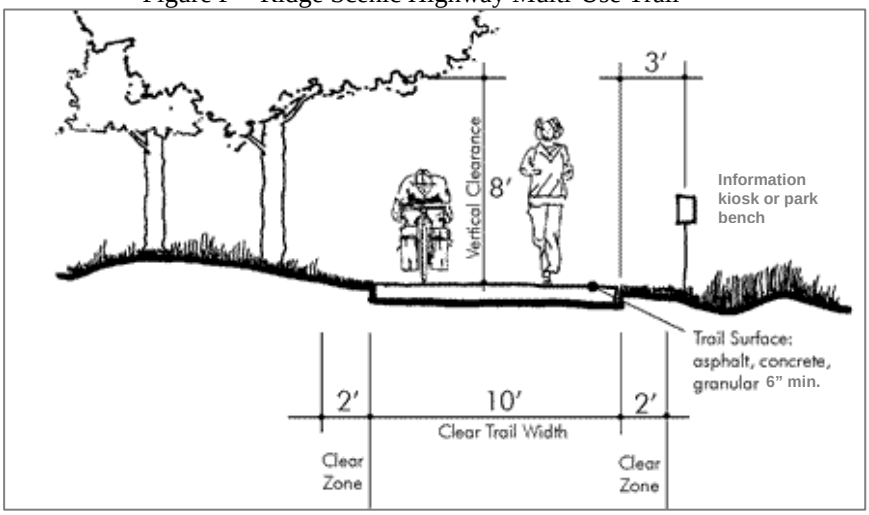
A Multi-Use Trail shall extend the entire length of the Ridge Scenic Highway adjacent to the existing right-of-way.

a. It is anticipated that the Multi-Use Trail will be located on at least one side of the right-of-way.

b. The location and alignment of the trail shall be coordinated based on adjacent development and the Greenway plan map (where applicable). Where topography or water body locations prohibit trail/pathway development, an alternate connection shall be provided for pedestrian usage.

c. At a minimum, the Multi-Use Trail shall be paved using either concrete or asphalt pursuant to best practices and FDOT standards, 10-12 feet in width, and located within the required 25 foot roadway landscape/buffer (see example in Figure F).

Figure F – Ridge Scenic Highway Multi-Use Trail



5. Scenic Vistas

A Ridge Scenic Highway Scenic Vista (Scenic Vista) is a viewpoint from the Ridge Scenic Highway. While most of them have been identified on the SR 17 Ridge Scenic Highway Resource Protection Overlay map, others may be discovered or reported and added to this map through the Comprehensive Plan Amendment process. Scenic Vistas shall be regulated by the following criteria:

a. Development shall be offered bonuses and incentives such as FAR & ISR increases, clustering, lot size reductions 50% smaller than the clustering provisions pursuant to Section 753 of this Code, and a 50% setback reduction to limit the intensity or transfer it out of view of the Scenic Vista. However, in no instance shall the Ridge Scenic Highway Overlay provisions preclude development within the Ridge Scenic Highway Scenic Vistas.

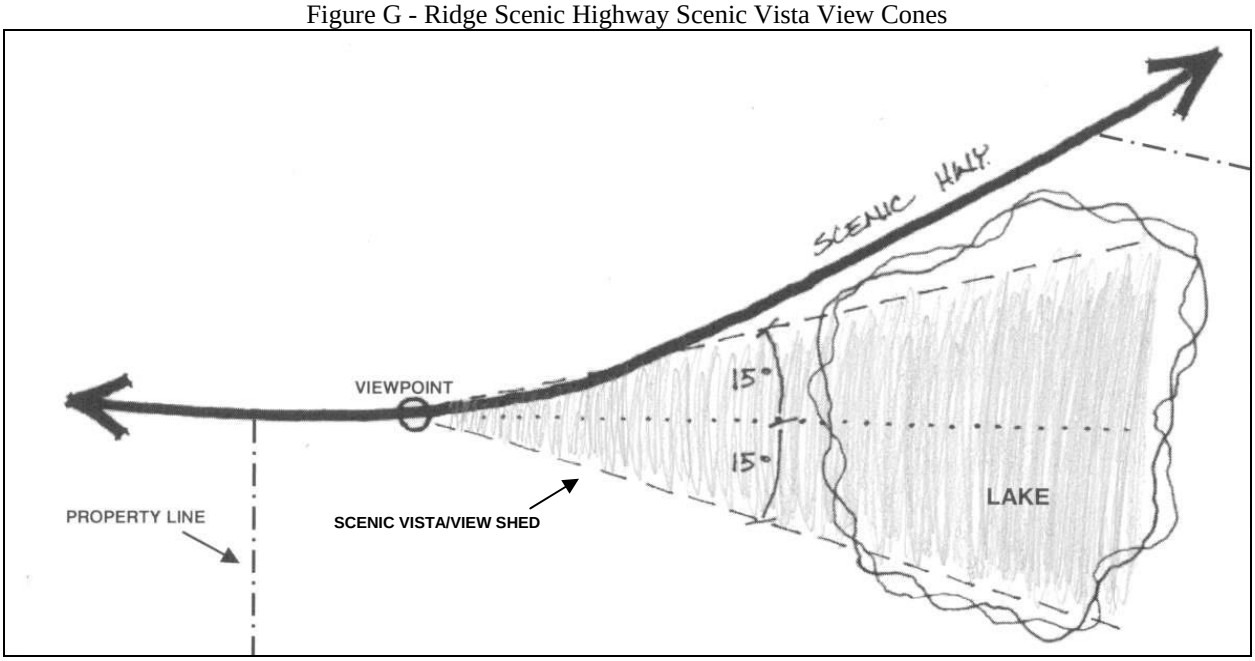
b. Each of the Ridge Scenic Highway Scenic Vistas resemble cones and are established as a 30-degree angle measured in equal 15-degree angle segments

measured from the Ridge Scenic Highway right-of-way to the primary vista amenity of interest (see Figure G).

c. Where the primary vista amenity is a specific landmark, such as Bok Tower, the Scenic Vista is established by drawing a line between the viewpoint and the landmark. The vista is 15% to both sides of the line between these two points (see Figure G).

d. Where the Scenic Vista is simply the natural terrain and vegetation, the Scenic Vista shall be limited to the distance where topography and/or where line of sight dissipates due to terrain and vegetation on the property. In no case shall the Scenic Vista extend beyond 1,000 feet except where a primary vista amenity or landmark (such as the Bok Tower) has been established (see Figure G).

Figure G - Ridge Scenic Highway Scenic Vista View Cones



6. Overlook Pull-Off

Combined with parking and access to the multi-use trail, Scenic Overlook Pull-Offs provide opportunities to highlight scenic advantage points and educate travelers/visitors on the area and services available. While most of them have been identified on the SR 17 Ridge Scenic Highway Resource Protection Overlay map, others may be discovered or reported and added to this map. Scenic Overlook Pull-Off locations shall provide views of historic structures, governmental buildings, cultural facilities, recreational facilities, public art, entrances to area towns and villages, prominent citrus groves and agricultural areas, and views of cattle grazing lands that are typical to Polk County. Scenic Overlook Pull-offs shall be regulated by the following criteria:

a. Scenic Overlook Pull-Offs shall have a minimum size to serve the purpose intended. At a minimum, Pull-Offs shall not be less than ½ half acre (21,780 square feet) in size.

b. All parking areas shall provide parking lot landscaping and buffering consistent with the requirements of Section 720.

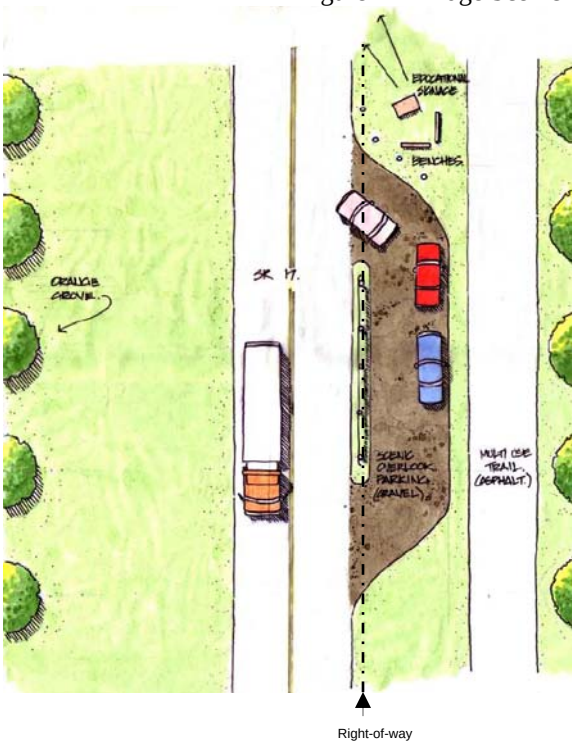
c. Scenic Overlook Pull-Off parking areas shall provide parking at a ratio suitable for the purposed intended. With the exception of driveways and drive aisles, parking spaces may be left unpaved, provided the soil is stabilized and covered with groundcover plantings, mulch, gravel, or shellrock and wheelstops to define each space.

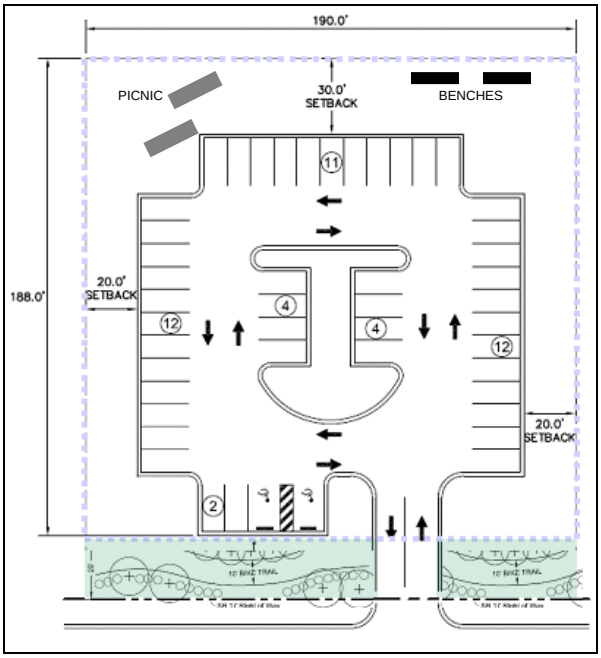
d. Each Scenic Overlook Pull-Off shall include, at a minimum, support facilities including at least one bike rack, covered picnic area with two tables, and signage related to the Ridge Scenic Highway. All materials shall meet minimum construction standards for recreation areas utilized by the Polk County Leisure Services division.

e. Parking areas and structures shall be prohibited from locating within the 25 foot right of way setback buffer.

f. The developer shall deed or dedicate these pull-offs to FDOT, Polk County, city (whichever is the jurisdiction controlling the property), or a quasi-governmental entity capable of maintaining these properties.

Figure H – Ridge Scenic Highway Pull-Offs





7. Conflict Section

When there is a conflict between the Ridge Scenic Highway Overlay regulations and other regulations of this Code, the Ridge Scenic Highway Overlay regulations shall guide and regulate development.

Section 680 Historic Preservation Sites

A. ***Purpose and Intent***

This Section is intended to protect significant man-made resources within Polk County and to implement the policies of the Polk County Comprehensive Plan and State and Federal guidelines.

B. ***Applicability***

The requirements of this Section shall apply to development on a site which contains a historic resource listed on the National Register of Historic Places or the Florida Master Site File, or development on a site which is within 100 feet of the listed historic resource.

C. ***Submittal Requirements***

In addition to the appropriate review procedures and materials in Chapter 9, all development to which this Section applies shall submit the following information:

1. A description of the historic resource;

2. A report by the State of Florida, Bureau of Historic Preservation, as to the significance of the resource and the steps, if any, that should be taken to protect that significance;

3. A description of the manner in which on-site historic resources are treated under the proposed development plan, including plans for destruction, alteration, or preservation;

4. A description of the relationship of the proposed development to, and its impact on, any off-site historic resources identified pursuant to 680 C.1.;

5. A discussion of the relationship of the proposed treatment of the resource to the recommendations of the Bureau of Historic Preservation.

D. ***Development Standards***

A development permit for a site containing a historic resource shall not be approved unless:

1. The proposed treatment of the resource is consistent with the recommendations of the Bureau of Historic Preservation contained in the report required by Section 680.C.2; or

2. The applicant shows that complying with the recommendations of the Bureau of Historic Preservation would impose an undue economic burden on the applicant. An undue economic burden shall not be found to exist unless:

   a. The applicant shows by substantial competent evidence that compliance with the recommendations of the Bureau of Historic Preservation will reduce the profitability of the otherwise approvable, profitable development to such an extent that the development will not be constructed; and

   b. The applicant presents a plan for documenting any historic resource that will be destroyed or altered.

Chapter 7

SITE DEVELOPMENT STANDARDS

CHAPTER 7 SITE DEVELOPMENT STANDARDS

Section 701 Purpose and Intent

The purpose of this Chapter is to establish minimum site requirements for the development and use of land within Polk County. The standards outlined herein shall be construed as minimum requirements and shall apply to the use, development and redevelopment, expansion or increase in intensity of land or buildings, except as otherwise provided for in this Code. Such requirements include off-site and on-site minimum criteria necessary to further the objectives of the Comprehensive Plan and protect the health, safety, and welfare of the inhabitants of Polk County.

Section 702 Connection to Centralized Water, Sewer, and Reuse Water Provisions *(Rev. 07/22/09 – Ord. 09-048; 3/25/03 - Ord. 03/26)*

Development located in the Urban Development Area (UDA), Urban Growth Area (UGA), Suburban Development Area (SDA), or Utility Enclave Area (UEA) must meet the following standards for connection to potable water and wastewater, and reclaimed water systems.

A. ***Development within the Urban Development Areas shall conform with the following criteria (Rev. 07/22/09 – Ord. 09-048):***

1. NON-RESIDENTIAL DEVELOPMENT -- All non-residential land uses developed after adoption of the Polk County Comprehensive Plan shall:

   a. be required to connect to the centralized water system.

   b. be required to connect to the centralized wastewater system within one year of it becoming available;

   c. Prior to the availability of centralized wastewater, the developer may extend the centralized wastewater to the property at his or her cost without credit or reimbursement from the County unless previous approval has been granted through the Board of County Commissioners, and the project has been scheduled within the Capital Improvements Program, or construct temporary septic tanks or package treatment facilities pursuant to Policy 3.102-A2 of the Infrastructure Element provided:

      i. that the necessary on-site collection apparatus for the future centralized facility is provided via the construction of a dry-line system, by the developer, at the time the development is built.

      ii. the costs of connection are guaranteed, pursuant to one of the following:

(1) a letter of credit, construction bond, or other similar instrument or guarantee at the time of development approval, or

(2) payment to the central utility by the owner at the time of building permit application. Should this option be exercised, it shall be the responsibility of the developer to inform the person purchasing the lot of this charge, or

(3) if it can be shown that the parcel proposed for development cannot, or will not, be served by public wastewater within the County's 10-year Master Utility Plan, and the utility provider provides written verification that the extension of the centralized public wastewater is not economically feasible from the public perspective, the total developable parcel may develop with septic tanks and without the installation of dry lines.

2. RESIDENTIAL DEVELOPMENT -- All residential land uses developed after adoption of the Polk County Comprehensive Plan shall:

a. be required to connect to the centralized water system.

b. be required to connect to the centralized wastewater system as it becomes available;

c. Prior to the availability of centralized wastewater, the developer may extend the centralized wastewater to the property at his or her cost, or construct temporary septic tanks or package treatment facilities provided:

i. that the necessary on-site collection apparatus for the future centralized facility is provided via the construction of a dry-line system, by the developer, at the time the development is built.

ii. the costs of connection are guaranteed, pursuant to one of the following:

(1) a letter of credit, construction bond, or other similar instrument or guarantee at the time of development approval, or

(2) payment to the central utility by the owner at the time of building permit application. Should this option be exercised, it shall be the responsibility of the developer to inform the person purchasing the lot of this charge, or

(3) if it can be shown that the parcel proposed for development cannot, or will not, be served by public wastewater within the County's 10-year Master Utility Plan, and the utility provider provides written verification that the extension of the centralized public wastewater is not economically feasible from the public perspective, the total developable parcel may develop with septic tanks and without the installation of dry lines.

iii. "Dry-line system," as stated in Policies 2.104-A5.a.2.(a) and 2.104-A5.b.2.(a), shall mean the installation and acceptance by the respective utility provider of all necessary infrastructure required to provide a fully functional wastewater system for the development once wastewater is available to the site. Such infrastructure shall include, at a minimum, installation, testing, and acceptance by the respective utility provider of:

(1) On-site improvements: All wastewater collection, pumping, transmission and apparatuses necessary to connect to the utility provider's regional system within a development.

(2) Off-site improvements: Lift stations and other infrastructure items necessary to make the development's wastewater system operational. A development shall be responsible for a pro-rata share of such improvements should several developments be required to use the same facilities.

B. ***Development within the Urban Growth Areas shall conform with the following criteria (Revised 07/22/09 – Ord. 09-048):***

1. NON-RESIDENTIAL DEVELOPMENT -- All non-residential land uses developed after adoption of the Polk County Comprehensive Plan shall:

a. be required to connect to the centralized water system.

b. be required to connect to the centralized wastewater system within one year of it becoming available;

c. Prior to the availability of centralized wastewater, the developer may extend the centralized wastewater to the property at his or her cost without credit or reimbursement from the County Commissioners, and the project has been scheduled within the Capital Improvements Program, or construct temporary

septic tanks or package treatment facilities pursuant to Policy 3.102-A2 of the Infrastructure Element provided:

i. that the necessary on-site collection apparatus for the future centralized facility is provided via the construction of a dry-line system, by the developer, at the time the development is built.

ii. the costs of connection are guaranteed, pursuant to one of the following:

(1) a letter of credit, construction bond, or other similar instrument or guarantee at the time of development approval, or

(2) payment to the central utility by the owner at the time of building permit application. Should this option be exercised, it shall be the responsibility of the developer to inform the person purchasing the lot of this charge, or

(3) if it can be shown that the parcel proposed for development cannot, or will not, be served by public wastewater within the 11 to 20 years of the adoption date of this Plan, and the utility provider provides written verification that the extension of the centralized public wastewater is not economically feasible from the public perspective, the total developable parcel may develop with septic tanks and without the installation of dry lines.

2. RESIDENTIAL DEVELOPMENT -- All residential land uses developed after adoption of the Polk County Comprehensive Plan shall:

a. be required to connect to the centralized water system.

b. be required to connect to the centralized wastewater system as it becomes available;

c. Prior to the availability of centralized wastewater, the developer may extend the centralized wastewater to the property at his or her cost, or construct temporary septic tanks or package treatment facilities provided:

i. that the necessary on-site collection apparatus for the future centralized facility is provided via the construction of a dry-line system, by the developer, at the time the development is built.

ii. the costs of connection are guaranteed, pursuant to one of the following:

(1) a letter of credit, construction bond, or other similar instrument or guarantee at the time of development approval, or

(2) payment to the central utility by the owner at the time of building permit application. Should this option be exercised, it shall be the responsibility of the developer to inform the person purchasing the lot of this charge, or

(3) if it can be shown that the parcel proposed for development cannot, or will not, be served by public wastewater within the 11 to 20 years of the adoption date of this Plan, and the utility provider provides written verification that the extension of the centralized public wastewater is not economically feasible from the public perspective, the total developable parcel may develop with septic tanks and without the installation of dry lines.

iii. "Dry-line system" within the UGA, as stated in Policies 2.105-A5.a.2.(a) and 2.105-A5.b.2.(a), shall have the same meaning as dry-line system within the UDA, as stated in Policy 2.104-A5.c.

C. ***New Development in the Suburban Development Area (SDA)*** ***(Revised 07/22/09 – Ord. 09-048)*****:**

New development located in the Suburban Development Area (SDA) shall meet one of the following criteria, whichever is more restrictive.

1. The minimum development standards established by the Polk County Health Department;

2. The minimum development standards established in this Chapter except that private package plants of any size are prohibited for residential developments; or

3. If public water is considered to be available, development shall be required to connect at the cost of the applicant.

4. Wastewater shall not be extended unless the BoCC deems it necessary based upon one of the factors listed:

a. It is the interest of on-site and nearby environmental features;

b. It is the interest of public health; or

c. The area has been designated a redevelopment district, and provided the development density of land served by the wastewater lines does not exceed the amount allowed under the current land use designation.

D. ***New Development in the Utility Enclave Area*** ***(Revised 07/22/09 – Ord. 09-048)*****:**

New development located in a Utility Enclave Area (UEA) shall be required to connect to existing centralized water and wastewater systems. Development within RL1, RL2, RL3, RL4, RM, and RH land use categories are required to connect to existing centralized water and wastewater systems.

E. ***Wastewater Availability*** ***(Rev. 07/22/09 – Ord. 09-048; 03/25/03 - Ord. 03/26; 01/30/03 - Ord. 03-14)***

A municipal, County-franchised, or County-owned wastewater system is considered available when the system is not under Florida Department of Environmental Protection (DEP) moratorium, the system has adequate hydraulic capacity to accept the quantity of wastewater to be generated by the proposed establishment and:

1. Single-family detached homes and Duplexes:

   a. For any such use, wastewater shall be considered available if the line abuts the property and gravity flow can be maintained from the building to the wastewater line.

   b. For any such use generating more than 2,700 gallons per day (g.p.d.), wastewater shall be considered available if a gravity line is in an easement or right-of-way within one-fourth mile of the property line and gravity flow can be maintained.

   c. For any such use generating more than 6,700 gallons per day (g.p.d.), wastewater shall be considered available if a gravity line, force main, manhole, or lift station is in an easement or right-of-way within one-fourth mile of the property line.

2. All other uses:

   a. For any such use, wastewater shall be considered available if the line abuts the property and gravity flow can be maintained from the building to the wastewater line.

   b. For any such use generating more than 1,000 g.p.d., wastewater shall be considered available if a gravity line, force main, manhole, or lift station is in an easement or right-of-way within one-fourth mile of the property line.

c. For any such use generating more than 5,000 g.p.d., wastewater shall be considered available if a gravity line, force main, manhole, or lift station is in an easement or right-of-way within one mile of the property line.

3. Wastewater flows shall be calculated in accordance with the schedules as provided by the utility provider unless the applicant can demonstrate through sufficient competent evidence that other standards are appropriate.

F. ***Water Availability***

A municipal, County, or private Water System is considered to be available when:

1. There is sufficient capacity to serve the subject property, and

2. An adequately sized distribution system is within one mile of the property.

G. ***Reclaimed Reuse Systems*** ***(Revised 07/22/09 – Ord. 09-048)***

1. A municipal, County-franchised, or County-owned reclaimed water system is considered available pursuant to the following:

a. For any residential subdivision, and all non-residential uses that have an estimated wastewater flow of 1,000 gallons per day or more, a reclaimed water main shall be considered available and connection shall be required if a reclaimed water main is in an easement or right of way existing under one of the following conditions:

i. Is within 1/2 mile (2,640 feet) of the property;

ii. Will serve 10 or more Equivalent Residential Connections (ERCs) or more of wastewater flow and is within 3/4 mile (3,960 feet) of the property;

iii. Will serve 20 Equivalent Residential Connections (ERCs) or more of wastewater flow and is within one (1) mile (5,280 feet) of the property; and

b. The wastewater treatment facility generating the reclaimed water shall have adequate capacity to serve the proposed development with reclaimed water as determined by the utility purveyor.

2. Except for single-family attached and single-family detached subdivisions located in Polk County Utilities' Northwest Regional Utility Service Area (NWRUSA), a

connection to reclaimed water, as outlined in this section, shall not be required when an irrigation system is not installed and landscaping is provided in accordance with Section 720.E.6, Non-Irrigated Landscape Areas. Installation of or expansion of an irrigation system where one was not originally approved shall require another Level 2 Review and connection to reclaimed water may be necessary pursuant to this section. This provision shall apply to single-family attached and single-family detached subdivisions only when the entire subdivision, inclusive of every lot and common areas, complies with Section 720.E.6. When exercising this provision, 702.G.2, notice shall be provided on all applicable construction plans, recorded plats, and recorded restrictive covenants associated with the development.

3. Nothing contained herein this section shall supersede any municipality's or private provider's authority to require a connection to reclaimed water.

H. ***Minimum Capacity*** ***(Revised 07/22/09 – Ord. 09-048)*****:**

Minimum capacity for a new private or public wastewater treatment plants shall be 100,000 gallons per day. At the discretion of the County, smaller, interim plants, may be allowed for industrial, commercial, and institutional uses within the Urban Development and Urban Growth Areas as designated in the Future Land Use Element and Map Series. These interim systems must be connected to the public regional or sub-regional system within a year of it becoming available. Isolated industrial sites in the suburban or rural areas may be allowed to use smaller plants as long as they satisfy the County's requirements as to effluent disposal capability and implement a groundwater monitoring program (GWMP) in accordance with DEP rules for wastewater treatment facilities with capacities of 100,000 gallons per day.

Section 703 Concurrency

A. ***Purpose and Intent***

The concurrency review process implements the objectives of the Polk County Comprehensive Plan and Florida Statutes, Chapter 163, which require that adequate public facilities and services be available at adopted Levels-of-Service, concurrent with the impacts of development.

B. ***Applicability*** *(Rev 07/14/08 – Ord. 08-037)*

1. This Section shall apply to the development or use of land within unincorporated Polk County, and development or use of land within a municipality if accessing a County maintained road.

2. Polk County shall not issue a final development permit until it has issued a Certificate of Concurrency.

3. The following shall be exempt from the requirements of this Section.

   a. Building permits issued solely for remodeling, reconstruction, or restoration of residential units or non-residential uses, provided that the building permits do not authorize an increase in the number of permanent dwelling units or an increase in the square footage of non-residential use or an increase in the impacts of the development.

   b. Projects, parcels, or lots that have received vesting from concurrency pursuant to Section 111.

4. Potable water allocation and reservations in the Northeast Regional Utility Service Area are described in Subsection P. of this Chapter.

C. ***Concurrency Determination*** *(Rev. 11/27/06 - Ord. 06-084*)

1. A concurrency determination shall be requested simultaneously with the application for Final Development Plan approval. A concurrency determination shall indicate that:

   a. The public facilities and services will be available concurrent with the impacts of the development; and

   b. The reservation of capacity, if applicable, has not expired; and

   c. Public facilities and services will be available at all subsequent stages of the development approval process up to the date of expiration of the Certificate of Concurrency and capacity reservation.

2. If the concurrency determination shows that there is adequate capacity, the Department will issue a Certificate of Concurrency. If the concurrency determination indicates that there is not adequate capacity of any public facility or service within the impacted service area the Department shall deny issuance of a Certificate of Concurrency or issue a Certificate of Concurrency subject to one or more of the following conditions:

   a. Reduction of project size, density, and intensity to reduce the impacts of the development to less than or equal to the available capacity; and

   b. Require the provision, by the applicant, of the necessary public facilities and services, including any off site transportation improvements, to achieve available capacity and site improvements recommended in the traffic study. The provision of public facilities and services shall comply with the Comprehensive Plan and all applicable ordinances. The commitment, by the

applicant, to construct public facilities and services prior to the issuance of a building permit must be included as a condition to the Certificate of Concurrency. The County may, at its option, reimburse the applicant for the costs of the excess capacity provided by the applicant. The improvements shall be in place prior to the Certificate of Occupancy.

c. The applicant enters into a binding Proportionate Share Agreement pursuant to the Transportation Proportionate Fair-Share Program provided for in Section 703. N.

3. Time limits shall be as follows:

a. The Certificate of Concurrency shall be valid for the same length of time as the development approval which was the basis of the concurrency determination. Applicants for water and sewer service shall sign a letter prepared by the utility purveyor releasing the capacity should the development approval from the Health Department or Florida Department of Environmental Protection expire.

b. A Certificate of Concurrency may be extended, if the development approval, which was the basis of the concurrency determination, is extended. The burden is upon the applicant to show that there have been no substantial changes in the original conditions or data since the final concurrency determination.

c. If a Certificate of Concurrency expires, the applicant must reapply for a concurrency determination, repay the application fee, and update the data and studies. Capacity reserved for the subject development will be placed back into the available capacity category.

4. Reservation of capacity:

a. Any reservation of capacity must be accompanied with, and limited to, applications for concept development approval. The applicant shall be required to prepay impact fees, utility connection fees, or provide other guarantees as provided for in the Capital Improvements Element, and sign a Development Agreement pursuant to Chapter 163, F.S. to reserve available capacity.

b. Any reservation fees paid by an applicant at one stage of the development approval process shall be credited toward the payment of impact fees or connection fees applicable to the facilities for which capacity has been reserved. If a Certificate of Concurrency is denied because of the expiration of a reservation of capacity, the applicant shall be entitled to a refund of the

reservation fees paid as agreed upon in the Development Agreement pursuant to Chapter 163, F.S.

c. The provision of public facilities by the applicant shall be a reservation of capacity. This reservation shall be limited to the facility provided and the amount of capacity provided by the applicant.

5. A development generates traffic above the threshold for a Major Traffic Study, the applicant may submit a Major Traffic Study for that phase and a revised Major Traffic Study for future phases at construction plan approval. Certificate of Concurrency will be granted with each approval of construction plan.

6. If the project's impact on the road system is for less than two years from the commencement of development, then the applicant shall submit a Minor Traffic Study regardless of the trips generated. If the impacts continue past two years the applicant shall submit the required traffic study and construct required improvements.

7. A concurrency determination shall apply to the land and development project and is transferable to another owner of the land, but not transferable to other land. The persons transferring the property shall notify the County of the transfer. This will allow the County to provide proper notice to the new owner.

D. ***Methodology***

1. To ensure that adequate public facility and service capacity is available concurrent with the impact of a project, the following formula is provided. Total available capacity at time of concurrency approval must be greater than or equal to the demand from the proposed development.

Total Capacity - Demand from Existing Development - Demand from Vested Development - Demand for Development with Approved/Reserved Capacity = Total Available Capacity

2. The methods for determining the total capacity differ by facility type and are defined in the Capital Improvement Element of the Polk County Comprehensive Plan and the Concurrency Procedures Manual.

a. Total capacity for sanitary sewer, solid waste, storm water management, and potable water facilities will be recognized if the facilities and services:

i. Are currently in place or will be in place when the development approval is issued;

ii. Are required by a Development Agreement pursuant to Chapter 163, F.S. to be in place when the impacts of the development occur;

iii. Are under construction at the time of development approval; or

iv. Are guaranteed by an enforceable Development Agreement pursuant to Chapter 163, F.S. to be in place concurrent with the impacts of the development occur.

b. Total capacity for parks and recreation facilities will be recognized if the facilities and services:

i. Are currently in place or will be in place when the development approval is issued;

ii. Are a condition of the development approval and are guaranteed to be provided concurrent with the impacts of the development;

iii. Are under construction; or

iv. Are guaranteed in an enforceable Development Agreement pursuant to Chapter 163, F.S., which provides for the commencement of construction of the required facilities and services within one calendar year of the issuance of the development approval.

c. Total capacity of road and mass transit facilities will be recognized towards concurrency if adequate facilities:

i. Are currently in place or will be in place when the development approval is issued;

ii. Are a condition of the development approval and are guaranteed to be provided concurrent with the impacts of the development;

iii. Are under construction;

iv. Are guaranteed in an enforceable Development Agreement pursuant to Chapter 163, F.S., which provides for the commencement of construction of the required facilities and services within one calendar year of the issuance of the development approval; or

v. Are included in the three year Polk County Capital Improvements Program, which includes the first three years of the FDOT District One Work Program.

3. All applications for development approvals shall provide sufficient information to evaluate the impact of such development pursuant to the concurrency determination procedures. The application shall be made on a form provided by the Department, and shall include, at a minimum, the following information:

a. For residential development, the total number and type of dwelling units;

b. For non-residential development, the type and intensity of the development, where appropriate, at a level of detail necessary to describe all aspects of the use;

c. The location of the development and identification of the facilities impacted by the development;

d. For development located within a centralized utility service area, an affidavit and information from the utility purveyor that adequate capacity is available and reserved to satisfy the demand for water and sewer service based on the adopted minimum Level-of-Service in the Comprehensive Plan. This information shall include, at a minimum, the State permit number issued pursuant to a completed Notice of Intent to Use General Permit for wastewater collection/drinking water distribution system (Form No. 17-555.910(7)); and, if applicable, a copy of the latest Operation and Maintenance Performance Report prepared pursuant to Florida Administrative Code, Chapter 17-600.405 or any successor regulations. If the ability of the utility purveyor to serve a proposed development is contingent upon planned facility expansion, details regarding the planned improvements shall be submitted. Prior to the issuance of a development approval by the County, the applicant shall be required to provide evidence of a contract with the utility purveyor, indicating the purveyor's commitment and ability to serve the proposed development. Such evidence shall include a letter from the franchise operator stating that adequate capacity is available and reserved to serve the proposed development, including specific reference to a Florida Department of Environmental Protection (DEP) permit number;

4. Prior to any final approval the following information is required:

a. Where central water is not available, the applicant shall provide all applicable permits or approvals from the Polk County Health Department and the applicable Water Management District, at the time of pre-construction plan approval or commercial site plan approval; and

b. Development served by on-site sewage disposal systems or existing package treatment plants shall submit all applicable permits or approvals from the Polk County Health Department and the Florida Department of Environmental Regulation Package Sewer Treatment Plant permit.

E. ***Transportation Levels-of-Service***

1. A traffic study shall be prepared in accordance with the Traffic Impact Study Methodology and Procedures (see Appendix C). The County will compare the results of the traffic study with the available capacity on a link by link basis to determine if there is sufficient capacity in the road network for the development.

2. The applicant shall use the minimum Levels-of-Service for peak hour periods on all roads, including County and State roads, as stated.

3. The County shall make a determination as to a link's ability to meet these standards by comparing Polk County and FDOT Annual Average Daily Traffic (AADT) data with the threshold values contained in the FDOT Level-of-Service standards and Guidelines Manual for the corresponding facility type, average signalization per mile rate, and minimum acceptable Level-of-Service. Speed and Delay studies, in accordance with FDOT guidelines, may be considered for verification of Level-of-Service. Final Level-of-Service determination will be made by Polk County. Each roadway segment failing to meet these criteria shall be reviewed and a determination will be made as to whether the segment is either a constrained or backlogged facility.

Table 7.1 Minimum Acceptable Levels-of-Service

Functional Classification	Level-of-Service/Peak Hour Periods	
	Polk County Urbanized Area (1)	Polk County Transition Area (2)
Limited Access	D	C
Principal Arterial	D	C
Minor Arterial	E	D
Urban Collector	E	D
Rural Major Collector	E	D
Rural Minor Collector	E	D

(1) The Polk County Urbanized Area includes the urban boundaries established for the County by the Transportation Planning Organization (TPO) and the Florida Department of Transportation (FDOT) for its planning and funding purposes, as well as the Urban Development Area (UDA), Urban Growth (UGA) and Suburban Development Areas (SDA) established in the Future Land Use Element.

(2) The Polk County Transition Area designation includes all lands not included in the Urbanized Area.

4. The County's Level-of-Service standards for constrained and backlogged segments shall be as shown:

Table 7.2 Constrained/Backlogged Facilities

Functional Classification	Constrained Facilities	Backlogged Facilities
Limited Access	Maintain	Maintain and Improve
Principal Arterial	Maintain	Maintain and Improve
Minor Arterial	Maintain	Maintain and Improve
Urban Collector	Maintain	Maintain and Improve
Rural Major Collector	Maintain	Maintain and Improve
Rural Minor Collector	Maintain	Maintain and Improve

5. A roadway facility is classified as a constrained facility when, for physical, environmental or jurisdictional reasons the facility cannot be expanded by at least two through lanes. A constrained facility in the Polk County Urbanized Area will be allowed to operate at levels that do not exceed a ten percent increase in the facility's 100th highest hour two-way traffic volumes, or a ten percent reduction in the facility's operating speed for the peak direction in the 100th highest hour. A constrained facility in the Polk County Transition Area will be allowed to operate at levels that do not exceed a five percent increase in the facility's average annual daily two-way traffic volumes or a five percent reduction in the facility's operating speed for the peak direction in the 100th highest hour. The initial classification of facilities as constrained shall be based on same year field counts and shall be concurrent with adoption of the Comprehensive Plan.

6. A roadway facility shall be classified as backlogged when it has begun to operate at less than the minimum acceptable Level-of-Service, and when no constraints exist which would prohibit installation of capacity improvements and such improvements are not programmed for construction in the first three years of FDOT's adopted work program or the three year schedule of improvements in the Capital Improvements Element. A backlogged facility in the Polk County Urbanized Area will be allowed to operate at levels that do not exceed a ten percent increase in the facility's 100th highest hour two-way traffic volumes, or a ten percent reduction in the facility's operating speed for the peak direction in the l00th highest hour. A backlogged facility in the Polk County Transition Area will be allowed to operate at levels that do not exceed a five percent increase in the facility's average annual daily two-way traffic volumes, or a five percent reduction in the facility's operating speed for the peak direction in the 100th highest hour. The initial classification of facilities as backlogged shall be based on same year field counts and shall be concurrent with adoption of the Comprehensive Plan.

7. Development orders will not be issued for projects which will significantly degrade the operating conditions of either a constrained or backlogged facility. Polk County considers the operating condition of a constrained or backlogged facility to be significantly deteriorated if the standards stated are exceeded. Development proposed along constrained or backlogged facilities must provide mitigation to accommodate the increased traffic volumes that will be generated.

8. Development Orders for projects served by constrained or backlogged facilities will be issued only if the applicable standards for the Polk County Urbanized and Transition Areas discussed are not exceeded. In addition, the operating condition on the constrained or backlogged facility can be maintained through the implementation of one or more of the following mitigation techniques. Prior to implementing any of these mitigation measures, the applicant must provide documentation which shows

how the proposed measure will mitigate for the increase in traffic volumes that will be generated.

a. Mitigation of impacts during the peak hour of roadway traffic through the implementation of flexible work shifts, off-peak work shifts or other measures to reduce peak hour impacts.

b. Provision of extraordinary mass transit support such as reducing the number of available employee parking spaces and subsidizing employee transit fares.

c. Make road improvements or contribute a sufficient amount of money through a Development Agreement pursuant to Chapter 163, F.S. to the mass transit system's operating or capital costs program, which will cause operating conditions on the constrained facilities to be maintained or maintain and improve operating conditions on backlogged facilities.

d. Provision of data collected in the field using the FDOT guidelines to demonstrate that the facility in question is actually operating at a better level than would be assumed using a computer analysis procedure.

F. ***Potable Water and Sanitary Sewer***

The adopted minimum Level-of-Service standard for potable water and sanitary sewer is 360 gallons per Equivalent Residential Connection and 270 gallons per Equivalent Residential Connection, respectively, as identified in the Infrastructure Element. The applicant shall provide, at a minimum, the following data, subject to verification by the utility purveyor.

1. Total potable water and sewage treatment demand and peak demand projected to be generated by the proposed development; and

2. Certification of one of the following:

a. The utility purveyor shall indicate that utility facilities will be available at the adopted Level-of-Service prior to issuance of a Certificate of Occupancy.

b. Where central water is not available, the applicant shall provide all applicable permits or approvals from the Polk County Health Department and the applicable water management district, at the time of building permit.

c. Projects served by septic tanks or package treatment plants shall provide all applicable permits or approvals from the Polk County Health Department and a Florida Department of Environmental Protection Package Sewer Treatment Plant permit.

G. ***Recreation*** ***(Revised 5/20/09 – Ord. 09-023)***

Concurrency for recreation shall be applied to residential development only. The availability of adequate recreation acreage shall be determined pursuant to the available data on existing parks:

1. Consistent with the Recreation and Open Space Element, the adopted Level-of-Service standard shall be 6.67 acres per 1,000 persons and shall serve as the minimum criteria for determining whether available parks/open space acreage capacity exists.

2. The applicant shall provide, at a minimum, the following project data, subject to verification by the County Leisure Services Division:

   a. The specific location of the project;

   b. The total number of residential dwelling units proposed, by type;

   c. The total estimated residential population of the proposed development consistent with the average household size established by the Department, based on latest Census information or population estimates prepared by the University of Florida Bureau of Economic and Business Research;

   d. Project phasing information, if applicable; and

   e. Any proposed dedication or provision of park land by the applicant complying with the following parcel information:

      i. A boundary map of the parcel showing acreage, wetlands, site features, and proposed development,

      ii. A letter from either the Polk County Leisure Services Director, Environmental Lands Coordinator, or Land Development Director verifying that the offered parcel of land will meet existing recreational needs.

   f. Any other information as deemed necessary by the Polk County Leisure Services Division.

H. ***Storm Water Management*** ***(Rev. 8/28/02 - Ord. 02-56)***

1. The availability of adequate storm water management system capacity shall be determined by review of the phasing schedule and project data provided by the applicant, consistent with this Chapter and the Technical Standards Manual.

2. The adopted Level-of-Service standard shall serve as the minimum criterion for determining whether available drainage capacity exists pursuant to the Infrastructure Element and Table 7.3.

   a. The following facilities shall meet Level-of-Service IV: existing man-made storm water facilities (i.e., canals, ditches, detention/retention ponds), and existing drainage structures (i.e. culverts and bridges)shall meet Level-of-Service IV.

   b. Existing roads shall be maintained above the ten year flood elevation; and the lowest elevation of the pavement edge of new roads shall be constructed and maintained above the 100 year flood elevation.

   c. New and reconstructed drainage structures (e.g., culverts and bridges) which are related to arterial, urban collector roads, and rural major collector roads, shall meet Level-of-Service II.

   d. New and reconstructed drainage structures related to rural collector and local roads shall meet Level-of-Service IV.

   e. New and reconstructed storm water facilities in open drainage basins (i.e., ditches, canals, detention/retention ponds) shall be designed and constructed to meet Level-of-Service III.

   f. New and reconstructed storm water facilities in closed drainage basins shall be designed and constructed to meet Level-of-Service I. Storm water facilities discharging to offsite roadways without existing storm sewers or drainage structures shall meet the Level-of-Service I, wherein it will have the ability to handle the post development peak volume.

   g. Storm sewers and storm water facilities existing prior to November 18, 1992, shall be maintained to meet Level-of-Service V. New systems shall be required to meet Level-of-Service III for storm sewers, minor cross-drain culverts, and collector road culverts; and Level-of-Service III for arterial road culverts.

   h. For new development and redevelopment, post-development peak discharge volumes and runoff rates shall not exceed the corresponding pre-development volumes and rates.

   i. The applicant shall provide proper permitting documentation from the approving permitting agency for off-site areas used to receive or convey storm water discharge.

Table 7.3 Levels-of-Service Standards for Storm water

Level of Service	Ability to Handle		Capacity to Handle
	Drainage Structures (e.g. Bridges and Culverts)	Storm water Facilities (e.g. Ponds, Ditches, Canals)	Storm Sewer (e.g. inlets, pipe)
I	100 year, 24 hour storm event with 1 foot freeboard at allowed velocity	100 year 24 hour storm event at top of bank or berm	100 year storm event
II	50 year, 24 hour storm event with 1 foot freeboard at allowed velocity; 100 year, 24 hour storm event with no freeboard at allowed velocity	50 year 24 hour storm event at top of bank or berm	50 year storm event
III	25 year, 24 hour storm event with 1 foot freeboard at allowed velocity; 50 year, 24 hour storm event with no freeboard at allowed velocity	25 year 24 hour storm event at top of bank or berm	25 year storm event
IV	10 year, 24 hour-storm event with 1 foot freeboard at allowed velocity; 25 year, 24 hour storm event with no freeboard at allowed velocity	10 year 24 hour storm event at top of bank or berm	10 year storm event
V	3 year, 24 hour storm event with 1 foot freeboard at allowed velocity; 10 year, 24 hour storm event with no freeboard at allowed velocity	3 year 24 hour-storm event at top of bank or berm	3 year storm event

I. ***Solid waste***

Development applications shall be analyzed with respect to the availability of adequate solid waste collection and disposal system capacity which shall be determined pursuant to the following information:

1. Documentation prepared by the Solid Waste Division projecting annual usage rates of solid waste disposal through the expected life of the county landfill and recycling facilities, using population projections consistent with those developed by the University of Florida Bureau of Economic and Business Research;

2. Project data pertaining to the development application under consideration shall be provided by the applicant, subject to verification by the Solid Waste Division, in sufficient detail to determine the annual impact of the project on the solid waste facilities, including at a minimum:

   a. The number and type of residential dwelling units proposed, and the estimated generation of solid waste from such units;

   b. The type and intensity of non-residential uses, and the estimated generation of solid waste from such uses from the solid waste generation tables in the Concurrency Management System; and

   c. Project phasing information, if applicable.

3. The adopted Level-of-Service standards are measured in pounds per capita per day (lbs/capita/day) by service area and are prescribed in Table 7.4.

4. Relying upon the data provided in Section I.1, the Solid Waste Division shall annually prepare a statement that available landfill capacity exists to meet existing and projected solid waste disposal requirements. This statement will serve as the finding of concurrency for all final development approvals issued during the subsequent year.

Table 7.4 Landfill Capacity (Pounds per Capita per Day)

Landfill/Service Area	1996	2000	2006	2010
North Central	6.40	6.49	6.57	6.62
Southeast Landfill	4.92	5.02	5.12	5.20
Northeast Landfill	5.13	5.27	5.41	5.50

J. ***Mass Transit***

The Transportation Department shall annually prepare a statement that available service providers and seating exists to meet the Level-of-Service standard. This statement shall be based on the criteria in this Code and will serve as the finding of concurrency for all final development approvals issued during the subsequent year. Consistent with the Mass Transit Element, the adopted Level-of-Service standard is 60,000 passenger trips in 1996.

K. ***Interlocal Review***

The minimum requirements in this Chapter shall apply only to those facilities within the unincorporated area of the County. If part of the applicable service area or traffic impact area lies within an adjacent county or city within Polk County, only those facilities within the unincorporated Polk County shall be evaluated with these criteria. If the County has entered into an inter-local agreement with an adjacent county or city providing for concurrency review, the County shall forward the application for concurrency determination to the affected county or city. The county or city will review the impacts of the proposed development on its facilities. The adjacent county or city must state in writing that the issuance of the development approval will not cause a reduction in the Level-of-Service for those facilities lying within the adjacent county or city. Polk County will not issue a Certificate of Concurrency until the county or city has completed its concurrency review. If the proposed development will cause a reduction in the Level-of-Service for those facilities lying within the adjacent county or city, Polk County shall not issue a Certificate of Concurrency.

L. ***Appeals***

An applicant who has been denied a Certificate of Concurrency, or who has been issued a certificate conditioned upon a reduction in the project or the provision of public facilities, may file an appeal within 15 days of such decision, as outlined in Section 921.

M. ***Development Agreements***

The County may enter into a Development Agreement as authorized by F.S., Sections 163.3220-163.3243, as amended, and Section 915, in order to ensure the availability of public facilities and services concurrent with the impacts of a proposed development. No Development Agreement may be entered into by the County unless the public facilities and services to be constructed by the applicant pursuant thereto are secured and guaranteed by a surety bond, performance bond, or other appropriate security as allowed in the Capital Improvements Element.

N. ***Transportation Proportionate Fair-Share Program*** *(Rev. 11/27/06 - Ord. 06-084)*

1. Purpose and Intent

The purpose of this subsection is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Transportation Proportionate Fair-Share Program, as required by and in a manner consistent with ' 163.3180(16), F.S.

2. Applicability

The Transportation Proportionate Fair-Share Program shall apply to all developments subject to Section 703. B., of the Land Development Code that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility on the Concurrency Determination Network. This includes transportation facilities maintained by the Florida Department of Transportation (FDOT) or another jurisdiction that are relied upon for concurrency determinations, pursuant to the requirements of Section 703. N. 3. The Transportation Proportionate Fair-Share Program does not apply to developments of regional impact (DRIs) using proportionate fair-share under ' 163.3180(12), F.S. The Transportation Proportionate Fair-Share Program does not preclude applicants from funding transportation improvements pursuant to a development agreement to meet concurrency requirements.

3. General Requirements

a. An applicant may choose to satisfy the transportation concurrency requirements of the County by making a proportionate fair-share contribution, pursuant to the following requirements:

i. The proposed development is consistent with the Polk County Comprehensive Plan and the Land Development Code.

ii. The five-year schedule of capital improvements in the Polk County Capital Improvements Element (CIE) or the long-term schedule of capital improvements for an adopted long-term concurrency management system includes the construction phase of a transportation improvement(s) that, upon completion, will satisfy the requirements of the Section 703. C.

b. The County may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Program by adding an improvement (construction phase) to the CIE or adopted long-term concurrency management system that will satisfy the requirements of Section 703. C. For the purposes of the Proportionate Fair-Share Program, no capacity road project shall be added to the CIE unless any required alignment study or a Project Development and Environmental (PD&E) Study has been completed with an endorsed build alternative.

To implement this option, the County shall adopt, by resolution or ordinance, a commitment to add the improvement to the five-year schedule of capital improvements in the CIE or long-term schedule of capital improvements for an adopted long-term concurrency management system no later than the next

regularly scheduled update. To qualify for consideration under this section, the proposed improvement must be reviewed by the County, and determined to be financially feasible pursuant to '163.3180(16) (b) 1, F.S., consistent with the Comprehensive Plan, and in compliance with the provisions of this Section. Any improvement project proposed to meet the developer's fair-share obligation must meet the design standards of the jurisdiction with maintenance responsibility for the subject transportation facility.

4. Memorandum of Understanding on Proportionate Fair-Share Program

Polk County shall coordinate with the Florida Department of Transportation, Polk Transportation Planning Organization, Central Florida Regional Planning Council and other local governments to implement the provisions of the Proportionate Fair-Share Program. Appropriate provisions for intergovernmental coordination will be detailed in a Memorandum of Understanding on the Proportionate Fair-Share Program (MOU), and Polk County shall coordinate with the signatory parties to ensure that mitigation to impacted facilities is based on comprehensive and consistent transportation data.

5. Application Process

a. Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the Proportionate Fair-Share Program pursuant to the requirements of Section 703. N. 3.

b. Prior to submitting an application for a proportionate fair-share agreement, a pre-application meeting shall be held to discuss eligibility, e.g., project status in CIE, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the Strategic Intermodal System (SIS), or any state transportation facility, then the FDOT will be notified and invited to participate in the pre-application meeting.

c. Eligible applicants shall submit an application to the County that includes an application fee and the following:

i. Name, address and phone number of owner(s), developer and agent;

ii. Property location, including parcel identification number(s);

iii. Legal description and survey of property;

iv. Project description, including type, intensity and amount of development;

v. Phasing schedule, if applicable;

vi. Description of requested proportionate fair-share mitigation method(s);

vii. Copy of concurrency application;

viii. Copy of the project's traffic study or traffic impact analysis; and

ix. Location map depicting the site and affected road network.

d. The County shall review the application and certify that the application is sufficient and complete within 10 business days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair-Share Program as indicated in Section 703 N. 3, then the applicant will be notified in writing of the reasons for such deficiencies within 10 business days of submittal of the application. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application will be deemed abandoned. The County may, in its discretion, grant an extension of time not to exceed 60 days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.

e. Pursuant to '163.3180(16) (e), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrence of the FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.

f. When an application is deemed sufficient, complete, and eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the County or the applicant with direction from the County and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a SIS facility, or any state transportation facility, no later than 60 days from the date at which the applicant received the notification of a sufficient application and no fewer than 45 working days prior to the Planning Commission meeting when the agreement will be considered.

g. The County shall notify the applicant regarding the date of the Board of County Commissioners (BoCC) meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the BoCC.

6. Determining Proportionate Fair-Share Obligation

a. Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities as provided in ' 163.3180 (16) (c), F.S.

b. A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ based on the form of mitigation as provided in ' 163.3180 (16) (c), F.S. (contributions of private funds, land or facility construction).

c. The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in Section 163.3180 (12), F. S., as follows:

The cumulative number of peak hour, peak direction trips from the complete buildout of the proposed development, or buildout of the stage or phase being approved, that are assigned to the proportionate share program segment divided by the change in the peak hour maximum service volume (MSV) of the proportionate share program segment resulting from construction of the proportionate share program improvement, multiplied by the anticipated cost of the proportionate share project. In this context, cumulative does not include project trips from previously approved stages or phases of development. This methodology is expressed by the following formula:

$$\text{Proportionate Fair Share} = \sum\left[\left[(\text{Development Trips}_i) / (\text{SV Increase}_i)\right] \times \text{Cost}_i\right]$$

Where:

$\sum$=	Sum of all deficient links proposed for proportionate fair-share mitigation for a project;
Development Trips_i =	Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the concurrency management system (CMS);
SV Increase_i =	Service volume increase provided by the eligible improvement to roadway segment "I;"

$Cost_i$ = Adjusted cost of the improvement to segment "i." Cost shall include the cost of all project phases (preliminary engineering or alignment study, design, rights-of-way acquisition and construction) in the years said phases will occur with all associated costs.

d. The cost of the proportionate fair-share project shall be determined by the maintaining jurisdiction.

e. The value of right-of-way dedications used for proportionate fair-share payment shall be subject to the approval of the maintaining jurisdiction. No value shall be assigned to right-of-way dedications required under ordinance or as a condition of development approval.

7. Impact Fee Credit for Proportionate Fair-Share Mitigation

a. The County shall maintain a list of transportation projects funded by road impact fees under the CIE. If the subject improvement is contained in the current CIE and funded in part or whole by road impact fees, the proportionate fair-share contributions shall be applied as a credit against road impact fees.

b. Impact fee credits for the proportionate fair-share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. Impact fees owed by the applicant will be reduced per the Proportionate Fair-Share Agreement as they become due per the County Impact Fee Ordinance. If the applicant's proportionate fair-share obligation is less than the development's anticipated road impact fee for the specific stage or phase of development under review, then the applicant or its successor must pay the remaining impact fee amount to the County pursuant to the requirements of the County impact fee ordinance.

c. The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any road impact fee credit based upon proportionate fair-share contributions for a proposed development cannot be transferred to any other location unless provided for within the local impact fee ordinance.

d. The amount of road impact fee credit for a proportionate fair-share contribution may be up to, but shall not exceed, the project's proportionate fair-share amount and will be determined based on the following formula:

Credit = [(Cost of Proportionate Share Project)) (Total Cost of All Projects in Applicable Impact Fee District)] x (Total Project Traffic Impact Fee Liability)

Where:
Cost of projects shall include the cost of all project phases in the year said phases will occur with all associated costs. Credit shall be calculated based on multiple Proportionate Share Projects, if applicable.

8. Proportionate Fair-Share Agreements

a. Upon execution of a proportionate fair-share agreement (Agreement) and satisfying other concurrency requirements, an applicant shall receive a Certificate of Concurrency subject to Section 703. C. Once a proportionate fair-share payment for a project is made and other impact fees for the project are paid, no refunds shall be given. All payments, however, shall run with the land.

b. Payment of the proportionate fair-share contribution for a project and other road impact fees not subject to an impact fee credit shall be due and must be paid within 60 days of the effective date of the proportionate fair share agreement. The effective date shall be specified in the agreement and shall be the date the agreement is approved by the BoCC.

c. All developer improvements accepted as proportionate fair share contributions must be completed with three years of the issuance of the first building permit for the project which is the subject of the proportionate fair share agreement and be accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. It is the intent of this section that any required improvements be completed within three years of the issuance of the first building permit for the project which is the subject of the proportionate fair share agreement.

d. Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to the effective date of the proportionate fair share agreement.

e. Any requested change to a development project subsequent to issuance of a development order shall be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.

f. Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement.

9. Appropriation of Fair-Share Revenues

a. Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the County CIE, or as otherwise established in the terms of the proportionate fair-share agreement. At the discretion of the local government having jurisdiction over the relevant transportation facility subject to the proportionate fair share agreement, and with the concurrence of the local government issuing the development order, proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived. These operational improvements shall be consistent with, and sustainable through, the construction of the capacity project. Proportionate fair-share revenues may also be used as the 50% local match for funding under the FDOT Transportation Regional Incentive Program.

b. In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development.

O. ***School Concurrency*** ***(Revised 06/2015 – Ord. 15-031; Revised 06/2014; Added 01/09/08 - Ord. 08-001)***

School concurrency applies only to residential uses that generate or have the potential to generate demands for public school facilities and are proposed or established after the effective date of this School Concurrency Ordinance (08-001).

1. Exemptions

The following residential uses or projects shall be exempted from school concurrency review:

a. Single family residential development with construction plan approval and multifamily residential development with unexpired final site plan approval prior to the effective date of the jurisdiction of authority's school concurrency regulations. Subject projects shall be deemed concurrent for school facilities. This concurrency determination will be subject to the provisions of Subsection 2. and shall remain valid for the time period specified based on an effective start date of March 1, 2008.

b. Single family subdivisions actively being reviewed as of March 1, 2008 that are determined to be sufficient and approvable by the County (sufficient and approvable meaning a complete Level 2 application including all required items as specified within section 704 or 804 of the Land Development Code). Upon receiving final development approval, subject projects shall be deemed

concurrent for school facilities. This concurrency determination will be subject to the provisions of Subsection 2.

c. Multi-family site plans actively being reviewed as of March 1, 2008 that are determined to be sufficient and approvable by the County (sufficient and approvable meaning a complete Level 2 application including all required items as specified within section 704 or 804 of the Land Development Code). Upon receiving final development approval, subject projects shall be deemed concurrent for school facilities. This concurrency determination will be subject to the provisions of Subsection 2.

d. Residential developments which have set aside a site for a public school that is found acceptable to the Polk County School Board and which has agreed to provide site access to roads and necessary utilities, shall be exempt for up to three years from concurrency for the school level (i.e. elementary, middle or high school) to be addressed by the future school. A Development of Regional Impact or DRI which has set aside one or more acceptable school sites and will provide road and utility access shall be exempt for up to five years from concurrency for the school level(s) to be addressed by said future school(s). Any residential or mixed-use DRI with an approved Development Order in effect prior to March 1, 2008 shall be exempt from school concurrency for their current phase or to the extent exempted through the approved development order. Consistent with the provision of Section 39, Chapter 2005-290, Laws of Florida, this provision shall not apply to DRIs for which a development order was issued prior to July 1, 2005, or for which an application was submitted prior to May 1, 2005, unless the developer elects otherwise in writing..

e. Single family lots of record having received final plat approval or recorded prior to the effective date of the jurisdiction of authority's school concurrency regulations.

f. Amendments to residential development approvals issued prior to the effective date of this school concurrency ordinance, which do not increase the number of residential units or change the type of residential units proposed.

g. Group quarters including residential type of facilities such as local jails, prisons, hospitals, bed and breakfasts, colleges, motels, hotels, temporary emergency shelters for the homeless, adult halfway houses, firehouse dorms and religious non-youth facilities.

h. Two-lot split of a vested parcel in compliance with all other land development regulations. For purposes of this section, a property owner may not divide his property into several developments in order to claim exemption as allowed by

this section. In making a determination as to whether a property is exempt under this section, the County shall consider, in addition to the ownership and parcel configuration at the time of the application, the ownership as of the date of the adoption of this agreement.

i. Age restricted developments that are subject to deed restrictions prohibiting the permanent occupancy of residents under the age of (18). Such deed restrictions must be recorded and must be irrevocable for a period of at least thirty (30) years, with revocation conditioned upon the project satisfying school concurrency. Such deed restrictions shall also name the County and/or Polk County School Board as parties to be notified in the event that there is proposed change to the age restriction requirement.

2. School Concurrency Time Limits

Concurrency will be provided for a development for a time period not to exceed eighteen (18) months. The development must have proceeded to the horizontal construction phase prior to the end of the eighteen (18) month time period for reserved capacities and the agreement to remain valid. At a minimum, this construction shall include rough lot grading consistent with an approved Water Management District Stormwater Permit. The construction phase shall exclude model homes. If an applicant donates land for a school facility, then concurrency may be extended for a longer time period subject to approval by the local government and the School Board. For mixed use or residential DRIs, school concurrency may be extended for up to 5 years where the DRI has addressed all questions regarding school impacts and the Development Order includes conditions to address mitigation of any school impacts, as agreed to by the School Board including those defined in the Interlocal Agreement.

3. School Concurrency Service Areas

School Concurrency Service Areas (CSA) are designed and subsequently modified to maximize available school capacity and make efficient use of new and existing public schools. These areas shall be school attendance zones (excluding attendance "spot zones") as expressed in Policy 3.603-C1 of the Polk County Comprehensive Plan, and shall be designed so that the adopted Level-of-Service will be achievable and maintained within bounds of the School Board's requirement for financially feasible five year capital facilities plan.

4. Methodology

To ensure that adequate school capacity is available for each school level (elementary, middle, and high school) and concurrent with the impact of a project, the LOS

standard of 100% of the permanent "Florida Inventory of School Houses" (FISH) capacity will be in effect for all schools.

Table 7.4a Tiered Levels Of Service

School Year 2008-2013

Facility Type	Percent (%) of FISH Capacity
Elementary	100%
Middle	100%
High School	100%

5. School Concurrency Determinations

Upon the receipt of a complete application for a binding School Concurrency Determination, the County will transmit the application to the School Board for a determination of whether there is adequate school capacity, for each level of school i.e. elementary, middle and high, to accommodate the proposed development, based on the LOS standards, Concurrency Service Areas (CSA), and other standards set forth within the Interlocal Agreement for Public School Facility Planning.

The County shall issue a Certificate of School Concurrency only upon:

a. the school Board's written determination that adequate school capacity will be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval for each level of school without mitigation; or

b. the execution of a legally binding mitigation agreement between the applicant and the School Board and Polk County.

If a proposed development does not meet school concurrency requirements and is not issued a Certificate of School Concurrency, then the School Board will place this development into a queue of pending projects for a period of eighteen (18) months. If conditions change such that adequate capacity becomes available to serve a pending project, then the applicant will be issued a determination of adequate school capacity.

6. School Concurrency Mitigation

In the event that the LOS standards will be exceeded due to a proposed development, mitigation measures shall be considered by both the County's Concurrency Director and the Polk County School Board Superintendent. The following criteria shall be

used to determine whether or not a proposed mitigation can adequately offset the impacts of a proposed development:

a. proposed mitigation must be directed toward a permanent school capacity improvement identified by the Polk County School Board's financially feasible Five Year Program of Work;

b. proposed mitigation must satisfy the demand(s) created by the proposed development;

c. proposed mitigation must be, at minimum, proportionate to the demand for public school facilities to be created by actual development of the property;

d. if needed capacity for the development is available in one or more of the contiguous CSAs and the impacts of the development can be shifted to that CSA, then mitigation shall not be required;

e. temporary classrooms shall not be accepted as mitigation;

7. School Concurrency Proportionate Share Mitigation

In the event that the LOS standards set forth in this ordinance (08-001) will be exceeded by a proposed development (or developments), proportionate share mitigation measures may be considered by the County's Concurrency Director (or designee) in concert with the Polk County School Board Superintendent (or designee). If it is determined by both the County Concurrency Director and the School Board that a method of mitigation may be acceptable and can offset the impacts of a proposed development, one or more of the following procedures shall be used:

a. The donation, construction, or funding of school facilities sufficient to offset the demand for public school facilities created by the proposed development and/or

b. The creation of mitigation banking based on the construction of public school facility in exchange for the right to sell capacity credits.

c. Acceptable contribution of land in conjunction with the provision of additional school concurrency.

d. Provision of additional student stations through the donation of existing buildings for use as a primary or alternative learning facility as long as the building meets "State Requirements for Educational Facilities" (SREF) standards.

e. Provision of additional student stations through the renovation of existing buildings for use as learning facilities as long as the building meets SREF standards.

f. Construction of permanent student stations or core capacity as long as the building meets SREF standards.

g. Construction of a charter school designed in accordance with School Board and SREF standards, providing permanent capacity to the Board's inventory of student stations. Use of charter school for mitigation must include provisions for its continued existence, required attendance by students generated by development, including but not limited to the transfer of ownership of the charter school property and buildings and/or operations of the school to the School Board.

P. ***Water Allocation and Reservation Procedures in the Northeast Regional Utility Service Area*** *(Rev. 7/14/08 – Ord 08-037)*

1. Water allocation and reservation procedures are required to guide the use of potable water to create a sustainable community which includes the creation of economic opportunities for employment and an acceptable quality of life. As such, the following steps are to be completed to obtain a potable water allocation:

a. the development shall have received all site/construction plan (Level 2 Review) approvals, except for concurrency for water capacity. This is determined when all the technical comments in the permit tracking system are resolved by the development reviewers other than concurrency for water capacity;

b. the last date in which the development review comments were resolved from each of the development reviewers, except for water concurrency, shall be recorded as the Project Hold Date. This Date, along with project identification information, shall be entered into the Project Hold List that is the responsibility of the Growth Management Department to maintain with assistance from the Utilities Department;

c. the priority to grant a water allocation as part of the Certificate of Concurrency shall be based on the Project Hold Date and granted in accordance with the sequence of Dates, beginning with the project with the earliest Date receiving the highest priority and proceeding to the projects with the later Dates in sequential order;

d. the development shall be designated into one Land Use/Potable Water Use category; however, the water needs for a non-residential project may obtain a

water allocation from a single category or may be divided among commercial/office/industrial development, mixed use development or economic development depending on the characteristics of the development;

e. a determination shall be made as to whether potable water is available in a respective category, and once potable water is allocated from that category, the amount shall be subtracted from the amount of the available potable water in that category;

f. a project may be phased in time increments not exceeding three years. If a project is phased, the water allocation shall be based on a County-approved phasing schedule and shall be incorporated into the Certificate of Concurrency. Water may be allocated for the initial phase and reserved for that phase by paying the connection fees associated with that phase. The water allocation for the remaining phases shall be subject to an Application for Concurrency and another review for water capacity. An Application for Concurrency for water for the next phase of the project shall be submitted no later than 180 days before the respective phase is to begin. If water is available to be reserved, a revised Certificate of Concurrency shall be issued for that phase. If water is not available, the phase will be placed on the Project Hold List and given a Date based on the date the Application of Concurrency is received. The County-approved development plans shall remain valid in accordance with Sections 704 B. (Effect of Approval) and 804 B. (Effect of Approval) of this Code; and as long as, the project or its respective phase is maintained on the Project Hold List. The reservation of the water will occur at the time the connection fees are paid for each respective phase.

g. prior to a potable water allocation being issued as part of concurrency, an evaluation shall be performed to determine that permitted water capacity is available in the Northeast Regional Utility Service Area; and

h. the Growth Management Department shall grant Concurrency based on the Project Hold Date and in accordance with the Land Use/Potable Water Use categories, the potable water amounts available for that respective category, the status of the capital facilities to generate, store and pump water, and the available permitted water capacity for the Northeast Regional Utility Service Area. The permitted water capacity shall be that capacity that is allowed for use based on the Water Use/Consumptive Use permits obtained from the applicable Water Management Districts.

i. the Project Hold List will proceed as far down the List as possible based on available water and proposed development. At the end of each quarter which shall be March 31, June 30, September 30 and December 31 of each year, the

Hold List shall re-start with the earliest Date and proceed sequentially to the latest Date. Each project shall maintain its position on the list and shall obtain an earlier relative position as projects are allocated water and constructed. New projects that have obtained approvals, other than water capacity, shall be placed at the bottom of the Hold List with their designated Date. Projects shall remain on the Hold List for a period not to exceed three years (1,095 calendar days) from their respective Date. For projects that are on the Hold List at the time of the adoption of the Ordinance, these projects shall remain on the List for three years from the time of Effective Date of the Ordinance.

2. Land Use/Potable Water Use Categories and Water Allocation

The following categories and water allocation percents are to be used to permit potable water for the developments in the Northeast Regional Utility Service Area. The amount of potable water for each category will depend on the amount of permitted water capacity that is received by the County from the water management districts and shall not include the projects that are based on Development Agreements in accordance with Chapter 163, F.S.

Land Use/Potable Water Use Category	Percent Potable Water Allocation
Non-Residential:	
Commercial/Office/Industrial Development	30 %
Economic Development Plan	20 %
Mixed Use Development	20 %
Residential:	
Residential Development Single Family Detached Units	10 %
Residential Development Multi-Family Units	20 %

Also, see Paragraphs 4 and 6, Public Facilities and Platted Lots and Tracts Development, respectively, concerning the non-residential water allocation.

3. Payment of Connection Fees and Potable Water Reservation

At the time that the Certificate of Concurrency for the project or its respective phase is issued, the developer shall pay the applicable potable water connection fees to the County. The water allocation shall be used for those building permits that will be obtained within three years (or 1,095 calendar days) from the time that the Certificate of Concurrency is issued. The water allocation associated with the project in which building permits were not issued within the three year time period shall no longer be valid. An Application for Concurrency can be re-submitted for the water allocation that was not used and a review shall be performed to determine whether water is available. If construction is suspended by the developer for a period of six months (180 calendar days) or more, the water allocation shall no longer be valid and an Application for Concurrency shall also be re-submitted for review to determine if water is available. If water is available, the Certificate of Concurrency may be modified to include the additional water or a portion of the additional water for the project or project phase. If water is not available, the project or project phase shall be placed on the Project Hold List at the bottom of the List with a Hold Date and subject to the allocation procedure. The water allocation shall not be reserved unless the connection fees are received by the County. The connection fees associated with the water allocation that is not used, shall be refunded minus a maintenance fee. The maintenance fee shall be adopted by resolution by the Board of County Commissioners and shall be evaluated each year as part of the annual review (as described in Paragraph 8 of this Ordinance).

4. Public Facilities

Potable water for these facilities shall be allocated from the Non-Residential uses, either the Commercial/Office/Industrial Development or Mixed use Development categories as described in Section 3, Paragraph 2 of this Ordinance. If water is not available from these categories, then the Economic Development category may be used. Should a conflict for water allocation occur between public facilities and another type project, Public Facilities shall have a priority over the other projects.

5. Development Agreements

The County has entered into and may in the future enter into development agreements (consistent with Chapter 163, F. S.) for specific developments that include one or more land uses and significant benefits to Polk County and the Northeast Regional Utility Service Area. The potable water quantities allocated in the development agreement shall be given a priority over the developments that have been approved in the site/construction plan (Level 2) development review process and have a Project Hold Date. The potable water allocation and reservation, and prepayment of fees for projects that are included in development agreements shall be in accordance with the development agreement approved by the County and shall not be subject to the requirements Sections 2 and 3 of this Ordinance.

6. Platted Lots or Tracts Development

Platted Lots or Tracts Development and Lots of Record that were approved and started prior to July 1, 2003, shall be provided potable water from the Non-Residential categories as described in Section 3, Paragraph 2. of this Ordinance. The Commercial/Office/Industrial Development or Mixed use Development categories as described in Section 3, Paragraph 2 of this Ordinance shall be the primary categories for potable water. If water is not available from these categories, then the Economic Development category may be used.

7. Residential Platted Development

Residential development that is platted and recorded in accordance with the Comprehensive Plan and Land Development; and the respective water connection fee has been paid shall be deemed to have reserved water capacity. This reserved water capacity shall not expire as long as the respective plat is valid, and is not vacated or re-platted in a manner that increases the number of dwelling units. The reserved water capacity shall be considered used at the time a building permit is issued for the residential structure(s).

8. Potable Water Allocation Review

The potable water allocation percent and quantities shall be reviewed at least one time per fiscal year beginning October 1, 2008. These reviews may be performed more often, if necessary. The reviews shall also include the water quantities that have been allocated to the Platted Lots and Tracts Development. The review shall be conducted by representatives from County Management, County Attorney's Office, Utilities Department, Growth Management Department, and the Central Florida Development Council. It shall be the responsibility of the Growth Management Department to notify the other entities and hold the meeting. The results of each meeting shall be provided to the County Manager and Board of County Commissioners prior to October 15 of each year. The review shall include a current status of the situation and a recommendation to the Board of County Commissioners to maintain or amend the current potable water allocation percents and quantities; and whether the revenue and maintenance fee shall remain the same or be amended for the following year. Any changes to water allocation categories or percents shall be amended by ordinance and shall be effective on January 1 of the following year and shall continue to be effective until December 31 of that same year, unless otherwise amended. Changes in the maintenance fee shall be accomplished in accordance with amending the applicable resolution, as necessary

Section 704 Commercial, Industrial & Multi-Family Construction Plans *(Rev. 10/07/09 - Ord. 09-061)*

The applicant shall submit construction plans for the installation of improvements that are to be constructed to serve the development site. The purpose of the review and approval of construction plans is to ensure satisfaction of the design and specification requirements for the improvements that are to be constructed to serve the development site. Construction plans shall be approved prior to commencing any construction activities.

A. ***Exemptions*** ***(Revised 3-17-10 – Ord. 10-011)***

All land development activities within the unincorporated area of Polk County and any development activity accessing land or structures within County rights-of-way or easements shall submit site construction plans to the Land Development Division for a Level 2 Review with the exception of the following land development activities:

1. Bona fide Agricultural operations (not including agricultural support uses);

2. Non-residential development where infrastructure and site improvements are neither required nor regulated by the Land Development Code;

3. Reconstruction of or new construction in the footprint of the original structures previously approved through prior site construction plans provided all are in conformance with Section 120 of the Code.

Verification that a land development activity has met one of the aforementioned exemptions shall be determined through a Level 1 Review.

B. ***Construction Plan Submittal Requirements*** ***(Rev. 3-17-10 – Ord. 10-011; 10/07/09 - Ord. 09-061; 5/20/09 – Ord. 09-023; 03/18/09 – Ord. 09-006; 01/03/05 - Ord. 04-43)***

All construction plans shall be submitted to the Land Development Division with the required number of copies and shall conform to specifications and requirements of this Code. Construction plans shall be prepared and certified for all improvements by a state registered professional engineer. All revisions shall be prepared and submitted as required for original plans. Construction plans shall include the following:

1. A legal description of the property, including the citation and general description of any existing easements, covenants or other restrictions affecting the use and development of the property existing at the time of submission;

2. A copy of the lot layout, if applicable, showing the development site.

3. Information on the existing site conditions shall be provided as follows:

a. Location, size, elevation and other appropriate descriptive information of existing facilities and features and the point of connection to proposed facilities and utilities;

b. Topographic contours at one foot intervals or at five feet interval for steep slope, based on the Mean Sea Level (MSL) datum;

c. Flood elevation data and flood zones delineated;

d. Soil survey data, prepared by an appropriate registered professional or a certified soil scientist, indicating all soil classifications and water table elevations.

4. Information on the proposed design shall be as follows:

a. Proposed grading, fill and spot elevations at sufficient detail to define the proposed drainage patterns; the subject parcel as well as adjacent areas to be affected shall be shown;

b. Internal street design showing radii of all curves, corners and dimensions;

c. Plan and, where appropriate, profile sheets, depicting existing and proposed elevations, grades and treatment of all roads and intersections;

d. Cross sections of all street intersections when required by the County Engineer;

e. Plans, and where appropriate, profiles depicting the location and typical cross sections of all required improvements, including proposed storage lanes, acceleration and deceleration lanes;

f. Details illustrating connections to existing and proposed utility systems;

g. Details showing sidewalks, all traffic control, and striping in accordance with requirements of the County;

h. Location of fire hydrants; and verification of required fire flow, as determined by the Authority Having Jurisdiction, is available at time of permitting;

i. A certified boundary and topographic survey performed in accordance with Chapter 61G17-6, F.A.C., pursuant to Chapter 472.027, F.S., which accurately depicts the actual location of any existing roadway accesses, site improvements, visible encroachments, flood hazard areas and jurisdictional

wetlands on-site. The survey shall be prepared at a scale sufficient to show all details of the site;

j. Drainage map, including the entire area to be developed and adjacent areas to be affected by such drainage. Disposition of storm waters should be shown;

k. If variable width rights-of-way are proposed, roadway and ditch cross sections, at intervals of 100 foot maximum, may be required. However, if conditions warrant, cross sections may be at intervals less than, or greater than, 100 feet, as determined by the County Engineer;

l. List of bench marks on based on the North American Vertical Datum of 1988 (NAVAS88), or the National Geodetic Vertical Datum of 1929 (NGVD29) giving location and elevation. There shall be at least one bench mark for every drainage outfall control structure in the development site. An assumed benchmark shall not be used;

m. Plans shall contain a note requiring compliance with current FDOT specifications for material quality and workmanship;

n. The proposed location of walls or fences shall be outside of road rights-of-way;

o. There shall be no areas without designations on construction plans. Areas shall be designated lots, tracts, or rights-of-way;

p. Construction plans shall show location and types of proposed lot lines, uses, facilities, easements, open space areas, typical structure dimensions, parking and loading areas, landscaping, buffers, vehicle circulation, and minimum setbacks;

q. Construction plans shall show the approximate location of all adjacent abutting development within a maximum of 100 feet including, phases, land use designations, and existing structures; and

r. Density Bonus Points, as outlined by this Code, shall be clearly illustrated on the construction plans.

s. Landscape plans and irrigation plans, when applicable, shall be submitted in accordance with Section 720.

5. Other information submitted in graphic and narrative form.

a. Storm water calculations and descriptions, prepared by a state registered engineer, needed to show compliance with requirements of the County, State and Water Management Districts;

b. Type and location of any erosion and sedimentation controls which will be used during the construction process;

c. Calculations and descriptions, prepared by a state registered engineer, used in sizing water and sanitary sewer mains, and storm water pipes and facilities, including any impact on existing systems and fire flow requirements;

d. Copies of permits, applications and approvals from all applicable regulatory agencies. If permit applications are submitted, the construction plan approval shall be based upon the assumption that the applicant will obtain the necessary permit approvals required;

e. Identification of all wetland encroachments and buffers;

f. Calculations for storage lane capacity, where applicable;

g. Traffic impact study in accordance with Appendix C.

6. Prior to any final approval the following information is required:

a. Plans, calculations, and descriptions necessary to show that the On-site Treatment Disposal System (OSTDS) in compliance with all applicable Federal, State, and County requirements;

b. Plans, calculations and descriptions required to determine that the potable water supply system is in compliance with all federal, state and county requirements;

7. Graphic standards shall be as follows:

a. Plans shall be on one or more sheets 24 inches by 36 inches in size. An index of plan sheets shall be provided;

b. All plans and profiles shall be at appropriate scale of sufficient size to show all detail;

c. Dimensions shall be shown on all drawings where applicable;

d. Drawings shall have a north arrow where applicable;

e. A title block shall shown on all sheets and shall contain the following information:

i. Development name;

ii. County and State;

iii. Sheet number and total number of sheets;

iv. Name, address and phone number of the responsible individual or professional;

v. Preparation date and date of any revisions.

C. ***Minor Revision to Level 2 Plans*** ***(Revised 3-17-10 – Ord. 10-011)***

Where a minor revision to approved Level 2 Review construction plans is proposed, plans may be submitted for review by the County Engineer and Current Planning, for approval or to determine whether the full DRC review is required. A minor revision is an adjustment in engineering or construction details that:

1. Does not change the external appearance of the development including adjustment in road or entrance alignment;

2. Does not violate any other agency regulations;

3. Does not require a Waiver from Technical Standards (See Section 932);

4. Does not violate any condition of approval;

5. Does not increase in density or intensity;

6. Does not require greater capacity of infrastructure and services offsite;

7. Increases impervious surface area by no more than 5% or 2,000 square feet whichever is less;

8. Increases parking spaces by no more than 5% or 5 spaces whichever is less;

9. Does not change primary or accessory uses on site to any use other than what is permitted by right (P) within the district as listed in Chapter 2 or in an overlay district in Chapters 4 and 5 (such as a Selected Area Plan, DRI, Green Swamp); or,

10. Does not change vehicle or pedestrian access or facility or its function.

A minor revision is intended to begin where a proposed change to an approved Level 2 Plan goes beyond the limits of a minor deviation under Section 980.B

D. ***Timing of Approval*** ***(Rev. 06-17-09 – Ord. 09-025)***

1. Upon approval of the construction plans and applicable permits, the applicant may:

   a. Obtain necessary permits to construct those improvements described on the approved construction plans; or

   b. Request BoCC approval to post performance security pursuant to Section 807, for uncompleted offsite improvements.

2. No construction shall commence until the plans have been approved by the County Engineer, other than preliminary ditching and earth moving incidental and necessary to site preparation, and not impacting wetlands, floodplain and drainage features.

   a. Approval of construction plans shall be valid for 36 months from the original date of approval. If construction has not commenced within this time frame, and the applicant has not requested an extension as outlined in this section, the applicant shall submit new construction plans for approval pursuant to Section 905, Level 2 Review. Construction may not commence prior to receiving approval of the new construction plans.

   b. An applicant may apply for one additional time extension. Said time extension shall be for a maximum of one year and shall be reviewed by the DRC. When reviewing a request for a time extension, the DRC may request changes to the approved construction plans only to reflect policy changes to this Code, since the original construction plans were approved, relative to the health, safety and welfare of the general public. Applications for time extension, as identified in this section, shall be submitted prior to the expirations of the Level 2 Review construction plans. If an application for time extension has been submitted prior to expiration of the Level 2 Review construction plan approval, but has not been acted upon by the DRC prior to the date of expiration, the request for extension shall still be considered by the DRC, and the project shall not expire until the DRC renders a final decision either approving or denying the request. However, in no instance may a time extension be granted for a period to exceed one year from the date of the original Level 2 Review approval, regardless of when the DRC acts upon an application for a time extension

   c. Decisions hereunder by the DRC may be appealed pursuant to Section 918.B and Section 921 of this Code. If the DRC grants a time extension pursuant to

this section, thereafter if construction has not commenced within that extended time frame, then the applicant shall submit new construction plans for approval pursuant to Section 905, Level 2 Review. Construction may not commence prior to receiving approval of the new construction plans.

d. Any land alteration which takes place prior to construction plan approval shall be at the applicant's risk and may be required to be restored if it does not conform to the approved plans.

e. No sale of soils shall be allowed prior to obtaining all permits.

3. After construction has commenced, work shall be continuous until complete. Construction may be suspended no more than four times for the duration of the project, according to the following schedule:

a. one work suspension/stoppage may be for a period not to exceed six months,

b. the three remaining work suspension/stoppages may be for a period not to exceed one month each time, and

c. The work suspension/stoppages described above may not be combined.

If construction should be suspended exceeding the limits described in this section, the applicant shall submit new construction plans for approval pursuant to section 905, Level 2 Review. All work stoppages shall be reported to the engineering inspector responsible for the project.

4. If construction plan approval lapses, the plans become subject to any changes in this Code and other applicable regulations.

5. Additionally, Polk County acknowledges and will comply with the mandate of Senate Bill 360, which was enacted by the Florida Legislature and signed by the Governor in 2009. Therefore, Level 2 Review construction plans approved that are still valid and have not commenced construction that are scheduled to expire between September 1, 2008, and January 1, 2012, shall be extended for a period of two years from the original expiration date of the construction plans. Failure to commence construction prior to the extended expiration date shall result in the approval being null and void.

E. ***Inspection and Certification of Project Roadway and Drainage Improvements*** ***(Rev. 10/07/09 - Ord. 09-061; 12/08/03 Ord. 03-69)***

1. The County Engineer shall conduct periodic on-site field reviews during construction and shall advise the engineer of record of their findings. The applicant shall keep a copy of the approved construction plans of project improvements and any

development approval transmittal letter on-site during construction activity. Each phase of construction may be accepted by Polk County. The applicant may proceed, at his own risk to the next stage of construction by providing test reports meeting Polk County specifications. Passing field test results may, at the discretion of the County Engineer or his/her representative, be used to allow the next stage (for example stabilized subgrade or base course) to proceed. Should conditions indicate non-compliance with the approved plans and specifications, Polk County shall require remedial actions as necessary. When the project is completed, the engineer of record shall submit record drawings and shall certify that the work was substantially constructed according to the project plans and specifications based upon the engineer's site reviews and certification by a Professional Surveyor and Mapper for the project.

2. Changes in plans or specifications substantially affecting conformance to standards or performance of systems must be requested by the engineer of record during construction prior to the implementation of such changes (for example: drainage and alignment). Such changes must be requested in writing and approved by the County Engineer. Changes of base course material to another base course material listed as an optional base course on the typical sections in Appendix A may be approved by the project inspector and noted in the project file.

3. The County Engineer may perform or require any inspection necessary to verify conformance with plans and specifications. The applicant, or the contractor retained by the applicant to construct the development, shall give the County Engineer at least five (5) days written notice before commencement of any construction. The applicant or contractor shall conduct a pre-construction meeting prior to commencement of construction of any public or private improvement. The applicant or contractor may commence clearing and grubbing operations only after the construction plans have been approved by the County Engineer and prior to the pre-construction meeting. All erosion control measures shall be in place prior to clearing and grubbing operations.

4. All tests shall be performed and samples taken as directed by the testing engineer in conformance with Appendix A – Technical Standards Manual and FDOT requirements. The testing engineer shall notify and schedule testing(s) with the County Engineer at least 24 hours before the testing. For any area where the tested sample does not meet the specifications, the area shall be re-worked and re-tested until a passing test is obtained. Test results for all required tests, including re-tests showing passing results for all deficient areas, along with a certification by the testing engineering that the materials tested meet the specifications shall be submitted to the engineer of record and the County Engineer. All testing shall conform with Appendix A - Technical Standards Manual, and with FDOT Standard Specifications.

5. Record drawings shall be prepared to specifications of the County and certified by the engineer of record as to conformity to the design and function of the drainage

systems, show the actual installation of all improvements as certified by a Professional Surveyor and Mapper licensed in the state of Florida, and reflect any changes to the approved plans. Record drawings shall be submitted to the County Engineer within 30 days of completion of construction or prior to issuance of Certificate of Occupancy, for final inspection of public improvements.

6. The applicant, or the contractor retained by the applicant to construct the public improvements, shall maintain a temporary construction identification sign at the construction site providing information such as project name, developer and/or contractor name and emergency phone number.

F. ***Approval of Private Improvements***

Upon satisfactory final inspection of private improvements consistent with the approved site plan the county shall issue a Certificate of Occupancy. Significant changes to an approved site plan shall undergo a new review at the level of the original approval. Under no circumstances shall a new review be less than a Level 2 Review.

G. ***Acceptance of Public Improvements***

1. Upon satisfactory final inspection of any public improvements, such improvements may be approved by the County. Approval of such improvements does not imply acceptance for maintenance by the County.

2. Upon satisfactory final inspection of any public improvements, acceptance of as-built plans, a list of estimated values for roadway improvements, and required test reports, the County shall accept responsibility for the maintenance of such improvements, provided that such improvements are on land, which the County owns, or for which it has accepted an offer of dedication or easement. Such acceptance shall be evidenced by a written or stamped acceptance of improvements executed by appropriate County departments. Unless and until the County acquires such interests, maintenance of such improvements shall remain the sole responsibility of the applicant.

Section 705 Access to County Transportation System **(Rev. 7/25/01 - Ord. 01-57; Rev. 12-08-03 Ord. 03-69**

This Section establishes standards for the vehicular ingress and egress from public and private roads in order to promote pedestrian and vehicular safety, minimize congestion, promote roadway aesthetics and maintain the functional capacity of roads in Polk County.

A. ***Minimum Access and Frontage (Rev. 03/190/08 - Ord. 08-004; 2/11/02 - Ord. 02-07)***

A tract of land, to be platted for residential purposes, and all created lots therein, and any non-residential developments generating 27 or more AADT, (regardless as to whether it is platted or not), shall have a minimum:

1. Legal access to a paved road; and

2. Direct frontage on a paved road meeting county standards or, in the case of multi-family residential developments (including small-scale multi-family) or plats, direct frontage on common facility areas that provide direct access to a paved road meeting county standards. For the purpose of interpreting this policy, a paved road meeting county standards includes:

a. Roads that are dedicated to the public, and accepted by the County, via the recording of a plat or other legal instrument as approved by the County Attorney;

b. For residential developments, platted private roads, constructed to county standards, which provide access to a paved county road, and whose maintenance and upkeep are provided for by a homeowners association, property - owners association, or other similar organization; or

c. For non-residential, and multi-family developments, County approved, paved private internal service roads, or other ingress/egress facilities, which provide access to a paved county road, and whose maintenance and upkeep are provided for by a maintenance agreement, easement agreement, or other similar agreement.

B. ***Types of Ingress and Egress*** ***(Rev. 2/11/02 – Ord. 02-07)***

Intersection[1] design standards vary based on the estimated amount of traffic entering and exiting through a development site entrance according to the most recent ITE[2] manual. The following standards apply to all roads within unincorporated Polk County and all County maintained roads within municipal boundaries where the cumulative traffic generation at a driveway or roadway intersection exceeds 90 AADT or 20 parking spaces. These standards are graphically depicted in Appendix A of this Code. The applicable intersection types are as follows:

[1]For purposes of this section intersection, driveway, and all points of ingress and egress shall be synonymous with the exception of driveways serving structures with four dwelling units or less, which requirements are specified in subsection 705.F and illustrated in Table 7.7.

[2]ITE refers to the Institute of Transportation Engineers Manual.

1. A Type I intersection is required for new or reconstructed roads and non-residential driveways serving less than 500 AADT and less than 100 parking spaces. (see figure A.10) However, a 12' lane on the opposite side of the centerline is not required for developments of less the 250 AADT and less than 50 parking spaces.

2. A Type II intersection is required for new or reconstructed roads and non-residential driveways serving more than 499 AADT or 99 parking spaces, but less than 1,000 AADT and 200 parking spaces. Type II design varies depending on posted speed. (see figure A.11)

3. A Type III intersection is required for new or reconstructed roads and non-residential driveways serving more than 999 AADT or 199 parking spaces, but less than 1,500 AADT and 300 parking spaces. Type III design varies depending on posted speed. (see figure A.12)

4. A Type IV intersection is required for new or reconstructed roads and non-residential driveways serving more than 1,499 AADT or 299 parking spaces. Type IV design varies depending on posted speed. (see figure A.13)

5. A Type V intersection is required for new or reconstructed roads and non-residential driveways accessing a divided highway where the development is serving more than 500 AADT or 100 parking spaces, but less than 1,000 AADT and 200 parking spaces. Type V design varies depending on posted speed. (see figure A.14)

6. A Type VI intersection is required for new or reconstructed roads and non-residential driveways accessing a divided highway where the development is serving more than 1,000 AADT or 200 parking spaces. Type VI design varies depending on posted speed. (see figure A.15)

7. All lanes of collector and arterial roadways shall be a minimum of 12 feet in width for the length of intersection construction.

8. Where an intersection occurs on a roadway that is identified to be below its designated level of service standard, intersection standards shall be increased as required by the County Engineer.

9. Intersection standards are based upon the cumulative amount of AADT passing through an individual ingress and egress point. Additional phases within a residential development, increases in parking spaces, or increases in AADT on an existing intersection may require that intersection to be redeveloped to greater standards.

10. The requirements of this section are minimum standards. The results of traffic studies may indicate the need for a higher standard of intersection construction, but shall not enable lower standards than the minimum requirements.

11. Where a development's sole access is a local residential road, and the roadway is part of a longer route that is interconnected with other collector or arterial roads and it serves multiple properties, the County Engineer may require intersection improvements to meet collector road standards based on future volumes, function, and or safety.

12. Due to roadway conditions including but not limited to site distance, pavement width, clear recovery, and terrain, higher intersection standards may be required by the County Engineer.

C. ***Access to Substandard Roads*** ***(Rev. 2/11/02 – Ord. 02-07)***

Development sites accessing a collector or arterial roadway that is substandard due to pavement width shall increase the pavement width to 24 feet in both directions and equally on both sides of the road along the existing roadway right-of-way for a distance as specified in Table 7.4b from the end of intersection construction.

D. ***Substandard Right-of-Way Width*** *(Rev. 01/07/14 – Ord 14-004; Rev. 9/13/06 - Ord. 06-047;* ***Rev. 2/11/02 – Ord. 02-07)***

Land, to be developed for residential purposes or non residential developments generating 27 or more new vehicle trips per day adjacent to an existing County road where right-of-way is deficient shall dedicate or deed additional right-of way from the centerline of the existing County road along the entire frontage of the development site at a width to meet the following requirements:

1. 40 feet from the centerline of two (2) lane collector roads constructed with a Rural Section (no curb); and

2. 30 feet from the centerline of two (2) lane collector roads constructed with a Village Section (depressed curb) and an Urban Section (curb and gutter).

Table 7.4b **(Rev. 2/11/02 - Ord. 02-07)**

Length of Pavement Width Improvement (Both Directions From the End of Intersection Construction, Both Sides of Roadway)					
	Posted Speed				
	35 mph or less	**40 mph**	**45 mph**	**50 mph**	**55 mph and greater**
Distance widened to 24' beyond Intersection Improvements if pavement is currently 20' wide or better	70'	80'	90'	100'	110'
Distance widened to 24' beyond Intersection Improvements if pavement is currently less than 20' wide[3]	105'	120'	135'	150'	165'

E. ***Driveway Permits*** ***(Revised 5/20/09 – Ord. 09-023)***

1. A driveway permit shall be obtained from the County prior to the installation of any access to a County maintained road, in the following situations:

   a. The alteration of an existing driveway, the issuance of a construction permit or mobile home set-up permit, or a new driveway on a County maintained road is proposed;

   b. Where the use of any building, structure, or premises is increased through addition of dwelling units, gross floor area, seating capacity, or other units related to trip generation;

   c. Prior to final development approval of any other development requesting direct access to a County maintained road, even when Polk County has no jurisdiction over the development;

   d. A temporary driveway permit must be obtained for construction access to a County maintained road.

   e. Bona fide agricultural uses which receive an agricultural exemption shall comply with all requirements except paving.

2. A driveway permit is not required for:

[3] Use 35' per 1' to determine specific lengths for roads that are greater than 18' in current width.

a. Driveways designed and approved on subdivision plans, when constructed or bonded as part of the subdivision construction, prior to plat approval. Such subdivision plans must show a typical detail of the access required to serve each lot.

b. Building permit applications for accessory structures to an existing residence where no additional driveway is needed.

c. If approved on construction plans per Section 704.

d. Paved residential driveway surfaces on local roads with curb and gutter, Miami curb or asphalt wings, constructed after the effective date of this Code.

e. On existing driveways without culverts where no change to driveways are made.

3. Driveway permit applications and the applicable fee shall be submitted as follows:

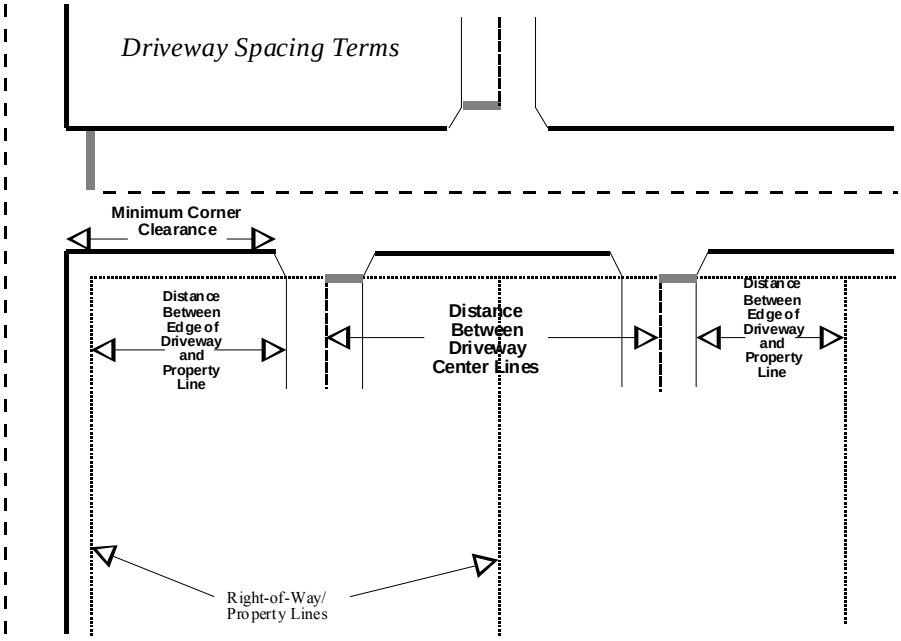
a. All driveway permit applications for single-family, duplex, triplexes, quadruplexes, and all agricultural uses, including temporary driveway permit applications, shall be submitted to the Building Division.

b. All driveway permit applications for uses not included in Section 705A.3.a, including temporary driveway permit applications, shall be submitted to the Land Development Division.

c. Any permits required by FDOT may serve in lieu of a Polk County driveway permit. A letter from FDOT will satisfy this requirement for existing driveways.

d. Driveways to roads under FDOT jurisdiction and driveways to be located on a County road within 0.25 mile of a limited access right-of-way fence shall comply with FDOT Administrative Rule 14-96 and 14-97.

Figure 7.1 Residential and Non-Residential Driveway and intersection spacing measurements [1] (Rev. 8/28/02 – Ord. 0256)



(1)See Table 7.5 and 7.6

4. Driveway permits shall be issued along with Final Development Plan approval. Building permits for buildings on any Final Development Plan shall not be issued until necessary driveway permits have been issued. No Certificate of Occupancy shall be issued until the required driveway has been constructed in accordance with these regulations.

F. ***Residential Driveway Location- Single-Family, Duplex, Triplex, and Quadruplex***

1. The number and placement of driveways allowed for each parcel shall be determined using the following criteria:

   a. All parcels shall be allowed one, two-way driveway or a pair of one-way driveways, except for those properties further restricted by a subdivision plat or a Final Development Plan;

   b. A third access point may be allowed for properties with at least two times the frontage as provided for in Section 822. Right-in only and right-out only driveways shall be used for this additional access;

c. The minimum distance between two-way driveway center lines shall be in accordance with Table 7.5;

Table 7.5 Residential Driveway Standards*(3)

Roadway Classification	Forty or less AADT
Minimum Distance Between Driveway Center lines	
Arterial, Principal	(1)
Arterial, Minor	100'
Collector, Urban	100'
Collector, Rural Major	100'
Collector, Rural Minor	100'
Local, Commercial	100'
Minimum Distance Between Edge of Driveway and Property Line (2)	
Arterial, Principal	n/a
Arterial, Minor	n/a
Collector, Urban	n/a
Collector, Rural Major	n/a
Collector, Rural Minor	n/a
Local, Commercial	n/a
Minimum Corner Clearance	
Arterial, Principal	(1)
Arterial, Minor	(1)
Collector, Urban	60'
Collector, Rural Major	60'
Collector, Rural Minor	60'
Local, Commercial	60'
Local, Residential	6'

Table 7.5 Residential Driveway Standards*(3)

Roadway Classification	Forty or less AADT

(1) Undesirable uses on roads of this classification, generally not permitted.

(2) This distance is measured from the right-of-way line.

(3) See Figure 7.1 Residential and Non-Residential Driveway and Intersection Spacing Measurements.

* General Notes: Does not apply to FDOT accessed roads and Lots-of-Record. The minimum distance from the intersecting edge of pavement to nearest edge of driveway (corner clearance). Corner clearance shall be measured from the edge of road to the edge of driveway along the right-of-way line. Local residential roads within platted subdivisions are exempt from Table 7.5.

d. The minimum distance between a two-way driveway centerline and a one-way driveway centerline on one parcel shall be in accordance with Table 7.5;

e. No driveways are to be constructed within intersections;

f. No driveways are to be constructed within turn lanes, or tapers unless no other access is available;

g. The minimum distance between the driveway and any adjacent property line without a cross-access easement shall be in accordance with Table 7.5.

2. Driveways near intersections shall be located to provide for stacking and protection of left turn movements. The minimum distance from the intersecting edge of pavement to nearest edge of driveway (corner clearance) shall be in accordance with Table 7.5. Return radii of driveway or intersecting roads are not included in this measurement.

3. Acceleration, deceleration, and turning lanes shall conform to the construction standards contained in Appendix A Technical Standards Manual.

4. All driveways shall be constructed within the limits of the frontage boundary of the property or development they serve.

5. Mitered end sections added to existing residential driveway culverts may encroach the frontage boundary of an adjacent property.

G. ***Non-Residential Driveway Location, including Multi-Family Structures of 5 Dwelling Units or More*** ***(Rev. 3/25/03 - Ord. 03-26; 7/25/01 - Ord. 01-57)***

1. Non-residential driveways shall not be permitted on a local road when it results in traffic from a collector or arterial road to pass residentially used or designated property.

2. Out-parcels for shopping, office, or industrial centers shall be limited to internal access to the center unless otherwise approved as part of a master development plan.

3. The number and placement of driveways allowed for each parcel shall be determined using the following criteria:

    a. All parcels shall be allowed one two-way driveway or may be allowed a pair of one-way driveways, except for those properties restricted by subdivision plat or a Final Development Plan.

    b. The minimum distance between two-way driveway center lines shall be in accordance with Table 7.6.

    c. The minimum distance between a two-way driveway centerline and a one-way driveway centerline on one parcel shall be in accordance with Table 7.6.

    d. No driveways are to be constructed within intersections.

    e. No driveways are to be constructed within turn lanes, or tapers unless no other access is available.

    f. The minimum distance between the driveway and any adjacent property line without a cross-access easement shall be in accordance with Table 7.6.

4. Driveways near intersections shall be located to provide for vehicle stacking and protection of left turn movements. The minimum distance from the intersecting edge of pavement to the nearest edge of driveway (corner clearance) shall be in accordance with Table 7.6. Return radii of driveway or intersecting roads are not included in this measurement. Refer to Technical Standards Manual for sample sketches.

5. Width and radii shall be as follows:

    a. The width and radii of all driveways shall be within the dimensions specified in Table 7.7. Actual width and radii shall be based on a) classification of the road, b) number of entrances to parcel, and c) expected traffic demand, including truck usage.

    b. Where one-way turning motions are dictated, reverse radii with a one and one half foot radius bullnose shall be provided. See Technical Standards Manual.

6. Acceleration, deceleration, and turning lanes shall conform to the construction standards contained in Appendix A - Technical Standards Manual.

Table 7.6 Non-Residential Driveway Standards*(1), (2), (3), (5)

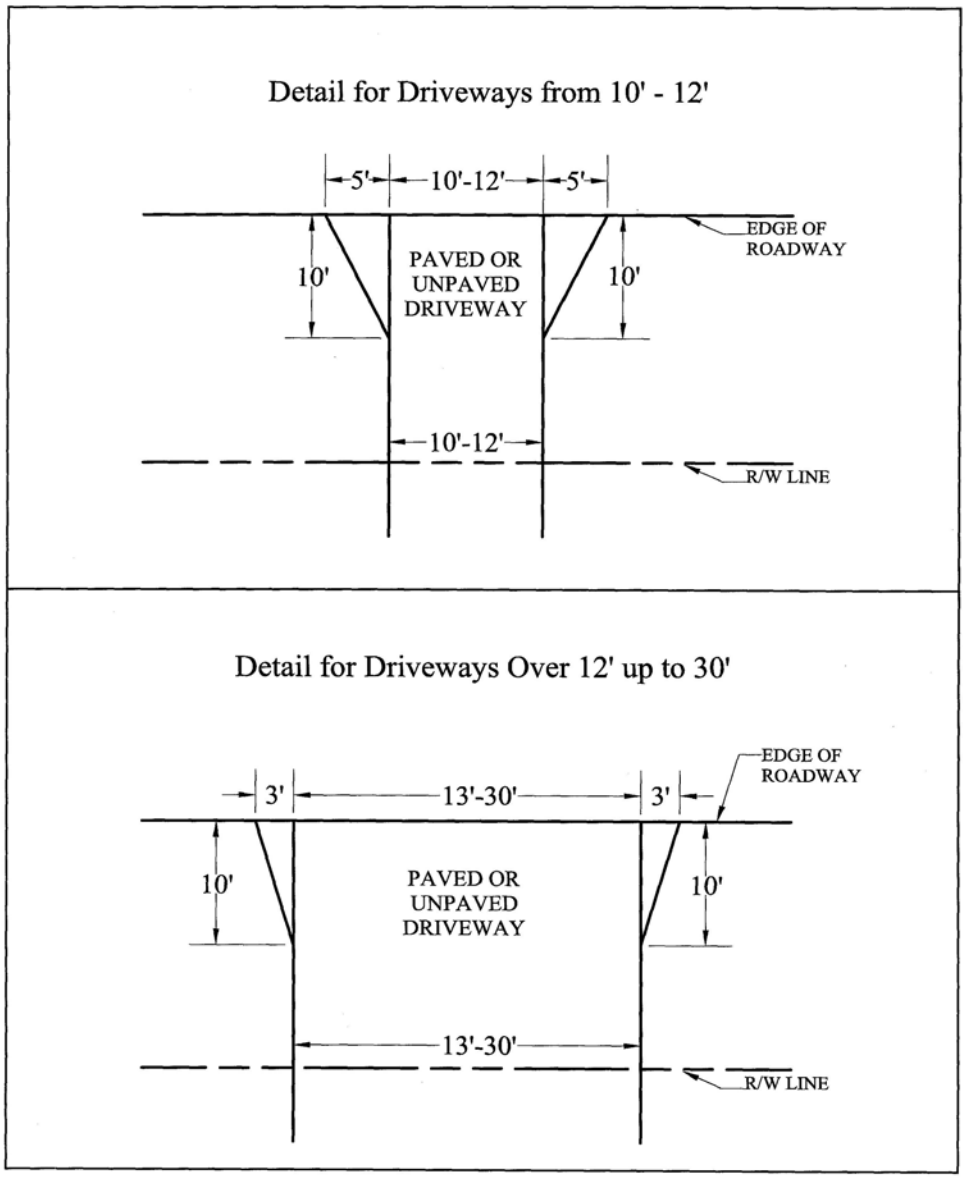
Roadway Classification	5 or More Dwelling Units	Commercial/Office	Industrial
Minimum Distance Between Driveway Center lines			
Arterial, Principal	350'	350'	350'
Arterial, Minor	280'	350'	350'
Collector, Urban	250'	280'	280'
Collector, Rural Major	210'	210'	210'
Collector, Rural Minor	150'	150'	150'
Local, Commercial	150'	105'	150'
Minimum Distance Between Edge of Driveway and Property Line (4)			
Arterial, Principal	35'	35'	50'
Arterial, Minor	35'	35'	50'
Collector, Urban	35'	35'	50'
Collector, Rural Major	35'	35'	50'
Collector, Rural Minor	35'	35'	50'
Local, Commercial	35'	35'	50'
Minimum Corner Clearance			
Arterial, Principal	150'	150'	200'
Arterial, Minor	150'	150'	200'
Collector, Urban	150'	120'	150'
Collector, Rural Major	120'	90'	100'
Collector, Rural Minor	120'	90'	100'
Local, Commercial	90'	90'	100'

(1) Does not apply to FDOT roads.
(2) Lots of record of insufficient width shall comply to the greatest extent possible.
(3) Corner clearance shall be measured from edge.
(4) This distance shall be measured from the right-of-way line
(5) See Figure 7.1 Residential and Non Residential Driveway and Intersection Spacing Measurements

* General Notes:
Accessed FDOT roads and Lots-of-Record are exempt, but must comply to the greatest extent possible. The minimum distance from the intersecting edge of pavement to nearest edge of driveway (corner clearance). Corner clearance shall be measured from the edge of road to the edge of driveway along the right-of-way line.

Table 7.7 Driveway Apron Width and Radii

Land Use	Width		Radii/Flare
	Minimum (in feet)	Maximum (in feet)	Minimum (in feet)
* Residential: 1 - 40 AADT	10 - 12	13 - 30	3 - 5
Multi-Family Residential	20	36	25
Commercial/Office	20	36	35
Industrial	24	40	50
* Residential Driveway Detail			



H. ***Driveway Design***

1. Driveways shall not impair the drainage of the road and rights-of-way, alter the stability of the roadway, or impair the drainage of adjacent areas.

2. Driveways shall not be located in such a position so as to adversely affect the placement of highway signs, traffic signals, lighting or other devices or the proper operation of same.

3. Driveways shall be perpendicular to the roadway wherever practical.

4. Driveways shall be designed so that no portion of the right-of-way is used for purposes such as parking, servicing vehicles, landscaping, displays, buildings, sales exhibits, business signs, service equipment or appurtenances, or the conducting of private business.

5. The area adjacent to the driveway and within the right-of-way and the limits of the driveway construction shall be finished in such a manner to insure proper drainage, easily maintained slopes, and adequate sight distance for traffic operations as specified by the FDOT Green Book.

6. Side drain pipes shall be installed under all new driveway/aprons except:

    a. Curb or gutter sections;

    b. Side hill or fill sections where slope from pavement is continuously downward past the right-of-way;

    c. At drainage divide;

    d. In swale sections where the ditch profile is at a grade greater than or equal to 0.5 percent. In this case the driveway shall conform to the cross section of the swale;

    e. In ditch sections to be used for retention where the driveway acts as a ditch block and the road base is constructed of waterproof material.

    f. In existing subdivisions where pre-existing driveways have been approved without pipes.

    g. On collector roads where no drainage ditches exist and where the property owner provides retention swale.

7. All side drain pipes shall be of material as approved by the FDOT Standard Specifications. Side drain pipes shall be of sufficient length to accommodate side slopes which are safe and convenient to maintain, and shall be a minimum of 20 feet long. Joints shall be made according to FDOT Standard Specifications. On local roads, the minimum size of side drain pipes installed within road right-of-way shall be 15 inches or equivalent, and no mitered-end sections are required. On all other roads the minimum pipe size shall be 18 inches or equivalent and these pipes shall be installed with mitered-end sections according to FDOT Index 273.

8. The County may elect to set the pipe invert grades on collector roads where the pipe grades are critical to maintaining drainage.

9. Apron width and radii:

   a. The width and radii of all driveways shall be within the dimensions specified in Table 7.7. Actual width and radii shall be based on:

      i. Classification of the road;

      ii. Number of entrances to parcel; and

      iii. Expected demand, including truck usage.

   b. Where one-way turning motions are dictated, reverse radii with a one and one half foot radius bullnose shall be provide.

10. The following requirements are applicable to residential driveways serving more than forty AADT and all non-residential driveways:

   a. The area to which the driveway provides access shall be of sufficient size to allow all necessary functions for loading, unloading and parking maneuvers to be carried out on private property and completely out of the road right-of-way. Driveways shall be designed to avoid conflict with parking movements.

   b. The minimum distance from the point of tangency of the radius return of any driveway to any interior service drive or parking space shall be:

      i. A minimum of 20 feet in all cases; and

      ii. A minimum of 100 feet if the anticipated daily traffic volume using the driveway exceeds 5,000 vehicles.

   c. Where special pedestrian and vehicular hazards may be encountered (e.g. day care centers), driveways may be restricted to one-way operation or may require a raised pedestrian safety island. Proper signs giving notice to the restricted use of driveways shall be erected and maintained by the property owner. Failure to erect such signs and failure to use such driveways in accordance with the proper signs shall be a violation of this Code.

I. ***All Driveway Construction***

1. Construction of driveways shall be in conformance with this Section and in accordance with approved plans and specifications. Driveway construction shall not be the responsibility of Polk County or other governmental agencies.

2. In areas where driveway/aprons are located within the limits of existing barrier curb and gutter or sidewalk, the existing curb and the sidewalk shall be removed in an acceptable manner. Either a six inch thick concrete sidewalk or asphalt pavement section meeting a structural number of 2.18 shall be constructed to replace that portion removed. The curb and gutter shall be replaced with an acceptable drop curb conforming to FDOT Standard Specifications.

3. Where pre-pour inspections are required, the owner or his representative shall notify the County at least two days prior to commencement of driveway/apron construction. The County may make periodic inspections during the construction period.

4. All driveway/aprons shall be surfaced as provided in Table 7.8 from the edge of the road pavement ten feet or to the right-of-way line whichever is less. However, in no case shall the distance be less than the point tangent with the required radius return.

   a. Flexible pavement with asphalt surface shall be constructed with a minimum structural number of 2.18 using the structural number criterion found in Appendix A Technical Standards Manual to determine the thickness of sub-base, base and surface.

   b. Rigid pavement (concrete) driveway/aprons shall be constructed with paving surface in accordance with Table 7.8.

   c. Sand/Clay (6 inches); Shell (6 inches); Lime rock (6 inches): Driveway aprons may be constructed of the same materials and quality as the abutting roadway.

5. Temporary driveways shall be constructed as follows:

   Driveways shall be constructed according to Table 7.8 to prevent erosion and damage to the pipe, and roadway. Driveways shall be removed at the termination of their use and the roadway and rights-of-way restored to original condition. Temporary access permits may be issued for a specified time period not to exceed twelve months. Extensions of temporary driveways shall be considered a waiver from this Section. Design and construction requirements for the temporary driveway shall be established by the County Engineer at the time of permit application.

J. ***Gates***

Entrance gates shall be placed outside of the adjacent road right of way, be no closer than 60 feet from the adjacent road edge of pavement or a distance equal to the length of the type vehicle accessing or served by the gate so that no part of the vehicle will be in the travel lane of the adjacent road, whichever is less.

K. ***Waivers***

Waivers to the requirements of this Section or the Technical Standards Manual shall be requested pursuant to Section 932.

Table 7.8 Paving Surface Requirements for Driveway Aprons

Land Use	Driveways onto Paved or Asphalt Stabilized Roads		Driveways onto Unpaved Roads
	Base	**Surface**	**Minimum**
Residential: Quads or less	6" compacted sand/clay, limerock or shell base equivalent	1" asphalt	6" compacted sand/clay, limerock or shell base equivalent
	6" of 2500 PSI concrete 4" of 2500 PSI concrete w/6 x 6 welded wire mesh (WWM)(1)		n/a
Residential: More than Quads Commercial Industrial	6" of 3000 PSI concrete 4" of 3000 PSI concrete w/ 6 x 6 WWM (1)		n/a
	Any combination of base, sub-base and asphalt meeting a structural number of 2.18 with no less than a 1 1/4 inch of asphalt surface course.		
Agricultural	6" compacted limerock or shell base equivalent	1" asphalt	6"compacted limerock or shell base equivalent

(1) Fibre mesh may be substituted for 6 x 6 Welded Wire Mesh

Section 706 Right-of-Way Use Permits (Rev. 01/30/03 - Ord. 03-14)

A Right-of-Way Use Permit shall be required for all activity within existing road rights-of-way maintained by Polk County. All activity shall be in accordance with the Polk County Right-of-Way Use and Utility Accommodation Guide. Right-of-Way Use Permits shall be reviewed as part of a Level 2 Review approval.

Section 707 Sidewalks *(Rev. 12/08/03 Ord. 03-66; Rev. 06/08/04 Ord. 03-94)*

Sidewalks are considered an urban service and vital to the promotion of pedestrian well being and the minimization of pedestrian deaths in the County. Sidewalks are also an essential element of public and charter school infrastructure.

A. ***Sidewalks Required of Development*** (See Sidewalk Overlay District Map) ***(Rev. 12/08/03 Ord. 03-66)***

1. Within all areas designated on the current Sidewalk Overlay District Map, sidewalks shall be required along the frontage of arterial and collector roads of all developments that include the creation of a new habitable structure that are located within two miles of a public or charter elementary, middle, or high school and in:

   a. The UDA, UGA;

   b. The SDA, for SPDs and all residential infill developments where the minimum lot size is less than 40,000 square feet; or,

   c. Development located in the RCC and RCC-R.

2. Sidewalks are not required for mining or agricultural activities.

B. ***Sidewalk Locations*** ***(Rev. 5/20/09 – Ord. 09-023; 12/08/03 Ord. 03-66; Rev. 06/08/04 Ord. 03-94)***

Sidewalks shall be located in accordance to the following requirements:

1. Sidewalks shall be required on both sides of an arterial road.

2. Sidewalks shall be required on both sides of an urban collector and rural major collector road.

3. Sidewalks shall be required on one side of a minor-collector road. The following shall guide the placement of sidewalks for minor-collector roads:

   a. If a rural minor-collector road has not had a sidewalk previously placed next to it, the side nearest the walking attraction (i.e., school, activity center) would be deemed the sidewalk side of the road C unless some physical feature along the side of the road, or some other impedance, would cause the continuation of the sidewalk on that side of the road to be impracticable. Such decision shall be made by the County Engineer after consultation with the Land Development Director.

b. If a rural minor-collector road has previously had a sidewalk placed along both sides of it, the side which currently has the greatest linear amount of sidewalk along any given segment (defined as a continuous County road between either signed or signalized intersections or between designated pedestrian crossings) will be considered the sidewalk side of the road for that road segment, unless that side is physically constrained from being linked to a pedestrian system.

C. ***Sidewalk Connection*** ***(Rev. 5/20/09 – Ord. 09-023; 7/25/01 - Ord. 01-57; Rev. 12/08/03 Ord. 03-66)***

Sidewalks shall be placed within the rights-of-way of local, collector, and arterial roadways in accordance with the Appendix A. The Growth Management Department may require construction of a sidewalk to extend a maximum of 100 feet beyond a proposed development, where necessary to connect with or extend to other existing sidewalks, in the interest of safety, and for handicap accessibility.

D. ***Sidewalk Widths*** ***(Rev. 7/25/01 - Ord. 01-57; Rev. 12-08-03 Ord. 03-66)***

Sidewalks shall be four feet in width. A four foot wide sidewalk shall taper down to a lesser amount in instances where it must connect to an existing sidewalk. The County Engineer may allow sidewalk widths below four feet to be installed in locations where the majority of the sidewalks have already been installed with a width of less than four feet and, where, in the County's Engineers opinion, a small segment of four foot wide sidewalk would be inappropriate.

E. ***Protection of Future Sidewalks Area*** ***(Rev. 12/08/03 Ord. 03-66)***

Walls, fences, water retention structures, and other similar structures which could prohibit or impede the installation of future sidewalks shall be designed to accommodate future sidewalks where required by this Section.

F. ***Sidewalk Placement*** ***(Rev. 7/25/01 Ord - 01-57; Rev. 12/08/03 Ord. 03-66)***

The developer shall only be required to place sidewalks within the right-of-way adjacent to the site that is being developed. Expansion of existing development is only required to provide sidewalks along the road frontage, a distance equal to the percentage increase in gross square footage of expansion or the percentage increase in AADT, whichever is greatest, times the parcel's total distance of road frontage. This amount of sidewalk shall be placed along the frontage of the site within the rights-of-way where it is most functional to the public or projecting perpendicularly from a driveway.

G. ***Expansion of Existing Development (Rev. 12/08/03 Ord. 03-66)***

Expansion of existing development is only required to provide sidewalks along the road frontage, a distance equal to the percentage increase in gross square footage of expansion or the percentage increase in Average Annual Daily Trips (AADT), whichever is greatest, times the parcel's total distance of road frontage. This amount of sidewalk shall be placed along the frontage of the site within the rights-of-way where it is most functional to the public or projecting perpendicularly from a driveway.

H. ***Waivers (Rev. 12/08/03 Ord. 03-66)***

Waivers to the requirements of this Section shall be requested pursuant to Section 932. In addition to the minimum requirements for consideration of waivers, the following factors shall be considered for waivers to this section:

1. If there are any existing sidewalks located along the road which provides access between the development and the walking attraction.

2. If a sidewalk cannot be extended beyond the property boundary of the proposed development due to blockage or impediment by an existing development or adequate right-of-way.

3. If the location of the proposed development relative to property used or classified for residential uses and a walking attraction such as a school or activity center, indicates the sidewalk would not be reasonably usable, is redundant, or otherwise unnecessary.

4. If the FDOT will not issue a permit for a sidewalk within the right of way.

5. If physical features preclude the extension of a sidewalk.

6. If the road segment is programmed for construction of road improvements, in the 5-year Capital Improvements Plan and includes sidewalks in the design and construction of the project.

I. ***Fees in-lieu of Sidewalk Construction (Rev. 12/08/03 Ord. 03-66)***

At the developer's request and in concurrence with the County Engineer, a fee in the amount of the cost to construct the required sidewalk may be paid in-lieu of building the required sidewalk along a development's frontage provided all the following conditions are met:

1. The fee is applied to a sidewalk project within the current 5-year Capital Improvements Program(CIP); and,

2. The fee is based on the per unit cost of the County's annual sidewalk bid for the current fiscal year.

Section 708 Parking Space Requirements

A. ***Minimum Parking Requirements*** ***(Rev. 01/03/05 - Ord. 04-80)***

The minimum parking requirements for vehicles shall be in accordance with Table 7.10. A parking study shall be submitted in accordance with Section 710 for all land uses not found in this Table.

1. When the determination of the number of off-street spaces required by this Section results in a fractional space, the fraction of one half or less may be disregarded, and a fraction in excess of one half shall be counted as one parking space.

2. In stadiums, sports arenas, Religious Institutions and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, or which contain an open assembly area, the occupancy shall be based on the maximum design occupancy.

B. ***Change in Use***

To ensure that adequate parking facilities are available, any change in the use of a structure shall meet the standards of this Section.

C. ***Handicapped Parking*** ***(Rev. 02/16/05 - Ord. 05-05***)

As a part of the minimum required spaces, not in addition to handicapped parking spaces shall be provided in all parking facilities. The location, design, and number of parking spaces shall be consistent with the requirements of either Chapters 316.1955 & 316.1956, F.S. or the Federal Americans with Disabilities Act (ADA). All handicapped parking spaces shall be paved.

D. ***Parking and Storage of Distressed or Abandoned Boats and Trailers***

No distressed or abandoned boat or trailer shall be parked or stored on a residentially zoned or used property unless expressly permitted by this Ordinance. Any distressed or abandoned boat or trailer may be parked or stored in a completely enclosed structure. In addition, one such boat or trailer is permitted in the rear yard provided such boat or trailer is completely screened from view of neighboring homes and properties. Sheet metal, tarpaulin, or earthen berms shall not be used to satisfy the screening requirements of this Section.

E. ***Agritourism*** ***(Revised 6/28/11 Ord. 11-008)***

Agritourism uses shall not be required to have a minimum number of parking spaces except for the required handicapped spaces. However, there shall be adequate areas within the site to

accommodate the maximum number of visitors expected. There shall be no parking within the public rights-of-way.

Table 7.10 Minimum Off-Street Parking Requirements (For revision history, see last row in table.)	
Land Use	**Minimum Off Street Spaces**
RESIDENTIAL USES	
Adult Day Care Center	1 space per 5 clients permitted, plus one space per employee
Duplex/Two-Family Attached	2.0 spaces per unit, excluding garages
Family Farm	2.0 spaces per unit, excluding garages
Family Homestead	2.0 spaces per unit, excluding garages
Fly-in Communities	2.0 spaces per unit, excluding garages
Group Living Facility	1 space per 300 sq ft GFA, plus 0.25 space patient bed
Farm Worker Housing	1.5 spaces per unit
Mobile Home Parks	2.5 spaces per unit
Mobile Home Subdivision	2.0 spaces per unit, excluding garages
Mobile Homes, Individual	2.0 spaces per unit, excluding garages
Multi-Family	2 spaces per unit
Short-Term Rental Units	2.0 spaces per unit, excluding garages
Single-Family Detached Home	2.0 spaces per unit, excluding garages
Transitional Area Development	Based upon approved use.
ALL OTHER USES	
Adult Use	3 spaces or 1 space per 300 sq ft GFA, whichever is greater
Agricultural Support, Off-site	1 space per non-resident employee
Agricultural Support, On-site	1 space per non-resident employee
Agriculture Transfer/Packing, Off-site	1 space per non-resident employee
Agriculture-Transfer/Packing, On-site	1 space per non-resident employee
Airports	Site specific determination
Animal Grazing	n/a
Animal Farm, Intensive	1 space per non-resident employee
Animal Farm, Small, Specialty	1 space per non-resident employee
Aquiculture	1 space per non-resident employee
Bars, Lounges, Taverns	1 space per 75 sq ft of Gross Floor Area (GFA)
Bed & Breakfast	1 space per guest room, plus 2 spaces
Breeding Facility, Wild or Exotic	1 space per non-resident employee
Car wash, Full Service	1 space per employee, minimum 5 spaces
Car wash, Self Service	2 spaces per stall
Carwash, Incidental	At least 2 spaces (40 feet) for stacking
Cemeteries	5 visitor spaces, plus spaces required for any accessory use (i.e. funeral home)
Childcare Centers	1 space per 5 children permitted, plus 5 employee spaces
Clinics & Medical Offices	1 space per 200 sq ft GFA
Communication Towers	n/a
Community Centers	10 spaces per 1000 sq ft GFA
Construction Aggregate Processing	1 space per 300 sq ft of GFA, plus 1 space per acre of outdoor space
Construction Aggregate Storage	1 space per 300 sq ft of GFA, plus 1 space per acre of outdoor

Table 7.10 Minimum Off-Street Parking Requirements (For revision history, see last row in table.)	
Land Use	**Minimum Off Street Spaces**
	space
Convenience Stores	5 spaces per 1000 sq ft GFA
Convenience Stores, Isolated	5 spaces per 1000 sq ft GFA
Correctional Facilities	1 space per maximum shift plus I visitor space per 20 beds
Cultural Facilities	1 space per 500 sq ft GFA
Dairies	1 space per non-resident employee
Emergency Shelter (Large Only)	1 space per 5 beds, and 1 space per maximum shift, 5 minimum
Equipment Repair Major	1 space per 1000 sq ft GFA, 12 space minimum
Fish Camp	n/a
Family Daycare	1 space per 5 clients permitted, plus 5 employee spaces
Farming, General	1 space per non-resident employee
Financial Institution	1 space per 300 sq ft GFA
Financial Institution/Drive Thru	1 space per 300 sq ft GFA
Flea Market	1.5 spaces per booth/stand, plus 1 backup loading space adjacent to each booth/stand
Forestry Specialized Operations	1 space per non-resident employee
Funeral Home & Related	1 space per 3 seats within chapel, plus 1 space per 300 sq ft GFA
Gas Stations, with no accessory retail sales	0.25 space per fuel dispensing nozzle
Gas Stations, with accessory retail sales	0.25 space per fuel dispensing nozzle, plus 1 space per 150 sq ft FA
Gas Stations, no retail sales with automotive repair	0.25 space /per fuel dispensing nozzle, plus 4 spaces per service bay
Golf Courses	6 spaces per hole, plus 1 space per 100 sq ft GFA
Governmental Facilities	1 space per 260 sq ft GFA
Hazardous Waste Transfer/ Storage	1 space per 700 sq ft GFA (minimum 10 spaces)
Hazardous Waste Treatment Facilities	1 space per 700 sq ft GFA (minimum 10 spaces)
Heliports	Site specific determination
Helistops	Site specific determination
Hospitals	1 space for doctors for each 10 patient beds, plus 1 space per four patient beds, plus 1 space per 1.5 employees on all shifts
Hotels and Motels	3 spaces per establishment, plus 1.25 spaces per unit
Kennels, Boarding	1 space per 300 sq ft GFA
Kennels, Breeding	1 space per non-resident employee plus 1 space per 1000 sq ft
Livestock Sale/Auction	Site specific determination
Lodges and Retreats, Private	Site specific determination
Manufacturing, Volatile Materials	1 space per 700 sq ft GFA (minimum 10 spaces)
Manufacturing, General	1 space per 700 sq ft GFA (minimum 10 spaces)
Manufacturing, Light	1 space per 1 000 sq ft GFA (minimum 12 spaces)
Marinas/Related Facilities	1 space per 300 sq ft building area, plus I space 3 boat storage space
Mining, Non-Phosphate	1 space per employee, plus 5 visitor spaces
Mining, Phosphate	1 space per employee, plus 5 visitor spaces
Motor Freight Operations	1 space per employee, plus 1 space for each vehicle used in

Table 7.10 Minimum Off-Street Parking Requirements (For revision history, see last row in table.)	
Land Use	**Minimum Off Street Spaces**
	connection with the facility, plus sufficient space to accommodate the largest number of vehicles that may be expected at one time
Nightclubs, and Dance Halls	1 space per 75 sq ft GFA
Nurseries, Retail	1 space per 250 sq ft GFA of retail sales area, plus 1 space per 1000 sq ft of outside display area
Nurseries & Greenhouses	1 space per 150 sq ft GFA of retail sales area
Nursing Homes	1 space per bedroom
Offices	1 space per 300 sq ft GFA
Office Park	1 space per 300 sq ft GFA
Personal Service	1 space per 200 sq ft GFA
Power Plants, Non-Certified, Low	1 space per 750 sq ft GFA plus 5 visitor spaces
Power Plants, Non-Certified, High	1 space per 750 sq ft GFA plus 5 visitor spaces
Power Generation, Certified	1 space per 750 sq ft GFA plus 5 visitor spaces
Printing & Publishing	1 space per 700 sq ft GFA (minimum 10 spaces)
Railroad Yards	1 space per employee, plus 5 visitor spaces
Recreation, High Intensity	1 space per 3 seats or 150 sq ft GFA whichever is greater
Recreation, Low Intensity	Site specific determination
Recreation & Amusement, Intensive	1 space per 1 00 sq ft
Recreation & Amusement, General	1 space per 200 sq ft
Recreational Vehicle Park	2.0 spaces per unit. 1.5 spaces per unit visitor, .5 spaces per unit accessory
Religious Institutions	1 per 3 seats in principal room of worship
Institutional Campgrounds	Site specific determination.
Research & Development	1 space per 700 sq ft GFA. (minimum 10 spaces)
Residential Treatment Facility	1 space per 4 clients permitted, plus .5 employee spaces
Restaurant, Drive-thru/Drive-in	4 spaces per establishment plus 1 space per 100 sq ft GFA
Restaurant, Sit-down/Take-out	4 spaces per establishment plus 1 space per 75 sq ft GFA
Retail, Less than 5000 Sq Ft	3 spaces or 1 space per 300 sq ft GFA, whichever is greater
Retail, More than 5000 Sq Ft	3 spaces or 1 space per 300 sq ft GFA, whichever is greater
Retail, Home Sales offsite	1 space per 500 sq ft GFA, plus 1 space per 2,500 sq ft of display area
Retail, Outdoor Sales/Display	1 space per 250 sq ft GFA of retail sales area, plus 1 space per 1000 sq ft of outside display area
Salvage Yard	6 spaces plus 1 space per 5,000 sq ft of salvage yard space
School, Elementary	Two spaces per classroom, plus one space for each administrative or staff position or State Requirements for Educational Facilities (SREF).
School, Middle	Two spaces per classroom, plus one space for each administrative or staff position or State Requirements for Educational Facilities (SREF).
School, High	Ten spaces per classroom, plus one space per administrative or staff position or State Requirements for Educational Facilities (SREF).
School, Leisure/Special Interest	One space per 250 sq ft of GFA (minimum 10 spaces)
School, Technical/Vocational/Trade	One space per 250 sq ft of GFA (minimum 10 spaces)
School, Training	One space per 250 sq ft of GFA (minimum 10 spaces)

Table 7.10 Minimum Off-Street Parking Requirements (For revision history, see last row in table.)	
Land Use	**Minimum Off Street Spaces**
School, College/University	One space per student, one space per administrative or staff position. Housing facilities on college/university campuses must provide off-street parking of two spaces for each three sleeping rooms. Other such accessory uses for colleges/universities (i.e. libraries, auditoriums, stadiums, etc.) shall provide parking as required in this Table for such uses.
Seaplane Base	Site specific determination, during Level 3 Review process
Self-storage Warehouse	1 space per 300 sq. ft. of managers office
Solid Waste Management Facility	Site specific determination
Stables/Riding Academies	Site specific determination
Studios, Production	1 space per 700 sq ft GFA
Transit, Commercial	1 space per employee, plus 1 space for each vehicle used in connection with the facility, plus sufficient space to accommodate the largest number of vehicles that may be expected at one time
Transit Facilities	Site specific determination
Truck Stop	Site specific determination
Utilities, Class I	Site specific determination
Utilities, Class II	Site specific determination
Utilities, Class III	Site specific determination
Vehicle Recovery Service/Agency	1 space per 1,000 sq ft GFA, 10 space minimum
Vehicle Repair, Auto Body	6 spaces per repair bay
Vehicle Service, Mechanical	4 spaces per service bay
Vehicle Sales/Leasing	5 spaces per 1,000 sq ft GFA
Veterinary Services	1 space per 300 sq ft GFA
Warehousing	1 space per employee, plus 1 space for each vehicle used in connection with the facility, plus sufficient space to accommodate the largest number of vehicles that may be expected at one time
Wholesale, Enclosed	1 space per 500 sq ft GFA of sales area
(Revised. 2/3/10 – Ord. 10-007; 12/01/09 – Ord. 09-073; 09/16/09 – Ord. 09-060; 12/28/01 - Ord. 01-92; Rev. 7/25/01 - Ord. 01-57; Rev. 01/03/05 - Ord. 04-80)	

Section 709 Parking Area Design *(Rev. 06/08/04 Ord. 03-94; Rev. 01/03/05 - Ord. 04-80)*

All Final Development Plans, except single-family residential uses, shall include parking, loading, and internal circulation designed in accordance with the following criteria:

A. ***Paved Parking*** ***(Revised 6/28/11 – Ord. 11-008)***

All required parking areas shall be paved with the exception of the following uses:

1. Agricultural Activity;

2. Agritourism;

3. Religious Institutions;

4. Uses generating less than 27 daily trips per day;

5. Employee parking not publicly accessible.

6. Low intensity recreation.

These uses shall require paved parking spaces for any required handicapped parking spaces.

B. ***Parking Lot Landscaping***

All landscaping within parking areas shall comply with the provisions of Section 720.

C. ***Parking Area Location***

All required off-street parking spaces shall be located on-site unless the following criteria are met:

1. The location of any off-site parking spaces will adequately serve the use for which it is intended, is in close proximity to the use and has safe pedestrian access.

2. The location of the off-site parking spaces shall not:

   a. Create hazards;

   b. Interfere with access for pedestrian or vehicular traffic;

   c. Create unreasonable traffic congestion;

   d. Interfere with access to other parking spaces;

   e. Be a detriment to any nearby use; or

   f. Be located within a residential Future Land Use designation.

3. The owner supplies a written agreement, parking easement, deed restriction, or similar mechanism, assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

D. ***Parking Space Location***

1. All automobile parking spaces required for multi-family residential development shall be located no further than 200 feet from their corresponding residential structures. Visitor and accessory parking may be located at a greater distance.

2. No parking spaces shall be permitted within 15 feet of a fire hydrant unless alternate access is provided, or according to the SBCCI 1988 Standard Fire Prevention Code.

E. ***Parking Space Size***

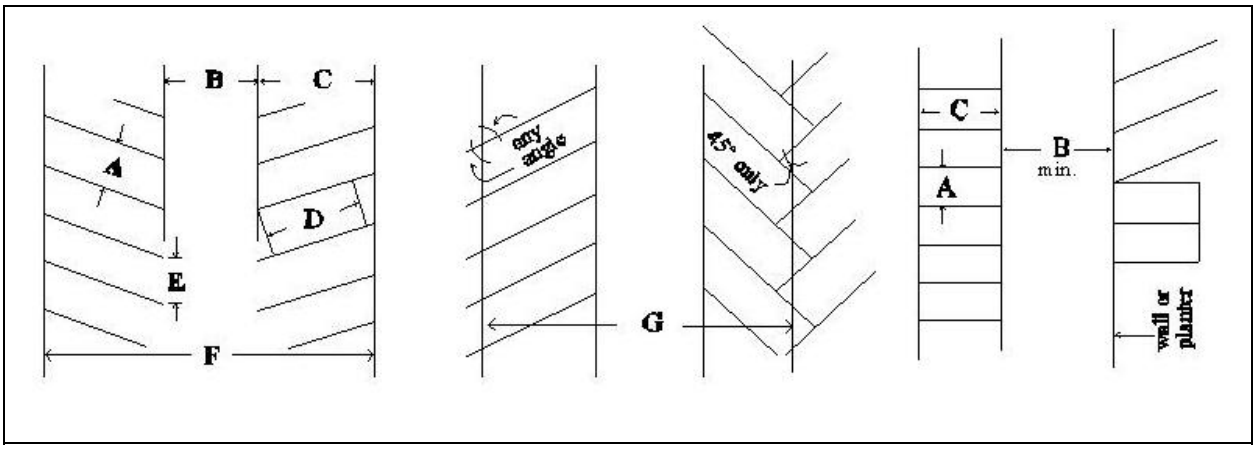
Parking spaces shall be sized according to Table 7.11.

Table 7.11Parking Space Dimensions (in feet) (Rev. 8/28/02 - Ord. 02-56)

Angle	Stall Width (A/E)	Stall Depth to Wall (C)	Stall Depth to Interlock (D)	Aisle Width (B)	Modules Interlock to Interlock (G)	Modules Wall to Wall (F)
45	9.0/ 9.5	19.5	16.5	12	45	51
60	9.0/ 9.5	20.5	18.5	16	53	57
75	9.0/ 9.5	20	19	20	58	60
90	9.0/ 9.5/ 10	18.5	18.5	25 23.5 22	62 60.5 59	62 60.5 59

A minimum aisle width of 22 feet is required for two-way traffic; twelve (12) feet is required for one-way traffic. Parking stalls shall be measured from the edge of pavement to the top of the stall on the same angle as stripe. The width of the stalls shall be measured form the center of a stripe to the center of the next stripe. The measurement shall be taken perpendicular to the stripes.

A. Depicts how minimum stall width is measured.
B. Depicts how minimum aisle width is measured.
C. Depicts how minimum corridor space depth is measured.
D. Depicts how minimum stall depth is measured.
E. Depicts how minimum stall width at aisle is measured.
F. Depicts how minimum wall to wall module is measured.
G. Depicts how minimum interlocking module is measured.



F. ***Loading Space Size***

The number and size of off-street loading spaces to be provided shall be at the applicant's discretion provided loading activity occurs on-site and does not interfere with traffic circulation. No loading activity is permitted on public roads or road rights-of-way.

G. ***Parking, Loading, and Internal Circulation Layout***

1. Sidewalks, internal roadways, driveways, and off-street parking and loading areas shall be designed to be safe.

2. Parking and loading areas, aisles, sidewalks, landscaping, and open space shall be designed as integral parts of the development plan.

3. Sidewalks or walkways shall be located to serve the most intense pedestrian traffic, particularly from building entrances to streets, parking areas, and adjacent buildings. Such walkways shall be designed to discourage walking into landscaped areas except at designated crossings.

4. Each off-street parking space shall open directly onto an aisle or drive that is not a public street.

5. Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single-family, duplex, or mobile home park dwelling unit, if adequately sized shall be counted as a parking space for the dwelling unit.

6. The design of parking areas shall be based on a safe internal circulation system to serve the parking and loading spaces. Parking islands shall be required to separate parking spaces from travel lanes.

7. Parking spaces for all uses, except single-family, mobile home dwelling units, and duplex residences, shall be designed to permit entry and exit without moving any other vehicle.

8. Parking areas shall be designed using a minimum structural number of 1.58 as determined by the layer coefficient in Table A.7..

H. ***Lighting***

All parking and loading areas designated or intended for public use after dark shall have lighting. The illumination for, and glare from, these facilities shall be designed so that the lighting is shielded or aimed away from adjacent properties and roadways. The plan notes shall indicate compliance with this Section.

I. ***Interconnected Parking Areas*** ***(Rev. 06/08/04 Ord. 03-94)***

Non-residential developments fronting arterial and Urban collector and Rural Major collector roads shall provide driveway improvements and driveway "stub-outs" to property lines to facilitate existing and future interconnection of parking areas to adjacent sites.

1. Parking lot access driveways and driving aisles shall be designed and located to connect to adjacent properties or to marginal access roadways that serve the subject site and adjacent properties. All access points and interconnecting driveways shall be designed and constructed to accommodate safe and efficient vehicle travel between adjacent sites, as approved by the County Engineer.

2. All connecting driveway improvements shall be paved according to applicable standards, including proper driveway widths, construction specifications and treatment of transition grades.

3. The County Engineer may waive the interconnected parking area requirements at terminal points where non-residential development abuts a residential district, or in circumstances where mixing different types of traffic (e.g., automobile versus truck) is undesirable; where separation of traffic is necessary for traffic safety; where physical design constraints preclude interconnection of adjacent sites; where an adjacent property owner will not provide the necessary easement.

J. ***Waivers*** ***(Revised 5/20/09 – Ord. 09-023)***

1. The Director of the Development Review Committee may consider waivers from the requirements of this Section as deemed appropriate in accordance with Section 932.

2. An application for a waiver shall be submitted to the Land Development Division as part of the Final Development Plan.

3. One of the following documents shall be submitted to support the request:

   a. A parking study, in accordance with Section 710, which illustrates that the numbers of parking spaces required by this Section are unnecessary to serve the proposed land use;

   b. A Deferred Parking Plan, in accordance with Section 710, which illustrates sufficient land area is available to provide the number of spaces required by this Section, and a discussion detailing the reasons for deferring these spaces;

   c. A Transportation Demand Management Plan, in accordance with Section 710 which illustrates the number of spaces to be exempted;

   d. The applicant illustrates that an established public transportation system satisfies the transportation demands for a specified portion of the users and provides an on-site transit stop; or

   e. The applicant provides a written discussion detailing the reasons for the request that does not meet these standards.

4. All of the following criteria shall be met in order for the Director to approve the request:

   a. It will not result in illegal parking in the road right-of-way; and

   b. It will be in harmony with the general intent and purpose of this Section and will not be injurious or detrimental to the public health, safety or welfare.

Section 710 Alternative Parking Strategies (APS)

A. *Parking Study*

A parking study shall be required for the following:

1. Uses for which a parking requirement is not listed in Table 7.10;

2. When proposing an exemption from or reduction in the minimum parking requirements through an APS.

3. When requesting a parking space deferral.

B. ***Parking Study***

The parking study shall include, but not be limited to, the following:

1. Estimates of anticipated usage based on frequency, time of use, type of vehicles.

2. Estimates of parking requirements for the proposed use based on:

   a. Parking generation reports from recognized professional associations, such as those from ULI, ITE, or the Traffic Institute; or

   b. Data collected from uses or combinations of uses which are the same or comparable to the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity, and location.

3. Proposed parking based upon the parking study results.

4. Documentation of the source of data used to develop study results and alterations.

C. ***Deferred Parking Plan***

A Deferred Parking Plan shall:

1. Be designed to contain sufficient space to meet the full parking requirements of this Section, illustrate the layout for the full number of required parking spaces, and designate the parking spaces to be deferred;

2. Shall not assign deferred spaces to areas required for landscaping, buffer zones, setbacks, or areas that would otherwise be unsuitable for parking spaces because of the physical characteristics of the land or other requirements of this Code;

3. Include a landscaping plan for the deferred parking area; and

4. Include a written and executed agreement with the County that the deferred spaces will be converted to parking spaces that conform to this Code at the applicant's expense should the Director determine from experience that the additional parking spaces are needed.

D. ***Transportation Demand Management Plan*** ***(Revised 5/20/09 – Ord. 09-023)***

The objective of Transportation Demand Management (TDM) is to reduce traffic and urban sprawl congestion and thereby decrease air pollution from auto emissions. TDM measures are encouraged and concessions may be made for projects which include and implement a TDM Plan. Specifically, reduction in size or number of required parking spaces may be

allowed if it can be demonstrated that the Plan will achieve a measured reduction and can be implemented.

1. A Transportation Demand Management Plan shall be required where the applicant chooses to limit the parking needs for the site. A TDM Plan shall be submitted to the Land Development Division for review by Polk County Growth Management Department, the Polk County TPO and FDOT, if applicable.

2. A Transportation Demand Management Plan may consist of (but are not limited to) one or more of the following items:

    a. Ride Sharing;

    b. Alternative Work Hours;

    c. Tele-commuting;

    d. Parking Management (i.e., Employee parking fees, reduced or no fee for car pools);

    e. Non-motorized (Bicycle/Pedestrian) System;

    f. Establishment of a Commuter Assistance Program Director and Transportation Management Coordinator;

    g. Bus shelters;

    h. Reduced employee parking spaces;

    i. Reserved spaces for TDM participants;

    j. Emergency "ride home" program for TDM participants; and

    k. Shuttles to other public transportation facilities.

3. Nothing contained within this Section shall be construed to permit a reduction in the required number or location of handicapped accessible parking spaces, as specified by law.

Section 711 Clear Visibility Triangle

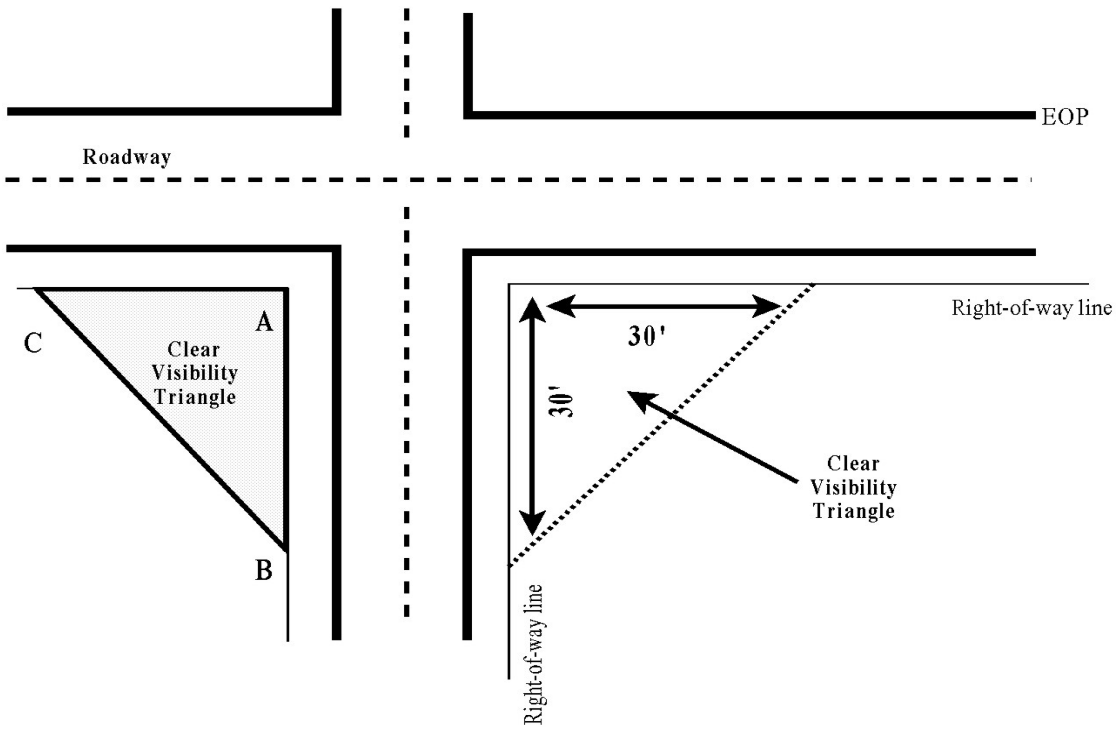
In order to provide a clear view of intersecting roads to the motorist, there shall be a triangular area of clear visibility formed by two intersecting roads or the intersection of a driveway and a road. Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially impede

vision between a height of three feet and eleven feet above the grade for semi trucks, measured at the centerline of the road with the exception of publicly owned highway signs, utility poles and traffic control poles.

A. ***Rights-of-way***

The triangle shall be formed by extending the rights-of-way lines to a point where the lines intersect each other (point A); and from point (A), measuring to a point 30 feet along both rights-of-way lines points (B and C). See Figure 7.2a.

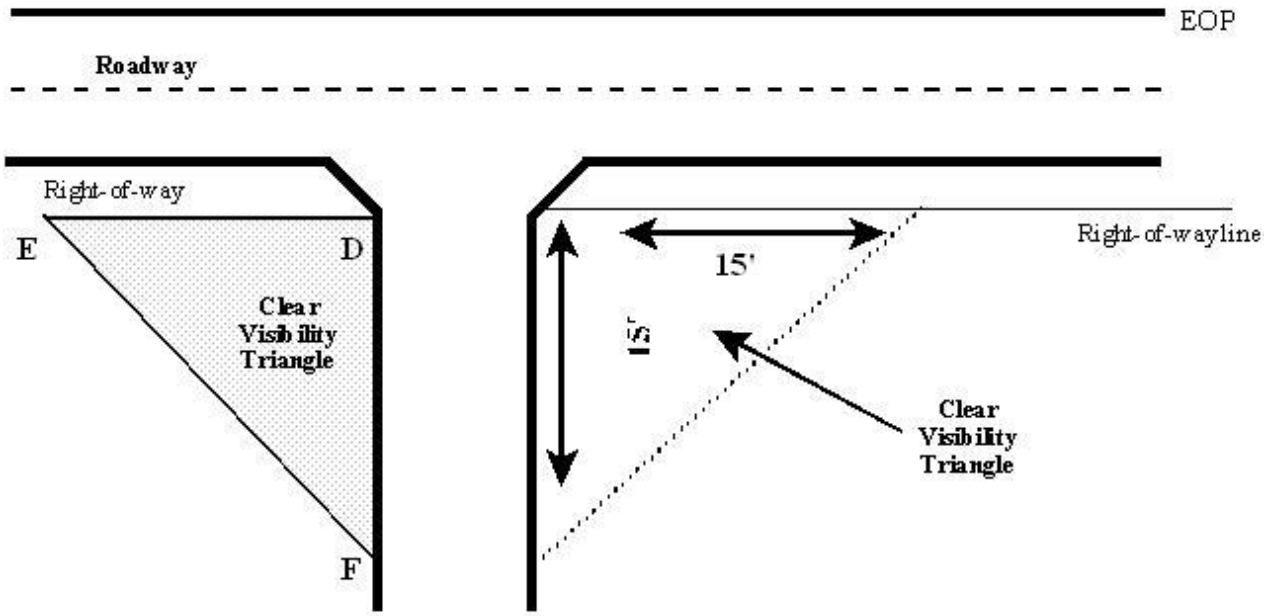
Figure 7.2a Clear Visibility Triangle at Roadway Intersections



B. ***Driveways***

The triangle formed by extending the edge of the driveway and the right-of-way line to a point where the y intersect (point D); and from point (D), measuring to a point fifteen (15) feet to points designated as (E); and (F), and then connecting points (E) and (F) to form a line. See Figure 7.2b.

Figure 7.2b Clear Visibility Triangle at Drive way Entrances



C. ***Conflicts*** **-** This Section controls any conflicts within landscaping requirements.

Sections 712 - 714 Reserved

Section 715 Mobile Home Stairs and Skirting Requirements

All mobile homes shall comply with the following:

A. ***Entrances***

All mobile homes shall have entry stairs at each entrance in compliance with the adopted building code. However, there shall be no landing requirement for entry stairs at least 42 inches wide and with a minimum 12 inch tread depth, that are aligned with the hinge side of the doorway to provide an off-set to the opening side of the doorway. In either case, guard rails and handrails shall not be required.

B. ***Skirting***

1. All mobile homes shall have skirting around the lower perimeter of the mobile home, between the ground and the mobile home.

2. Skirting shall have materials that are compatible with the exterior finish of the mobile home.

3. Ventilation and access openings shall be provided for skirted space under mobile homes and park trailers:

   a. Ventilation openings shall be provided at a minimum of one square foot per opening for every 150 square feet of enclosed space and are to be provided within three feet of each corner, with the remainder of the openings to be uniformly distributed around the skirted perimeter.

   b. Ventilation openings shall be covered with a mesh of not greater than 2 inch voids.

   c. A separate access opening providing a minimum of 18 by 24 inches with a door or other covering device that can be easily removed or operated shall be provided.

4. All appliance venting exiting underneath the home shall be extended to the exterior of the skirting.

5. Any attached porches or decks that allow the passage of rainwater shall be separated from the enclosed space under the home and skirting shall cover the area behind the porch or deck.

6. Any requirements found in the installation manual as provided by the home manufacturer that are more stringent shall supersede.

Section 716 Used Mobile Homes

The following requirements go into effect on October 1, 2000.

A. ***Pre-inspection Required***

1. All used mobile homes and park trailers more than three years old as counted from the date of manufacture shall require payment of a fee and pre-inspection for compliance with the standards listed in Sections B through F, below, before being placed on site.

2. No set up permit shall be issued for units requiring pre-inspection until the pre-inspection is completed. If the County inspector determines that only minor repairs or corrections are required, the set up permit may be issued prior to the completion of those corrections or repairs and they will be checked at set up inspection.

3. If the County inspector determines that major corrections or repairs are required, the appropriate permits shall be obtained, and the repairs completed, inspected and approved prior to issue of a set up permit.

4. If the estimated cost of repair exceeds the current market value of the unit, no set up permit shall be issued.

5. As an alternative to pre-inspection by the County, State licensed mobile home dealers and Florida registered architects or engineers may certify that a unit meets standards. Such certification shall be subject to verification by the County inspector at set up inspection.

6. Documentation abuse of this certification alternative by a provider may result in certifications no longer being accepted from that provider.

B. ***Fire Safety***

1. Approved, listed smoke detectors shall be properly located and installed, according to manufacturer's instructions, outside of each sleeping area.

2. All homes manufactured after 1975 shall have an operable egress window or exterior door located in each sleeping area with a minimum opening dimension of 22 inches.

C. ***Construction***

1. All floor, wall and roof systems shall be structurally sound, properly secured, free of holes and intact.

2. Exterior doors, including sliding glass, shall be in good working order and have operable locks. All missing or broken glass shall be replaced.

3. All windows and their operators shall be in good working condition. Missing or broken glass shall be replaced and screens shall be provided.

4. All interior and exterior finish shall be in good condition and properly secured in place.

5. Bottom board shall be rodent proofed throughout and sealed. Materials used for repairs shall be at least equivalent to the original.

6. Insulation shall be in good condition and missing insulation shall be replaced.

7. Where damage due to active water leaks is apparent, repairs shall be made.

8. Over-the-roof tie downs shall be free of damage.

9. Data plate shall indicate compliance with Wind Zone II and Climatic Zone I requirements.

D. ***Electrical***

1. The electrical system shall be complete and any hazardous conditions shall be corrected.

2. Distribution panel board shall be properly installed, complete with required breakers or fuses and unused openings properly covered.

3. All connections shall be tight and panels shall be accessible.

4. A minimum six inch space shall be provided between the face of the distribution panel and any easily ignitable materials.

5. All electrical fixtures shall be properly installed, wired and supported.

6. Aluminum conductors shall be connected to approved, listed devices.

7. Grounding conductors shall be properly secured to the correct location and/or connector on fixtures or devices.

8. Units with aluminum conductors shall require certification to these standards by a licensed electrical contractor.

E. ***Plumbing***

1. The plumbing system shall include a bathroom which provides privacy and includes a bathtub and/or shower, a toilet and a sink.

2. The plumbing system shall include a kitchen sink and approved, operating hot water heater.

3. All plumbing fixtures shall be securely attached and in workable condition.

4. All plumbing fixtures shall be properly vented and provided with approved, workable traps.

5. The hot water heater shall have a relief valve with sufficient room to operate and a minimum 3/4 inch discharge extended beneath the home.

6. Drainage piping shall be complete, properly supported and not constitute a hazard.

7. Water supply piping shall not be bent or kinked so as to retard flow and all fixtures shall be connected.

F. ***HVAC***

1. All heating/cooling devices shall be properly installed and secured in place.

2. If the heating system has been removed, drop outs shall be installed for connection of an exterior system.

3. Homes with central heating/cooling shall have an operable thermostat.

4. Air registers shall be operable.

5. Ducts shall be in place, sealed and in good condition.

6. Required gas furnace or water heater vents shall be properly installed and secured to the appliance.

7. Proper return air to heating and air conditioning units shall be provided.

8. Range hoods and bathroom exhaust fans shall be vented to the exterior.

9. All gas appliances shall be connected with an approved shut off valve in homes manufactured after May 1975.

Section 717 - 719 Reserved

Section 720 Landscaping and Buffering **(Rev. 3/18/09 – Ord. 09-006; 12/04/03 Ord. 03-82; Rev. 06/08/04 Ord. 04-09;)**

A. ***Purpose and Intent*** *(Rev. 3/18/09 – Ord. 09-006)*

Landscaping and buffering serves to benefit many functions of new development as well as to enhance the value of existing development. Landscaping reduces the drift of noise, airborne sediments, provides erosion control, mitigates the effects of heat islands and light pollution as well as promotes a successful economic perception by enhancing the visual quality and aesthetics of a community. The intent of this section is also to establish guidelines for landscape design, promote appropriate plant selection and maintenance, promote water conservation measures intended to reduce the need for supplemental irrigation beyond natural rainfall, and establish guidelines for mitigating potential conflicts between different land uses.

B. ***Applicability*** ***(Revised 6/28/11 – Ord. 11-008; 3/18/09 – Ord. 09-006)***

This section shall apply to the following:

1. All new development within unincorporated Polk County, except as specified in Section 720.E.

2. Expansion of existing multi-family and non-residential development:

   a. When above 25 percent (cumulative), right-of-way buffer requirements of this section shall apply.

   b. When an expansion occurs within 100 feet of adjacent property line(s), the buffer requirements of this section shall apply for the extent of the expansion.

   c. For additional parking spaces or drive aisles, the landscape requirements for additional parking areas shall apply.

3. Any development when a new or retrofitted irrigation system is installed. Retrofitted refers to those improvements beyond the replacement of heads or emitters and/or the mending of existing lines.

4. Agritourism uses shall be exempt from this Section except when Agritourism uses, such as parking, ingress and egress, and non-agricultural structures and buildings are to be located within 200 feet of a residentially designated parcel or parcel containing a residential dwelling unit.

C. ***Landscape Plan*** [4] *(Rev. 3/18/09 – Ord. 09-006)*

Where applicable, development shall be required to submit a landscape plan for approval through the Land Development Division concurrent with the Level 2 Review site construction plan. A landscape plan shall be submitted at a scale of no less than one inch equals 60 feet and shall contain, at minimum, the following information:

1. A title block that contains the date, scale, north arrow, project name, and the name and address of the person preparing the site plan.

2. Square footage of all impervious and vehicle use areas. Also provide percentage of vehicle use area to be covered by tree canopy. The location, quantity, container size or tree.

3. The property lines and dimensions of the property.

---

4 Single-family and two-family units are not required to submit a landscape plan, See Section 226

4. The street and lot layout showing existing and interior parking areas.

5. The location, dimensions and setbacks of all existing and proposed structures, fire hydrants, pumps, lift stations, lighting, other hardscape, right-of-way, easements, underground utilities and other utilities, including power lines.

6. Wetland jurisdiction lines and upland buffers, as required by Section 620.

7. The location and dimensions of all proposed landscaping, buffering, and screening areas.

8. The location, species, size and existing base elevation of any existing trees to be preserved, and counted against total requirements of this Section, and location and detail of protective barriers.

9. The location, quantity, container size or tree caliper and existing diameter breast height (d.b.h.), common names and botanical names of all proposed planted materials.

10. The size, in square feet, of all landscape islands and medians in the parking areas.

11. Delineation and labeling of all water use zones.

12. The location of irrigation well(s), if applicable.

D. ***Irrigation Plan*** *(Rev. 3/18/09 – Ord. 09-006)*

1. A title block that contains the date, scale, north arrow, project name and the name and address of the person preparing the plan.

2. The property lines and dimensions of the property.

3. The street and lot layout showing existing pavement and interior parking areas including any detention and retention areas.

4. The location, dimensions and setbacks of all existing and proposed structures, fire hydrants, lighting, rights of ways, easements and utilities, including power lines.

5. The location of irrigation well(s) or any other water sources used for irrigation on the site, if applicable.

6. The location of irrigation control unit, lines, water use zones, rain/moister sensors, backflow preventers and sprinkler heads and emitters.

7. A zone chart that identifies the flow rate (gallons per minute), pressure, head type, water use type, precipitation rate and run time for each zone on the site.

E. ***Water-Efficient Landscaping*** *(Rev. 3/18/09 – Ord. 09-006)*

Florida-friendly landscape and irrigation principles are based on the premise of placing the right plant in the right location in order to optimize their growing conditions, while reducing the need for irrigation, fertilizer, and overall maintenance. The intent of this section is to establish guidelines for landscape design that promote appropriate plant selection and maintenance, and promote water conservation measures intended to reduce the need for supplemental irrigation beyond natural rainfall. The following water efficient landscape and irrigation principles shall be illustrated or described on the irrigation and landscape plans. The requirements of Section 720.E shall not apply to bonafide agricultural activities, recreational or athletic fields or courts, and golf course fairways. Section 720 E.1 through 720.E.5 shall apply to those landscaped areas in which irrigation is installed. Section 720.E.6 shall apply to those areas for which no irrigation system is installed

1. Irrigation Design

   a. Tree and plant material shall be grouped into high, moderate, and low water use zones designated by the water requirements of the plants.

   b. Micro/low volume irrigation shall be used for at least 50 percent of the irrigated area.

   c. Mirco/low volume irrigation shall be required for all non-turf areas.

   d. Irrigation shall be designed to prevent overflow or overspray onto impervious surfaces.

   e. Irrigation shall be conducted in accordance with County or Water Management District water restrictions, whichever is more restrictive.

2. Plant Selection

   Appendix B, includes a guideline for plant selection. Landscape plans may include other plants based on other published plant guides or similar sources, such as the most current version of the *Florida Yards and Neighborhood (FYN) Handbook and FYN Florida-friendly Plant List.*

   a. Minimum acceptable plant quality shall be Florida Grade No. 1.

   b. Plant material shall be selected based upon its adaptability to the natural growing and soil conditions found in the landscape area of the site.

c. Plants shall be grouped according to the designated water use zones on the irrigation plan.

d. Installed plantings shall be spaced and located to accommodate their mature size on the site

e. In no case shall Class 1 or Class 2 invasive species, as defined by the Florida Exotic Pest Plan Council, be used to comply with proper plant selection.

3. Turf Grass and Other Ground Cover

Appendix B, includes a guideline for ground cover selection. Landscape plans may include ground cover based on other published plant guides or similar sources, such as the most current version of the *Florida Yards and Neighborhood (FYN) Handbook and FYN Florida-friendly Plant List.*

a. Turf grass and other groundcover shall be selected based upon its adaptability to the natural growing and soil conditions found in the landscape area of the site.

b. Turf grass areas shall be designed to be irrigated separately from trees, shrubs, and landscape bed areas.

c. Turf grass shall not be planted in areas smaller than four feet in width. Native or drought tolerant ground cover is an effective alternative to turf in such areas.

4. Mulch

a. A three inch layer of mulch shall be placed in shrub beds and around individual trees in turf grass areas to assist soils in retaining moisture.

b. Mulch may also be used in areas of the site where growing conditions are not favorable or conducive to turf or other ground covers.

c. Examples of mulches include wood bark chips, wood grindings, pine straw, nut shells, small gravel, and shredded landscape clippings.

5. Trees

Appendix B, includes a guideline for tree selection. Landscape plans my include other trees based on other published plant guides or similar sources such as the most

current version of the *Florida Yards and Neighborhood (FYN) Handbook and FYN Florida-friendly Plant List.*

a. Minimum acceptable tree quality shall be Florida Grade No. 1.

b. Trees shall be selected based upon their adaptability to the natural growing, light and soil conditions found in the landscape area of the site.

c. Understory trees shall not be used to meet the canopy tree requirements.

d. Trees planted within 30 feet of existing power line easements shall adhere to the proximity to power line height restrictions (P/L column) in Appendix B.

e. Native trees shall comprise at least 60 percent of all required trees within the landscape areas of the site. Appendix B includes a guideline for tree selection.

f. In no case shall Class 1 or Class 2 invasive species, as defined by the Florida Exotic Pest Plant Council, be used to comply with proper plant selection.

g. Installed plantings shall be spaced and located to accommodate their mature size on the site.

h. Root barriers shall be required for all trees within three feet of impervious surfaces, accept for trees located within private non-residential parking areas or drive aisles.

6. Non-Irrigated Landscape Areas

a. Irrigation, through temporary measures, shall only be allowed for the establishment of plants and trees.

b. Landscaping and buffering requirements of this code can be met either by maintaining existing trees and vegetation on site or through plantings that are sustainable through normal precipitation.

c. Plant selections shall be appropriate for site conditions. Appendix B, includes a guideline for plant selection. Landscape plans may include other plants based on other published plant guides or similar sources such as the most current versions of the *Florida Yards and Neighborhood (FYN) Handbook* and *FYN Florida-friendly Plant List*.

d. Installed plantings shall be spaced and located to accommodate their mature size on the site.

e. Mulch use shall be consistent with Section 720.E.4.

f. Trees shall be planted consistent with Section 720.E.5.

g. Installation of an irrigation system where one was not approved or expansion to an irrigation system originally approved through a Level 2 Review shall require another Level 2 Review.

F. ***Landscape Requirements for Parking Areas (Rev. 03/18/09 – Ord. 09-006; 06/08/04 Ord. 04-09)***

A minimum of 15 square feet of landscaping for each parking space shall be provided within the interior of a required paved off-street parking area.

1. Each aisle of parking spaces shall be terminated by landscaped islands which measure not less than five feet in width and not less than 18 feet in length. A least one under story tree shall be planted in each terminal island. The size of the landscape island shall be large enough to accommodate the root system of the tree(s) at maturity.

2. Landscaped divider medians may be used to meet interior landscape requirements. If divider medians are used, they shall form a continuous landscaped strip between abutting rows of parking spaces, except to accommodate a four foot wide paved crosswalk through parking aisles. The minimum width of divider median shall be five feet. One under story tree shall be planted for each 40 linear feet of divider median, or fraction thereof. Trees in a divider median may be planted singly or in clusters. The maximum spacing between trees shall be 60 feet.

3. Mandatory landscaped islands shall be surrounded with a continuous, raised curb. Optional interior islands and divider medians shall be protected by curbing or wheel stops.

4. On sites with warehouse/distribution or manufacturing uses, the areas of the site used for truck maneuvering shall be exempt from Section 720. F.

5. Plantings shall provide a minimum canopy, at maturity, of 45 percent of the vehicle use impervious areas of a site. Understory trees shall not be used to meet canopy tree requirements.

6. The minimum canopy, at maturity may be reduced when the reduction is adjacent to physical structures, natural or man-made, that pose a threat to public safety. This reduction shall be the minimum necessary to protect the public safety and shall be shown and reviewed as part of the Level 2 Review Site Construction Plans.

G. ***Landscaping Adjacent to Public Right-of-Way (Revised. 03/18/09 – Ord. 09-006)***

Wherever a vehicular use area abuts a right-of-way, a perimeter landscape strip shall be created which meets the minimum standards shown as roadways/streets on Table 7.13. Such areas shall be no less than four (4) feet in width.

H. ***Buffering (Revised. 03/18/09 – Ord. 09-006; 12/12/08 – Ord. 08-052; 03/25/03 - Ord. 03-22; 9/26/01 - Ord. 01-70)***

Landscape buffers are required between certain abutting land uses to mitigate or minimize potential nuisances such as noise, light, glare, dirt and litter, signs, parking or storage areas.

1. The Buffer Matrix, Table 7.12 outlines the requirements for buffers which is based on the intensity of the proposed development or use, and the uses which are developed or intended on all adjacent properties. The letters A, B, C on Table 7.12 refer to specific types of buffers which are illustrated in Figure 7.3. "N" means no buffer is required by this Code. Where an abutting property is vacant, the land use designation of the abutting property shall determine the type of buffer required on that side of the property.

2. Buffers shall be located on the outer perimeter of a lot or parcel extending to the limits of the developed area of the site. They may not occupy any portion of an existing, dedicated, or reserved public or private street or right-of-way, unless a landscape maintenance agreement is approved by the Board of County Commissioners for public right-of-way and maintenance entity is identified on a plat for private streets or rights-of-way.

3. In those instances where a fence or wall is used the requirements of Section 210 shall apply in addition to the following:

    a. Fences shall be a minimum six feet high, 100 percent opaque wood or PVC.

    b. Walls shall be brick or masonry, a minimum of six feet in height and designed for proper drainage flow.

    c. Where fences or walls are used, the landscaping shall be planted along the exterior of the fence or wall as provided in Figure 7.3.

4. Buffers for public or private elementary, middle, and high schools shall include shrubs and canopy trees. The plant selection and landscape design shall be developed in accordance with the Florida Safe Schools Design Guidelines to promote natural surveillance from roads and surrounding property and to prevent crime through proper environmental design. Alternative landscape buffer designs, developed in accordance with the Florida Safe Schools Design Guidelines, will not be subject to waiver requirements.

I. ***Maintenance of Landscaped Areas*** ***(Revised 03/18/09 – Ord. 09-006)***

1. The property owner shall be responsible for the perpetual care and maintenance of all landscaped areas so as to present a neat, healthy, and orderly appearance free of refuse and debris.

2. Destroyed or dead plantings shall be replaced as needed with plantings equivalent to those approved in the landscape plan.

3. If preserved trees for which credit was awarded are destroyed or die, the trees shall be replaced by the requisite number of living trees according to the standards established by this Section.

Table 7.12.a Buffer Matrix **(Rev. 11/4/14 – Ord. 14-066; 7/25/01 - Ord. 01-57; Rev. 01/03/05 - Ord. 04-80)**

Proposed Use (Class Number [5])	Abutting Uses				
	Class 1	Class 2	Class 3	Class 4	Class 5
Single-Family Residential (Class 2)	N	N	B	B	C
All Other Residential (Class 3)	A	B	N	B	C
Retail/Office/Personal Services (Class 4)	A	B	B	N	B
Bars, Lounges, Taverns, Nightclubs, and Dance Halls (Class 4)	A	C	B	N	N
Rv Park/Marina/Fish Camp (Class 4)	A	B	B	N	B
Schools, Religious Institutions, Community Centers, Cultural Facilities, Government Office, Hospital (Class 4)	A	B	B	N	B
Heavy Commercial/Construction Aggregate	A	C	C	B	N

[5] Follow these steps to identify the type of required buffer.

Step 1. Identify the class number of the proposed use and the class number of the abutting use from the list in Table 7.13.

Step 2. Locate on the matrix, Table 7.12.a, the proposed use/class number and the class number of the abutting use on each side. The A, B or C in the box which is common to both the proposed and abutting use indicates the type of buffer required. (N = No buffer required)

Step 3. Locate the required buffer type (A, B or C) on Figure 7.3 to determine the required buffer specifications.

Table 7.12.a Buffer Matrix (Rev. 11/4/14 – Ord. 14-066; 7/25/01 - Ord. 01-57; Rev. 01/03/05 - Ord. 04-80)

Processing & Storage (Class 5)					
Recreation and Amusement, Intensive (Class 5)	A	C	C	B	N
Industrial/Warehouse (Class 5)	A	C	C	B	N
Mining (Class 5)	Buffer to be determined during Level 3 or Level 4 review				
Utilities (Class 5)	A	C	C	B	N
Agricultural (Class 5)	A	C	C	N	N

Table 7.13 Land Use Class Numbers (Rev. 11/4/14 – Ord. 14-066; 2/3/10 – Ord. 10-007; 7/25/01 - Ord. 01-57; Rev. 01/03/05 - Ord. 04-80)

Land Use	Class Number
Roadway/Street (Not internal driveways or drive aisles)	1
Residential	
Single-Family	2
Duplex	2
If vacant, abutting land zoned RS, RL1,RL2,RL3,RL4, A/RR, RCC-R, PRESV shall be considered Class 2	2
Multi-Family (triplex and greater)	3
Mobile Home Park	3
Congregate Living Facilities	3
If vacant, abutting land zoned RM, RH shall be considered Class 3	
Commercial/Office	
Bars, Lounges, Taverns, Nightclubs, and Dance Halls	4
Child Care Centers	3
Vehicle Oriented - Minor	4
Vehicle Oriented - Major	4
Vehicle Sales/Retail, Home Sales Offsite	4
Offices/Financial Institutions	4
Self-storage Facilities	4
Recreational Intensive	5
Outdoor Retail	5
Hotels and Motels	4
Hospitals/Clinics/Nursing Homes	4
If vacant, abutting land zoned RCC, CC, CE, LCC, NAC, CAC, RAC, TCC, BPC-1, LR, ROS shall be considered Class 4.	
RV Park/Marina/Fish Camp	4
Restaurant (drive-thru)	5
Restaurant (sit-down)	4
Retail Commercial (< 10,000 square feet)	4
Retail Commercial (> 10,000 square feet)	4
Water Ski Schools	5
All Other Commercial/Office Activities.	4
If vacant, abutting land zoned RCC, CC, CE, LCC, NAC, CAC, RAC, TCC, BPC-1, LR, ROS shall be considered Class 4.	

Table 7.13 Land Use Class Numbers (Rev. 11/4/14 – Ord. 14-066; 2/3/10 – Ord. 10-007; 7/25/01 - Ord. 01-57; Rev. 01/03/05 - Ord. 04-80)

Land Use	Class Number
Industrial/Heavy Commercial	
Construction Aggregate Processing and Storage	5
Heavy Equipment (sales, service, storage & repair)	5
Manufacturing/Industrial Uses	5
Warehousing/Distribution Facilities	5
Transportation Facilities/Truck Stops	5
Mining	5
If vacant, abutting land zoned HIC, BPC-2, IND, PM, INST shall be considered Class 5.	
Institutional	
Airport/Heliport/Helistop	5
Religious Institutions/Community Centers/Cultural Facilities	4
Correctional Facilities	5
Government Facilities/Office	4
Government Facilities/Outdoor Activity	5
Schools	4
Utilities	
Power Generation Plants	5
Water Treatment Facilities - Class II and III	5
Electrical Substations - 230 kV and below	5
Electrical Substations - above 230 kV	5
Wastewater Treatment Facilities - Class III(a)	5
Communication Towers	5
Agricultural	
All uses	5

J. ***Intersection Visibility***

1. Sight distance for landscaping adjacent to public rights-of-way, points of access to off-street parking and loading areas shall be provided so as to permit visibility for vehicular and pedestrian traffic. When an access-way intersects a public right-of-way or when the subject property abuts the intersection of two or more rights-of-way, all landscaping within the triangular area described in Section 711 shall provide an unobstructed cross-visibility at a level between two and ten feet.

2. No wall, fence, vegetative planting, earthen berm, or other visual obstruction between a height of two feet and ten feet above the average finished grade measured at the road centerline shall be established within the clear visibility triangle.

K. ***Curbing and Encroachment of Vehicles into Landscaped Areas (Rev. 8/28/02 - Ord. 02-56)***

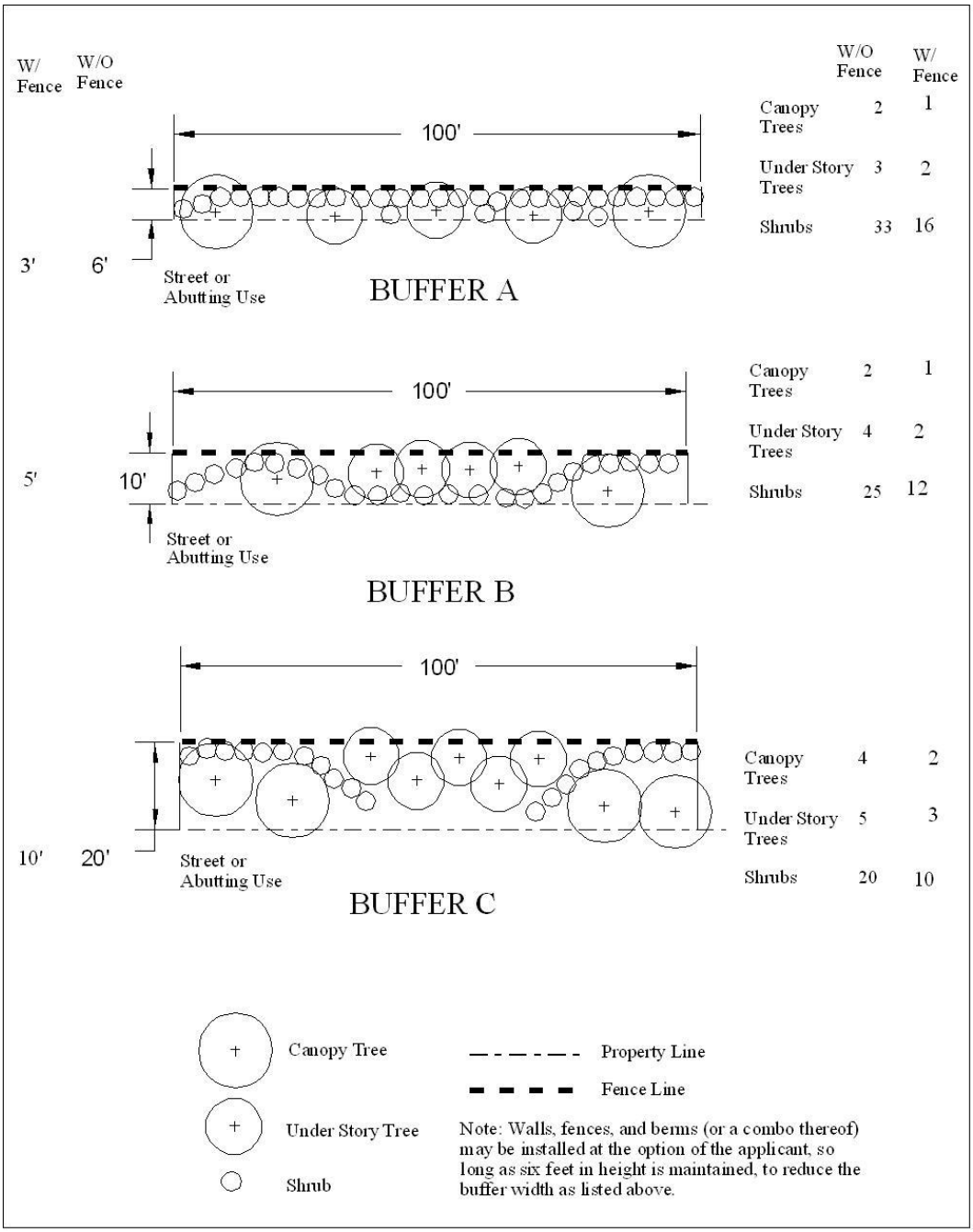
1. All landscape areas shall be separated from vehicle use areas, including parking by non-mountable, concrete curbing.

2 The width of curb shall be excluded from the calculations of the minimum dimensions of all required landscape areas.

L. ***Abutting Walls***

Where the property line of a proposed development abuts an existing brick or masonry wall at or greater than six feet in height, the minimum buffer requirement may be reduced to the standard for that buffer type that includes a fence or wall without constructing a second wall.

Figure 7.3 Buffer Types and Requirements (Rev. 9-26-01 - Ord. 01-70)



Section 721 Credit for Existing Trees

A. ***Credit for Existing Trees***

Where trees are required under this Code, credit for the use of existing canopy trees, as defined in the recommended species list in Appendix B, shall be given according Table 7.14.

Table 7.14 Credit for Existing Trees

Existing Crown Spread of Preserved Trees	or	Diameter of Tree at Diameter Breast Height (D.B.H.)	=	Number of Trees
90 feet or greater	or	36 inches or greater	=	7
60 to 89 feet	or	30 to 35 inches	=	6
50 to 59 feet	or	26 to 29 inches	=	5
40 to 49 feet	or	20 to 25 inches	=	4
30 to 39 feet	or	13 to 19 inches	=	3
20 to 29 feet	or	8 to 12 inches	=	2
10 to 19 feet	or	2 to 7 inches	=	1
less than 10 feet	or	less than 2 inches	=	0

B. ***Tree Protection Credit Guidelines***

Trees which are to be preserved on a site shall be protected from damage during construction in accordance with the following:

1. During the construction process, solvents, material, construction machinery or temporary soil deposits shall not be placed within the drip line (specified below) of any tree designated for preservation.

2. During construction, protective barriers shall be placed to prevent the destruction or damaging of credited trees. Credited trees destroyed or abused shall be replaced at the rate established by Table 7.14 before building occupancy. Such trees shall be physically identified on the site so as to be easily recognizable as a tree to be protected. Such identification may be flagging, painting or an equivalent technique, but shall not result in physical damage to the tree.

3. A protective barrier shall be placed in accordance with the following:

   a. Pine trees: at the drip line.

b. All other credited trees: at a minimum distance two thirds from the tree trunk to the drip line. In no case shall a distance of greater than15 feet from the tree trunk be required.

4. All credited trees shall be required to be protected by barrier zones erected prior to construction of any structures, road, utility service, or other improvements. Protective barriers shall be constructed out of chain mesh fencing, metal posts or wood to form a continuous, rigid barrier at least four feet in height.

   a. Protective barrier zones shall remain intact until such time as landscape operations begin or when construction in the immediate area has been finalized.

   b. Landscape preparation in barrier zones shall be conducted by hand.

   c. Trenching for underground utilities shall be prohibited within barrier zones. If underground utilities must be routed through a barrier zone, tunneling will be required.

5. Existing trees may be credited towards minimum tree planting requirements according to the formula in Table 7.14. Fractional Measurements shall be attributed to the next lowest category.

6. Trees excluded from preservation credit. No credit shall be given for:

   a. Trees not properly protected from damage during construction.

   b. Trees listed as prohibited or controlled species and identified in Section 720.F.2.

   c. Trees that are dead, dying, diseased or infested with harmful insects.

   d. Citrus trees, except that 50 percent of the required trees for single-family residential may be existing citrus trees.

   e. Trees within Preservation Areas (PA).

7. If, at any time within one year after all alteration and construction activities are completed, a tree for which credit was given is dead, irreparably damaged or unhealthy as a result of these activities, then it shall be removed and replaced with the tree which originally would have been required.

8. It shall be the responsibility of the property owners to maintain approved landscaping and provide replacement for dead plant material.

Sections 722 - 739 Reserved

Section 740 Storm Water Management

A. ***Storm water Management Plan***

Prior to issuance of any development permit, with the exception of minor commercial sites and minor subdivisions, each applicant must submit a Storm Water Management Plan for proposed development as follows:

1. It is the responsibility of the applicant to include in the Storm Water Management Plan sufficient information for the County Engineer to evaluate the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed activity on community waters, and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts. The Storm Water Management Plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions and explanations and citations to supporting references, as appropriate to communicate the information required by this Section. For projects requiring a storm water or surface water management permit from the Florida Department of Environmental Protection, or any Water Management District, such permit shall constitute full compliance with Section 740. C (1), except the provisions on pre post match of runoff volume; (2); (3); (4); (5); (6); (10); (12); (13).

2. The Storm Water Management Plan shall contain:

   a. A statement of the existing environmental and hydrological conditions of the site. Receiving waters and wetlands shall be described in detail, including the following:

      i. The direction, flow rate, and volume of storm water runoff, as an existing condition and, to the extent practical, pre-development conditions.

      ii. The locations of areas on the site where storm water collects or percolates into the ground.

      iii. A description of all watercourses, water bodies, and wetlands on or adjacent to the site or into which storm water flows.

      iv. Groundwater levels, including seasonal fluctuations.

   b. Proposed alterations of the site shall be described in detail, including a statement of:

i. Changes in topography;

ii. Areas where vegetation will be cleared or otherwise killed.

iii. Areas that will be covered with an impervious surface and description of the surfacing material.

iv. The elevation in relation to Mean Sea Level Datum (MSL) of the proposed lowest floor elevation (including basement and garages), of all proposed buildings or substantial improvements in flood hazard areas. The proposed lowest floor elevation shall include consideration of the septic tank, absorption/drain field, and on-site well where those are required.

c. All components of the storm water management system and any measures for the detention, retention, or infiltration of water or for the protection of water quality shall be described in detail, including:

i. The channel, direction, flow rate, volume, and quality of storm water that will be conveyed from the site, with a comparison to existing conditions and, to the extent practical, pre-development conditions.

ii. Detention and retention areas, including plans for the discharge of contained waters, maintenance plans and predictions of water quality in those areas.

iii. Areas of the site to be used or reserved for percolation including a prediction of the impact on groundwater quality.

iv. 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.

v. Any other information which the applicant or the County Engineer believes is reasonably necessary for an evaluation of the development.

d. Construction plans and specifications for all components of the storm water management system.

3. The Storm Water Management Plan for a development shall be prepared by a professional engineer registered in the State of Florida.

4. The placement of fill, during construction of any approved development, in areas of special flood hazard, shall be certified upon its completion by a professional Civil Engineer or Professional Surveyor and Mapper.

5. The elevation in relation to Mean Sea Level (MSL) datum of the proposed lowest floor elevation (including basement), of all proposed buildings or substantial improvements.

B. ***Water Management Design Criteria*** ***(Rev. 8/28/02 - Ord. 02-56)***

1. The hydrological requirements mandated by this Section shall be developed in accordance with the latest releases and revisions of the U.S. Department of Agriculture, Natural Resources Conservation Service's Technical Release Number 55 entitled, "Urban Hydrology for Small Watersheds" and SCS National Engineering Handbook, Section 4, "Hydrology." The Rational Method may be used for systems serving projects of less than ten acres total land area.

2. The design of water retention or detention structures and flow attenuation devices shall be subject to the approval of the County Engineer pursuant to the requirements of this Section.

3. Runoff computations shall be based on the most critical situation as provided in Table 7.3 (rainfall duration, Type II distribution and antecedent soil moisture condition) and conform to acceptable engineering practices using rainfall data and other local information applicable to the affected areas.

4. Composite coefficients used in runoff calculations using the Rational Method, shall not exceed the ranges recommended in, Section 4, Florida Department of Transportation (FDOT), Storm Water Management; or Composite Curve Numbers used in runoff calculations using the SCS Runoff Curve Number Method shall be in accordance with the latest edition of Urban Hydrology for Small Watersheds, Natural Resources Conservation Service (NRCS) Technical Release 55, or National Engineering Handbook (NEH-4).

5. The drainage area used in runoff calculations shall be the total contributing watershed area, either pre or post development, including areas beyond proposed site limits.

6. All storm water management systems shall be designed to enhance groundwater recharge while reducing pollution. However, in an area designated as a ground water recharge area, the applicant shall take all possible measures to limit runoff from the proposed site.

7. Sufficient easement, with slopes no steeper than 4:1 (horizontal to vertical), shall be provided around all storm water management systems for proper operation and

maintenance. Easements shall be unobstructed and shall include ingress/egress to the storm water management systems.

8. The design high water elevation from runoff associated with the 100 year, 24 hour event shall be calculated through a detention/retention pond to establish the minimum residential finished floor elevation and flood proofing elevation for commercial sites. In no case should the residential finished floor elevations and flood proofing elevations be lower than any flood elevation established by FEMA.

9. New roads shall be constructed and maintained with the lowest elevation of the pavement edge above the 100 year flood elevation.

C. ***Minimum Standards***

The following minimum standards shall apply to all development which occurs within an area of special flood hazard and to any man-made change to improved or unimproved real estate, including, but not limited to, mining, dredging, filling, grading, paving, drilling, (except to obtain soil and mineral samples) or excavation operations within 100 feet of a watercourse. Only the requirements of Sections 740 C (1), and (2), shall apply to agricultural land uses as defined in Chapter 10. Only the requirements of Sections 740 C (1), (2), (3), (4), (7), (8) and (12) shall apply to phosphate mining operations.

1. The hydrograph for the developed or redeveloped site shall not exceed the volume and rate of flow of runoff produced by conditions existing before development or redevelopment for the 25 year, 24 hour storm. In addition, the cumulative impact of the outflow hydro graph on downstream flow shall be considered. Runoff rates and volumes resulting from the project, in excess of existing volumes, shall be accommodated on-site. Project areas located in closed drainage basins shall be designed wherein the hydro graph for the developed or redeveloped site shall not exceed the volume and rate of flow of runoff produced by conditions existing before development or redevelopment for the 100 year, 24 hour storm. In addition, the cumulative impact of the outflow hydro graph on downstream flow shall be considered. Runoff rates and volumes resulting from the project, in excess of the existing rates and volumes, shall be accommodated on-site.

2. Storm water runoff shall be subject to best management practices prior to discharge into natural or artificial drainage systems. "Best Management Practice" shall mean a practice, or combination of practices, that provide for the treatment of storm water runoff such that the amount of pollution generated by the project is reduced to a level compatible with Florida Water Quality Standards found in Chapter 62-3, Florida Administrative Code.

3. Site Alteration shall conform to the following:

a. Site alteration within wetlands shall be compensated if required by state or federal regulations. As a minimum, the compensation shall be that approved by the agencies with jurisdiction, such as the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, the Southwest Florida Water Management District, the South Florida Water Management District, or the St. Johns River Water Management District.

b. Site alteration of wetlands by phosphate mining operations shall be reviewed by the BoCC at the hearing on the operating permit application for the proposed mining.

c. It shall be the responsibility of the applicant to provide the information which will allow satisfactory determination of whether such lands lie within the uplands associations, pine flatwood associations, wetland association or any combination thereof. This determination shall be made by an engineer or the U.S. Natural Resources Conservation Service.

4. Any non-permeable surface greater than 4,000 square feet shall provide for release of surface runoff, collected or uncollected, in a manner approximating the natural surface water flow regime of the area.

5. Sediment shall be retained on the site of the development. Those areas which are not to be disturbed shall be protected from construction activity by an adequate barrier. No grading, cutting or filling shall be commenced until erosion and sedimentation control devices have been installed between the disturbed area and water bodies, watercourses and wetlands. Wetlands and other water bodies shall not be used as sediment traps during development. Erosion and sedimentation facilities shall receive regular maintenance to insure that they continue to function properly.

6. Any altered site shall be re-vegetated, with such re-vegetation to be substantially completed within 180 days following completion of a development. Re-vegetation shall be accomplished with pre-existing species or other suitable species, except that exotic or invasive species shall not be replanted or propagated.

7. At the completion of construction or phosphate mining activities, man-made lakes or other water impoundments shall be constructed with a maximum slope of 4:1 to a depth of six feet of water. When mineral extraction is completed in new pits, shoreline sloping, re-vegetation and contouring of soils or tailings shall be completed before abandonment. Existing mineral pit lakes shall be exempt from this provision, except that whenever any person carries out any activity defined as development or applies for any authorization to develop any existing mineral pit lake area, these regulations shall apply.

8. Development shall not detrimentally change the quantity of ground and surface water available for recharge to the Floridian Aquifer. An applicant shall not cause storm water from the site to discharge or run off into an existing sinkhole without prior written approval of the County Engineer.

9. The development shall not impair the water retention and filtering capacity of wetlands soils or vegetation.

10. New storm water management facilities channeling runoff directly into watercourses shall be prohibited. Storm water shall be treated in accordance with the provisions of Chapter 62-25, Florida Administrative Code, prior to discharge to water bodies. Runoff shall be routed through swales or other systems designed to increase time of concentration, decrease velocity, increase infiltration, allow suspended solids to settle and remove pollutants. New storm water management facilities shall also maintain a groundwater level sufficient to protect wetland vegetation through the use of weirs or equivalent structure or systems. Said facilities shall not retain, divert or otherwise block or channel the naturally occurring flows in a strand or slough.

11. Site alteration shall be permitted only when such alteration will not cause siltation of wetlands or reduce the natural retention and filtering capabilities of wetlands.

12. Groundwater withdrawal shall comply with the standards and regulations of the standards and regulations of the Southwest Florida Water Management District, South Florida Water Management District or the St. Johns River Water Management District or their successor agency.

13. The applicant shall provide retention of the runoff from the first one inch of rainfall, or as an option, for projects or project sub-units with drainage areas less than 100 acres, facilities which provide retention of the first one half inch of runoff.

D. ***Waivers***

Waivers to this Section shall be requested pursuant to Section 932.

Sections 741 - 749 Reserved

Section 750 Open Space

A. ***Upland Parcels***

Land dedicated within a development to meet open space requirements shall consist of upland parcels under common ownership for the purpose of either recreation or habitat preservation. Such land shall be of adequate width and length to support the purpose of the space.

B. ***Dedicated Open Space***

All areas dedicated to open space shall be improved and maintained by the applicant or assigns. Development within open space shall be limited to 0.25 ISR. Rights-of-way, building setbacks, parking lots, and wet storm water management facilities are not considered open space.

C. ***Requirements***

Where open space is required, an open space plan shall be submitted as part of the application for development approval. The plan shall designate the boundaries, the size and the proposed use of all open space. The plan shall specify whether the open space areas will be dedicated or preserved and by what mechanism.

Sections 751 - 752 Reserved

Section 753 Cluster Design Option

Cluster design is an option for residential subdivisions to preserve natural or historic resources, and to create more efficient design of land and facilities. A Cluster design may reduce some or all of the lots below the minimum lot size for the district provided that the approved density is maintained. All applicable regulations of this Code shall apply unless modified by this Section. Cluster development is allowed in all residential districts subject to the following requirements:

A. ***Design***

Cluster development shall be compatible with adjacent residential development. Where adjacent to residential districts, perimeter lots in a cluster development shall not be smaller than the minimum lot size for the adjacent residential district, or one acre, whichever is less.

B. ***Open Space System***

In all residential districts except A/RR and RS, open space is required according to the following requirements:

1. Except for open space set aside for preservation, as provided in Section 750.C, open space areas shall be accessible to all residents of the development.

2. The final plat shall indicate that open space areas are prohibited from future subdivision, or development other than recreation facilities.

3. Open Space shall comply with the definition in Chapter 10 and Section 703.G whichever is more restrictive.

C. ***Internal Transportation System***

At a minimum, a cluster development shall provide vehicular, pedestrian and bicycle connections between residential clusters and between residential clusters and open space areas.

D. ***Calculating Required Open Space***

The minimum amount of open space that shall be provided in a Cluster Development (except within A/RR and RS districts) shall be determined by subtracting from the standard minimum lot square footage requirement set forth in Table of Density and Dimensional Regulations, the amount of square footage of each lot that is smaller than that standard, and then by adding together the differences for each lot. In no instance shall the resulting open space set aside within a cluster subdivision be less than 10,000 contiguous square feet. (Example: Subject site is approximately 40 acres and in RL-1 district where 40,000 square feet is required, Cluster lot size proposed is 10,000 square feet and total number of lots is 40 B *40,000- 10,000 = 30, 000; 30,000 x 40 = 1,200,000 square feet or 27.5 acres of required open space*.)

E. ***Density***

The maximum gross density standard for the applicable district, as prescribed in the Table of Density and Dimensional Regulations, shall not be exceeded in any cluster development.

F. ***Modification of Minimum Lot Standards***

Minimum lot sizes may be reduced for some or all lots in a Cluster development, but shall not be smaller than those set forth in Table 7.15.

Table 7.15 Modification of Minimum Lot Standards

District	Minimum Square Feet	District	Minimum Square Feet
A/RR	43,560	RL-2	6,000
RCC-R	15,000	RL-3	5,000
RS	43,560	RL-4/RM	4,500
RL-1	7,500	RH	4,000

G. ***Procedural Requirements***

Cluster Development may be approved for single-family detached and two-family attached residential subdivisions pursuant to the subdivision procedures of this Code, including the plat review.

Section 754 Reserved

Section 755 Zero-Lot-Line Design

Zero Lot Line design is offered as an option to promote the more efficient use of land by permitting the construction of a structure on one side lot line, and allowing the consolidation of the required side yard setbacks into one usable side yard area. Zero Lot Line development is allowed, subject to the following requirements:

A. ***Side Setback*** ***(Rev. 4/4/02 - Ord. 02-17)***

On a zero lot line lot, one side yard setback shall be reduced to zero. The opposite side setback for principal and accessory buildings shall be a minimum of ten feet. The opposite side yard setback for non-residential lots shall be the minimum setback for the district (Table 2.2). No portion of the structure shall project over any property line without the appropriate easements reflected on the plat.

B. ***Easements***

In single-family detached subdivisions, easements shall be placed on the lot abutting any zero lot line yard to permit access for maintenance, construction, drainage and other purposes for the benefit of the zero lot line lot. The easements shall extend at least five feet perpendicular to the zero lot line dwelling unit.

C. ***Final Plat***

The zero lot line in a platted development shall be identified at Level 2 review and shown on the final plat.

Sections 756 - 759 Reserved

Section 760 Signs

A. ***Purpose and General Provisions*** **(*** ***Revised 09/01/15, Ord. 15-056*****)**

1. This Section shall be known and may be cited as the "Polk County Sign Regulations."

2. The Purpose of these Sign Regulations is to make known that signs provide an important medium through which businesses and individuals may convey a variety of commercial and noncommercial messages. But, when left unregulated, signs can become a threat to public safety as a traffic hazard, and a detriment to property values and the County's overall public welfare as an aesthetic nuisance. Therefore, the intent of these Sign Regulations is to:

   a. Preserve the right of free speech and expression in the display of signs;
   b. Further the objectives of Polk County's comprehensive plan;
   c. Protect the public health, safety and welfare of County citizens;
   d. Reduce traffic and pedestrian hazards;
   e. Protect property values by minimizing signs' possible adverse effects;
   f. Promote economic development; and
   g. Ensure the fair and consistent enforcement thereof.

3. These Sign Regulations are intended to complement, and all signs shall be constructed and maintained in compliance with applicable building, electrical, and other codes which apply to structures. Where inconsistency exists between these Sign Regulations and applicable codes, the more restrictive requirement shall apply.

4. Measurement of Signs:

   a. The area of signs with regular geometric shapes, including combinations thereof, shall be measured using standard mathematical formulas. If the sign consists of more than one section or module facing the same direction, all areas will be totaled.

   b. For signs that are (or include) three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area is the sum of the two adjacent vertical faces of the smallest cube encompassing the sign or object.

   c. Unless stated otherwise in these Sign Regulations, the total surface area of all sign faces shall be counted and considered to be part of the maximum total sign area allowance.

   d. Double-Face Signs: One side or the larger of the two sides shall be considered in computing square footage requirements for area limitations. Double-face signs connected, but angled more than 45 degrees, shall be required to calculate both sides of the sign.

5. Any sign determined under these Sign Regulations to be a hazard to the public health, safety, and welfare of County residents shall be immediately repaired or removed at the expense of the owner or other party determined to have beneficial use of the sign.

6. Signs placed or erected on public rights-of-way, located in the Clear Visibility Triangle per Section 711 and/or erected or maintained without required permits per Chapter 479, Florida Statutes, shall be subject to immediate removal unless expressly approved by Polk County or the Florida Department of Transportation.

7. Any sign not complying with all regulations in effect at the time of its construction or use is illegal and subject to prosecution in accordance with applicable law, including without limitation:

   a. Enforcement in accordance with the Polk County Code Enforcement Special Magistrate Ordinance, as it may be amended or superseded;

   b. Immediate removal at the expense of the violator, owner, or any person or entity that has beneficial use of the sign;

   c. Prosecuted as a violation of County ordinance in the same manner as misdemeanors are prosecuted in accordance with Section 125.69, Florida Statutes; and/or

   d. A double permit fee for any sign or sign component erected without a permit.

   Nothing stated herein shall prevent the County from taking such other lawful action in law and equity as may be necessary to remedy the violation, including without limitation pursuit of injunctive and/or declaratory relief.

8. Compliance with the requirements of these regulations shall not constitute a defense to an action brought to abate a nuisance under the common law.

9. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of these Sign Regulations is declared invalid by a court of competent jurisdiction, such invalidity shall not affect the validity or enforceability of the remaining portions.

10. For every sign that is allowed herein, any non-commercial copy may be legally substituted in lieu of any other commercial or non-commercial copy.

B. ***Sign Permit Requirements and Appeal*** ***(Rev. 9/01/15 – Ord. 15-56; 9/26/01 - Ord. 01-71)***

1. A sign permit shall be required in accordance with the Polk County Land Development Code for the construction, erection, repair, alteration or relocation of any sign not otherwise exempted.

2. A sign permit shall become null and void if the work for which the permit was issued has not been started within a period of 6 months after the date of the issuance of the permit. Additionally, any work started, but discontinued for a period greater than 6 months shall cause the permit to become null and void.

3. In addition to any sign otherwise exempted, the changing of a face or normal and regular maintenance that does not alter the supports, structure or location of the sign, nor increases the sign area shall not require a permit.

4. All applications for sign permits shall be made on the forms provided by the Building Division and shall include the following:

    a. Name, address, telephone number, and signature of the owner or authorized agent of the premises granting permission for the sign;

    b. Name, address, telephone, and license number of the sign contractor;

    c. A description of the sign indicating the number, size, shape and dimensions of the sign;

    d. A schematic drawing of the site showing the proposed location of the sign in relation to nearby buildings and streets;

    e. The number, in aggregate sign area, of signs on the premises (existing and proposed); and

    f. For off-premises temporary sign permits, applications must also include:

        1. The temporary need for the sign; and

        2. The expected length of time the sign will be displayed.

5. Applications for permits shall be submitted to the Building Division together with an application fee as established by resolution of the Board of County Commissioners (BoCC). The Building Division shall review the application, examine the plans and specifications, and may inspect the premises upon which the proposed sign is to be erected.

6. Polk County shall have ten working days from the receipt of a complete application to review the application. A permit shall be issued or denied on or before the end of the

ten working days review period if the application for a new sign or renewal complies with these Sign Regulations.

a. A sign permit application may be denied for reasons such as noncompliance with standards contained herein and any applicable code.

b. Polk County shall inform the applicant of the reasons for denying the sign permit application.

c. If Polk County does not issue a determination within the ten working day period, the sign permit is deemed approved.

7. The aggrieved party shall have 30 calendar days to revise and resubmit the sign permit application at no additional cost for review by Polk County.

a. In the alternative, the aggrieved party may appeal a denial of a sign permit application by submitting the appropriate application and fees pursuant to Section 918.C of the Land Development Code.

C. ***Exempt Signs*** ***(Rev. 9/1/15 – Ord. 15-056; 5/19/10; - Ord. 10-018; 9/26/01 - Ord. 01-71)***

The following signs are exempted from the permit requirements of Section 760.B provided that such signs must comply with all other requirements of these Sign Regulations and other applicable codes.

1. Directional signs:

a. Signs shall not exceed 3.5 feet in height.; however, no sign shall exceed 3 feet in height in the clear visibility triangle.

b. Each sign shall be no larger than four square feet.

c. On-premises:

i. No more than two signs per entrance.

ii. One foot minimum setback from the property line.

d. Off-premises:

i. No more than two signs shall be permitted which must be located within a one and one half (1.5) mile radius of the geographic center of the property referenced on said sign.

ii. Five foot minimum setback from the property line.

iii. Written authorization from the property owner(s) where the sign(s) will be located shall be made available upon request.

2. On-premises temporary signs.

3. One tablet sign per building, not exceeding four square feet in area, when cut into any masonry surface, or when constructed of bronze or other incombustible material, and attached to the surface of a building.

   a. No tablet sign shall be mounted at a height greater than six feet from the ground or sidewalk to the bottom of the sign.

4. Signs incorporated into machinery or equipment by a manufacturer or distributor.

5. Signs carried by a person.

6. Flags - where the aggregate sign area of such flags shall not count as chareable square footage; provided that:

   a. No more than four flags may be displayed per parcel, and

   b. Each flag must be flown from a flagpole.

7. Any public purpose/safety sign, including regulatory signs and any other notice or warning signs required by Local, State, or Federal Government law, ordinance, regulation or resolution.

D. ***Prohibited Signs; Generally*** ***(Rev.9/1/15 – Ord. 15-056; 4/22/09 – Ord. 09-017; 7/29/02 - Ord. 02-52; 9/26/01 - Ord. 01-71)***

Any sign not specifically permitted by these Sign Regulations is prohibited.

E. ***Prohibited Signs; Specifically*** *(Rev. 9/1/15 – Ord. 15-056; 4/22/09 – Ord. 09-017; 9/26/01 – Ord. 01-071)*

Unless otherwise permitted, the following signs are prohibited and no variance shall be granted which would authorize same.

1. Signs that emit audible sound, odor, or visible matter such as smoke or steam.

2. Signs that interfere with any fire escape, emergency exit, standpipe, or any window to the extent that light or ventilation is reduced to a point below that required by any provision of this Section or other applicable regulation.

3. Signs that imitate or are made to resemble official traffic or government signs, symbols, and signals.

4. Signs of such intensity or brightness that glares onto adjoining residential property or impair the vision of motorists, cyclists, or pedestrians using or entering a public way.

5. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, sidewalk or street, except house numbers and traffic control signs.

6. Signs placed upon, or attached to benches, bus shelters or waste receptacles that are located in the public rights-of-way.

7. Portable signs.

8. Parasite signs

9. Billboards in the following Selected Area Plans:

   - I-4/NE Parkway
   - Ronald Reagan Parkway
   - North US 27
   - State Road 559

10. Abandoned signs.

11. Snipe signs.

12. Vehicle signs, as defined by these Sign Regulations.

13. Signs containing statements, words, or pictures of an obscene, indecent, or immoral character that are not protected by the First Amendment of the United Sates and Article I §4 of the Constitution of the State of Florida.

14. Animated signs; provided that this subsection shall not prohibit changeable copy signs which are allowed in non-residential districts and on parcels within residential districts where residential support uses are permitted.

F. ***Temporary Signs***

1. Sign may be a ground or building sign but shall not be illuminated by electricity.

2. Sign may be on-premises or off-premises; however, off-premises signs shall require express consent of the property owner.

3. Sign is not included in the total allowance sign area for a parcel.

4. Unless stated otherwise, a parcel may display temporary signs with an aggregate sign area of 32 square feet. However, any double-faced sign allowed shall be permitted up to 64 square feet of aggregate sign area if no single face exceeds 32 square feet of aggregate sign area, and no other temporary sign is displayed on the parcel.

5. One additional temporary sign is allowed for a parcel that has no permanent sign, provided that such sign is not displayed for a period of more than 60 days or until installation of the permanent sign, whichever occurs first.

6. Parcels of more than one acre and multiple tenants (e.g., strip shopping centers or strip malls) shall be permitted temporary signs not to exceed 64 square feet of aggregate sign area. The owner of the strip shopping center or mall shall be responsible for any penalties accrued for non-compliance by the tenants.

7. Unless stated otherwise, temporary signs shall not exceed 6 feet in height in residential districts, or 8 feet in height in non-residential districts and in residential districts on parcels where residential support uses are permitted.

8. Sign shall have a minimum 5 foot setback from the property line.

9. On-premises temporary signs require no sign permit; however, the initial date of sign display shall be placed on the sign.

10. Off-premises temporary signs shall require an annual sign permit and the permit number printed or affixed to the sign. Such signs are allowed in:

    a. Non-residential districts;

    b. Residential districts on property with ≥ 5 acres and ≥ 500 feet of public street frontage or ≥ 10,000 square feet of floor area; and

    c. Residential districts on parcels where residential support uses are permitted.

11. Sign shall be removed within 30 days after the end of the scheduled occurrence or purpose to which it relates.

G. ***On-Premises Signs*** ***(Rev. 9/1/15 – Ord. 15-56; 5/20/09 – Ord. 09-023; 5/20/09 – Ord. 0-022; 4/01/03 - Ord. 03-25; 7/29/02 - Ord. 02-52; Rev. 9/26/01 - Ord. 01-71 Rev. 01/18/05 Ord. 04-23)***

On-Premises signs shall conform to the requirements of these Sign Regulations unless specifically permitted, exempted, or prohibited herein.

1. Ground signs shall conform to the following requirements:

   a. Signs located in the RAC, IND, PM, BPC-1, BPC-2, CAC, HIC, LCC, TCC, NAC, RCC, CC, CE and OC land use districts shall be set back a minimum of five feet from the property line, with a height no greater than 15 feet. Each additional foot above 15 feet requires an additional setback of six inches. No sign shall exceed the maximum structure height in the land use district.

   b. Signs located in the L/R, INST, ROS, PRESV, any of the RL subdistricts, RS, RM, RH and A/RR land use districts shall be set back a minimum of ten feet from the property line, and may be constructed to the maximum sign height as indicated in Table 7.16 without any additional setback. No sign shall exceed the maximum structure height in the land use district.

   c. One sign per parcel, and the sign may be double-faced.

   d. Signs shall be separated by a minimum spacing of 50 feet between adjoining parcels.

   e. Signs located within a Development of Regional Impact (DRI) shall conform to the standards in Table 7.15b.

Table 7.15b - Signs in a DRI

Land use per Map H	Sign Area	Sign Height	Minimum setback to achieve maximum height
Residential	32 square feet	6 feet	10 feet
Internal Retail/Commercial or Office	40 square feet	10 feet	5 feet
External Retail/Commercial or Office	250 square feet Parcels <5 acres 150 square feet	30 feet Parcels <5 acres 20 feet	15 feet Parcels <5 acres 10 feet
Phosphate Mining	300 square feet Parcels <5 acres 200 square feet	40 feet Parcels <5 acres 30 feet	20 feet Parcels <5 acres 15 feet

*Sign area and height shall be reduced by 15% in all Selected Area Plans (SAP's) that do not have adopted sign standards.

2. Monument signs shall not exceed 4 feet in height, 20 feet in length, 15 inches in width and may have a base of up to 3 feet, except as otherwise provided by these Sign Regulations.

   a. Multiple monument signs may be located on one parcel so long as the aggregate sign area does not exceed 80 square feet.

   b. Monument signs may be double-faced.

3. One plaza sign is permitted per. The following shall apply to plaza signs:

   a. A plaza sign may represent two or more parcels. Each parcel identified on the plaza sign shall not be permitted an individual ground/on-premises sign unless the individual parcel or lot in question requesting a ground/on-premises sign complies with the following:

      i. It does not share a common wall within another building or structure on an adjacent parcel; and

      ii. It does not advertise on said plaza sign; and

      iii. The ground/on-premises sign is at least 50 linear feet from said plaza sign or any other ground/on-premises sign.

   b. Plaza signs shall comply with the setback standards as outlined in Table 7.16 for on-premises signs and shall be permitted a maximum sign height of 20 feet, unless stated otherwise in 3.d, below.

   c. Plaza signs shall be permitted 40 square feet of sign face for the plaza name plus 20 square feet of sign area per tenant, regardless of the land use district.

   d. The maximum permitted plaza sign area within A/RR or any of the Residential land use districts shall adhere to the following sign area and height specifications based upon the road classification for which the plaza sign is oriented:

Road Classification	Square Feet Per Face	Maximum Height
Arterial Road	150	20 feet
Collector Road [1]	120	15 feet
Local Road [2]	80	10 feet

[1] Includes urban and rural collectors
[2] Or other internal drive aisles

e. The maximum permitted plaza sign area within the NAC, OC, RCC, CC, PIX, ECX, L/R, INST, LCC and CE land use districts shall not exceed 150 square feet.

f. Plaza signs shall not be permitted within the PRESV and ROS land use districts.

g. The maximum permitted plaza sign area in all other land use districts not identified ,herein, shall be 300 square feet.

h. Plaza signs serving multiple parcels shall submit a common signage plan to include the following:

i. All parcel boundaries of the parcels included within the request.

ii. Parking lot layout and drive aisles.

iii. Entrances and exits to all right-of-ways.

iv. All current and proposed signage.

i. The plaza sign areas and height as referenced within this Section shall be reduced by 15% in all Selected Area Plans (SAPs) that do not have adopted sign standards.

4. Building signs shall conform to the following requirements:

a. Building signs may cover an area equivalent to 25 percent of the largest vertical wall of the building. Said signs may be located on any side of the building, and shall not count against the total permitted sign area for ground and monument signs. Said signs shall not project above the vertical wall to which it is attached, or more than four feet horizontally from said wall. If said sign projects from the wall to which it is attached it must comply with sub-section 4.c regarding Projected signs.

b. Canopy signs may cover up to 15% of the total vertical sign area of all four sides of the canopy. Signs may be located on any side of the canopy.

c. Projected signs that protrude from the wall to which they are attached at a depth greater than three inches shall maintain a minimum vertical clearance of eight feet above the sidewalk or ground level and shall not be erected within or overhang any public rights-of-way. Such signs shall not extend more than four feet beyond the line of the building or structure to which it is attached. The building official may authorize lesser or greater standards in the interest of public safety.

d. Roof signs shall not exceed a height equivalent to the elevation of the building upon which the sign is located (i.e., if a building is 20 feet tall, the roof sign may only add an additional 20 feet). The height above the roof may be equal to the height from grade to the highest point of the building, but in no case will the height of the sign, exceed 20 feet from this point to the top of the sign. At no time shall the height of the building plus the height of the roof sign exceed the maximum district structure height as indicated in table 2.2.

e. Roof sign supports shall appear to be free of any extra bracing angle iron, guy wires, and cables. The supports shall appear to be an architectural and integral part of the building. Supporting columns of round, square, or shaped steel members may be erected if required bracing, visible to the public is minimized or covered.

5. Signs located on subdivision walls (See chapter 10: Subdivision wall)

a. The total sign area shall not count as chargeable square footage.

b. No sign, copy, text or symbol shall be placed upon a subdivision wall at a height greater than the maximum sign height indicated in Table 7.16.

c. Any sign located upon a wall-like structure that does not meet the definition of a subdivision wall must comply with the height, setback and sign area regulations for a monument sign.

6. Up to two permanent Neighborhood Identification signs may be permitted at each entrance to a designated neighborhood provided the following conditions are met.

a. *Location.* The sign shall not create a physical or visual hazard for pedestrians or motorists entering or leaving the neighborhood.

b. *Maintenance.* Upon application to Polk County for a sign permit, an individual firm, partnership, association, corporation, legally established neighborhood association, or other legal entity shall be designated, in the form of a written statement, as the person responsible for the perpetual maintenance of the sign. The statement shall provide that the person or organization, including its successor or assign, is responsible for maintaining the sign(s).

c. *Height and Square Footage.* The sign shall not exceed 6 feet in height and 64 square feet in aggregate sign area.

d. *Location of Neighborhood Identification Signs Within County Rights-of-Way.* Neighborhood Identification signs may be located within County rights-of-way only under the following conditions:

i. If the entity agreeing to maintain neighborhood signs as set out above in I (6)(c) enters into an indemnification and/or hold harmless agreement acceptable to the County Attorney, the County may permit a sign, and associated walls and permanent planters, to be placed at the entrance(s) of the neighborhood within the County rights-of-way, including medians, so long as such signs, walls and/or planters do not create a physical or visual hazard for pedestrians or motorists entering or leaving the neighborhood and are not located within the clear visibility triangle or the clear recovery area of the roadway as set out in the State of Florida Department of Transportation's *Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways*.

ii. The location and materials of any signs and associated walls and permanent planters, are subject to approval by Polk County during the permitting process. Applicant will be required to submit a letter of approval from the County Transportation Department or the Florida Department of Transportation. At the discretion of the Building Director, the application may also be reviewed by the Director of the Land Development Division.

7. Window Signs:

a. Window signs are permitted provided such signs, in aggregate sign area, are ≤ 25 percent of the total window surface area of the premises facing a public street or parking lot. The aggregate sign area of a window sign shall not count as chargeable square footage.

Table 7.16 On-Premise Sign Standards (Rev. 9/1/15 – Ord. 15-056; 7/29/02 - Ord. 02-52; Rev. 9/26/01 - Ord. 01-71)			
Future Land Use Designation*	**Max Square footage per face; Maximum of 2 faces**	**Max Sign Height**	**Minimum Setback to achieve maximum height (5' Min.=15' sign)**
Regional Activity Centers (RAC) Industrial (IND) Phosphate Mining (PM)	300 square feet **Parcels < 5 acres 200 square feet**	40 feet **Parcels < 5 acres 30 feet**	17.5 feet **Parcels < 5 acres 12.5 feet**
Business-Park Center-1 (BPC-1) Business-Park Center-2 (BPC-2) Community Activity Centers (CAC) High-Impact Commercial Centers (HIC) Linear Commercial Corridor (LCC) Tourism-Commercial Centers (TCC)	250 square feet **Parcels < 5 acres 150 square feet**	30 feet **Parcels < 5 acres 20 feet**	12.5 feet **Parcels < 5 acres 7.5 Feet**
Neighborhood Activity Centers (NAC)	80 square feet	20 feet	7.5 feet
Office Center (OC) Rural-Clusters Centers (RCC) Convenience Centers (CC) Commercial Enclave (CE)	50 square feet	12 feet	5 feet
Leisure/Recreation (L/R) Institutional (INST)	80 square feet	15 feet	10 feet
Recreation and Open Space (ROS) Preservation Areas (PRESV)	40 square feet	8 feet	10 feet
Residential-Suburban (RS) Residential-Low-1(RL-1) Residential-Low-2(RL-2) Residential-Low-3(RL-3) Residential-Low-4(RL-4) Residential-Medium (RM) Residential-High (RH)	32 square feet	6 feet	10 feet
Agriculture/Residential Rural (A/RR)	80 square feet	15 feet	10 feet

*Sign area and height shall be reduced by 15% in all Selected Area Plans (SAP's) that do not have adopted sign standards.

H. ***Off-Premises Signs*** ***(Rev. 9/1/15 – Ord. 15-056; 5/20/09 – Ord. 09-023; 4/22/09 – Ord. 09-017; 5/08/01 - Ord. 01-14)***

1. Billboards shall be permitted in BPC-1, BPC-2, IND, TCC, RAC, CAC, HIC, and L/R land use districts and in any of such land use districts located within the Green Swamp Area of Critical State Concern, a Special Protection Area or the Polk Parkway Protection Area.

2. Billboards shall be permitted within a Selected Area Plan (SAP) land use district unless otherwise prohibited.

3. Minimum spacing between billboards shall be 1,000 feet measured linearly; except in the Polk Parkway Protection area, the minimum spacing shall be 1,500 feet measured linearly.

4. Minimum spacing between a residential land use district and a billboard shall be 500 feet measured radially. Minimum spacing between a residential land use district and a billboard may be reduced to 250 feet, measured radially, provided a landscaped buffer, adequate to the location, is planted at the base of the sign and approved by the Land Development Director or his/her designee.

5. Minimum spacing from any public or private school or public park shall be 250 feet.

6. Minimum setbacks shall be 50 feet from the front property line and 10 feet from the side and rear property lines. Setbacks shall be measured from that portion of the sign in closest proximity to the respective property line.

7. Billboards shall not be stacked, placed side-to-side or have three or more faces, and shall be limited to ground signs.

8. Minimum sign face shall be 128 square feet. Maximum sign face shall be 800 square feet. Sign embellishments shall be considered a part of the sign face.

9. No portion of the sign face shall be less than 8 feet or more than 40 feet in height. In no instance shall a sign exceed the maximum district structure height as provided in Table 2.2.

I. ***Non-conforming Signs*** ***(Rev. 9/1/15 – Ord. 15-056; 5/08/01 - Ord. 01-14)***

1. Existing legal non-conforming signs shall be "Grandfathered" and may be maintained for continued safe use. A lawfully erected sign made non-conforming by new regulations becomes a legal non-conforming sign.

2. Any sign not lawfully existing under new regulations, and which should have been removed or modified under prior law is an illegal non-conforming sign. The adoption of this Ordinance shall not affect the requirement that all such illegal non-conforming signs be removed or made to conform to these Sign Regulations.

3. A non-conforming sign may not be relocated, except to a conforming location.

4. A non-conforming sign may not be enlarged or altered in a way which increases its degree of non-conformity, but any sign or portion thereof may be altered to decrase its degree of non-conformity.

5. In the event of an eminent domain action, Section 121 of this Code shall apply. However, a non-conforming sign subject to the provisions of Section 70.20, Florida Statutes, may be relocated and reconstructed.

6. ***Removal of Non-conforming Signs*** ***(Rev. 9/1/15 – Ord. 15056; 5/08/01 - Ord. 01-14)***

Non-conforming signs shall not be reestablished after damage or destruction if the estimated cost of reconstruction or repair exceeds 50 percent of the replacement value of the non-conforming sign. The sign must be rebuilt to conform to current regulations or removed within 90 days at no cost to the County.

a. All existing legal signs which are non-conforming due to their location in an improper land use district shall be removed at no cost to the County within twenty (20) years of the effective date of the sign regulations in effect at the time of the non-conforming determination.

b. If a business for which a non-conforming sign is used ceases to operate for a period of six months, the sign shall lose its non-conforming status, and shall be removed or made to conform within 90 days of such business ceasing to operate.

J. ***Signage Plans*** ***(Rev. 9/1/15 – Ord. 15-056; Added 2/14/07 - Ord. 07-004)***

Introduction:

Unique mixed-use developments that have been planned to create a strong sense of place and community may have signage plans. Signage plan shall be permitted subject to the appropriate review, that implement a signage system that sets forth a strong identity for the overall development while at the same time allowing each business to communicate with the public in a consistent, community-building, coordinated manner. A balance of sign size to the overall environment, and overall enhancement of the development is a desired result of signage plans. To achieve this goal, a system of prescriptive and variable sign elements may be designed as part of a signage plan.

Requirements:

1. Large-scale mixed use projects may elect to create a specific signage plan consistent with the architectural theme of the overall project if the project consists of more than one land use or business activity.

2. The signage plan shall contain the following elements:

a. Description of overall project.

b. Description of signage and graphic element to include:

i. Types and illustrations of signs allowed.

ii. General location for Level 3 review (specific location to be determined during Level 2 review)

iii. General requirements.

iv. Maximum heights of each sign type.

v. Maximum copy area of each sign type.

vi. Proposed lighting of signs.

vii. Colors and materials.

viii. Treatment of "trademark business."

ix. Overall Project Identification sign(s), if proposed, at the entry of the project to create a unique image and identification for the project. More than one Project Identification sign may be permitted if there are multiple entrances to the project.

x. Provisions for Gateway Signs (at the applicant's discretion).

3. Signage plans shall be subject to the Polk County Level 3 review process.

K. ***Variances*** ***(Rev. 9/1/15 – Ord. 15-056; 12/1/10 - Ord. 10-082)***

Sign variances may be granted in accordance with Sections 930 and 931 for height and setbacks only. Sign variances shall be approved or denied by the Planning Commission for height and by the Land Development Division Development Review Committee for setbacks.

Section 761 Maximum Permissible Noise Levels by Land Use Designation

A. ***Noise Levels***

No person shall operate, cause to be operated, or permit on private property any source of noise or noise in such a manner as to create a noise level which exceeds the limits set forth in the land use designations category in Table 7.17. The noise shall not be permitted for more than ten minutes.

Table 7.17 Noise Levels by Land Use Designation

Land Use Designation (1)	Noise Level Limit, dB(A) (2)
BPC-2, IND, HIC	75
CC, NAC, CAC, RAC, LCC, L/R, CE, TC, TCC, RCC, BPC-1, EC	65

(1) of property on which the source of noise is located

(2) permitted from 7:00a.m. until 9:00 p.m.

B. ***Measurement of Noise***

For purposes of this Section, noise shall be measured at the property line of the property on which the noise source is located, and shall be made at least ten feet from any large reflecting surfaces on the subject property. The noise may also be measured at the Land Use designation boundary line if the Land Use designation does not permit residential development. If the Land Use designation permits residential development, the noise shall be measured at the property line at least ten feet from any large reflecting surfaces on the subject property.

C. ***Non-Conforming Uses***

Any noises which occur on property which, according to Section 120, is being used in a legal manner and which noise relates to said use, shall be judged as if the property bore a Land Use designation under which the use would be conforming.

D. ***Exceptions***

The provisions of this Section shall not apply to the following:

1. The emission of noise for the purpose of alerting persons to the existence of an emergency, or for the performance of emergency work.

2. The emission of noise for the purpose of providing federal, state, or local services including public safety facilities and including but not limited to refuse facilities.

3. The emission of noise for organized school related programs, activities, or events, or parades or other public programs, activities, or events authorized by the Polk County.

E. ***Variances***

1. The Board of Adjustment shall have the authority to grant variances from this Section.

Chapter 8

SUBDIVISIONS

CHAPTER 8 SUBDIVISIONS

Section 801 Purpose and Intent

This Chapter sets forth the procedures for subdividing land, re-subdividing land, reviewing and approving subdivision plats, and the minimum standards for public and private infrastructure and subdivision design.

Section 802 Applicability

A. ***Applicability*** ***(Rev. 9/26/01 - Ord. 01-70)***

The procedures and standards in this Chapter shall apply to any division of a lot, parcel, or tract of land after the effective date of this Code, which is for the purpose of transfer of ownership, whether immediate or future. The term subdivision includes any re-subdivision. No lot or parcel of land intended for development shall consist entirely of wetland, flood way or flood plain after development.

B. ***Exemptions*** ***(Rev. 02/16/05 - Ord. 05-05; Rev. 3/25/03 - Ord. 03/26; 9/26/01 - Ord. 01-70)***

The following subdivisions of land are exempt from the requirements of this Chapter, except for Sections 821.A, B, and D; 822 and 830:

1. The creation of two lots provided there is no dedication or construction of new roadways and provided no lot or parcel of land is created entirely in wetland, flood way, or flood plain.

2. The creation of lots or parcels five to 40 acres provided there is no dedication, construction of new roadways or reconstruction of existing roads. Only in land use districts that require five acre minimum lot sizes, shall this exemption apply. No lot or parcel of land intended for development shall consist entirely of wetland, flood way or flood plain after development.

3. The creation of lots or parcels greater than 40 acres, provided there is no dedication, construction of new roadways or reconstruction of existing roads. No lot or parcel of land intended for development shall consist entirely of wetland, flood way or flood plain. Parcels greater than 40 acres may also be exempted from the requirements of Section 821.B.

4. The creation of lots or parcels for bona fide agricultural purposes not involving the dedication or construction of new roadways or reconstruction of existing roads to current County standards.

5. The combining or reconfiguration of Lots of Record or portions thereof, when the lot area, required access and required width of the resulting lot is not less than the original lots or than allowed by this Code, whichever is less. This exemption applies only when the number of lots is not increased and no new roadways are constructed.

6. The creation of a residual parcel of a residential parent tract, provided that a restriction is recorded prohibiting the placement of a dwelling unit on the residual unless platted.

Section 803 General Provisions

A. ***Subdivision Types*** ***(Revised 3/17/10 – Ord. 10-010)***

Two types of subdivisions, minor and major, are outlined in this Chapter. No person, firm, or corporation shall create a subdivision of any land, proceed with the improvement of lots in a subdivision, or construct roadways or install utility services to serve the subdivision until the appropriate procedure and plans are approved.

B. ***Minor Subdivision*** ***(Revised 3/17/10 – Ord. 10-010)***

The procedures for minor subdivisions shall be followed for any division of land not involving the construction of any new roadway or drainage facilities, wetland or flood plain impact or mitigation, or reconstruction of these facilities. The minor subdivision process shall consist of final plat pursuant to Section 806, unless otherwise exempted in Section 802.B.

C. ***Major Subdivision*** ***(Revised 3/17/10 – Ord. 10-010)***

The procedures for major subdivisions shall be followed for any division or re-platting of land that does involve the construction of new roadway, drainage facilities or wetland or floodplain impact or mitigation, or reconstruction of these facilities. The major subdivision process shall consist of construction plan and plat approvals pursuant to Sections 804 and 806 for single-family residential projects, or Sections 704 and 806 for commercial, industrial, or multi-family projects.

Section 804 Construction Plans

Prior to submission of the final plat, the applicant shall submit construction plans for the installation of improvements that are to be constructed to serve the subdivision. The purpose of the review and approval of construction plans is to ensure satisfaction of the design and specification requirements for the improvements that are to be constructed to serve the subdivision.

A. ***Application Requirements*** ***(Rev. 3/17/10 – Ord. 10-011; 10/07/09 - Ord. 09-061; 5/20/09 – Ord. 09-023; 9/12/07 – Ord. 07-055; 8/28/02 - Ord. 02-56; 7/25/01 - Ord. 01-57; 9/26/01 - Ord. 01-70)***

All construction plans shall be submitted to the Land Development Division in the required number of copies and shall conform to specifications and requirements of this Code. Construction plans shall be prepared and certified for all improvements by a state licensed professional engineer. All revisions shall be prepared and submitted as required for original plans (except as stated in Section 804 C. 3, below. Construction plans shall include the following:

1. A legal description of the property, including the citation and general description of any existing easements, covenants or other restrictions affecting the use and development of the property existing at the time of submission.

2. Existing site conditions shall reflect on the application as follows:

    a. Location, size, elevation and other appropriate descriptive information of existing facilities and features and the point of connection to proposed facilities and utilities. All water bodies shall show approximate high and low water elevations.

    b. Topographic contours at one foot intervals, based on the Mean Sea Level (MSL) datum.

    c. Flood elevation data and flood zones delineated.

    d. Soil survey data, prepared by a registered engineer, indicating all soil classifications and water table elevations.

    e. A certified boundary and topographic survey performed in accordance with Chapter 61G17-6, F.A.C., pursuant to Chapter 472.027, F.S., which accurately depicts the actual location of any existing roadway accesses, site improvements, visible encroachments, flood hazard areas and jurisdictional wetlands on site. The survey shall be prepared at a scale sufficient to show all details of the site.

3. Subdivision design shall conform to the following:

    a. Proposed grading or spot elevations at sufficient detail to define the proposed drainage patterns; the subject parcel as well as adjacent areas to be affected shall be shown.

    b. Typical lot layout, lot, block and street design showing radii of all curves and corners; lot dimensions; grading plan type (See Section 227) and district setbacks.

    c. Plan and Profile sheets depicting existing and proposed elevations, grades and treatment of all roads and intersections.

d. Cross sections of all street intersections.

e. Plans and profiles depicting the location and typical cross sections of all required improvements.

f. Details illustrating connections to existing and proposed utility systems.

g. Location of fire hydrants and evidence fire flows can be met as outlined by Section 603 of the NFPA 101.

h. Drainage map, including the entire area to be developed and adjacent areas to be affected by such drainage. Disposition of storm waters should be shown.

i. If variable width rights-of-way are proposed, roadway and ditch cross sections, at maximum intervals of 100 foot, may be required. However, if conditions warrant, cross sections may be at intervals less than, or greater than, 100 feet, as determined by the County Engineer.

j. List of bench marks on based on the North American Vertical Datum of 1988 (NAVD88), or the National Geodetic Vertical Datum of 1929 (NGVD29) datum giving location and elevation. There shall be at least one bench mark in every 1,000 feet horizontal in the subdivision.

k. All plans shall contain a note requiring conformation with current FDOT specifications for material quality and workmanship as may be modified by this Code.

l. The proposed location of any proposed walls or fences shall be outside of road rights-of-way.

m. There shall be no areas without designations on construction plans. Areas shall be designated lots, tracts, or right-of-way.

n. Construction plans shall show location and types of proposed lot lines, uses, facilities, easements, open space areas, typical structure dimensions, parking areas, landscaping, buffers, vehicle circulation, finish floor elevations, grading plan type, and minimum setbacks.

o. Construction plans shall show the approximate location of all adjacent abutting development within a maximum of 100 feet including, phases, land use designations, and existing structures.

p. Density Bonus Points, as outlined by this Code, shall be clearly illustrated on the construction plan.

4. Other information submitted in graphic and narrative form shall be as follows:

a. All storm water calculations and descriptions, prepared by a state registered engineer, needed to show compliance with requirements of the County, State and water management districts.

b. Type and location of any erosion and sedimentation controls which will be used during the construction process.

c. Copies of permits, applications and approvals from all applicable regulatory agencies. If permit applications are submitted, the construction plan approval shall be based upon the assumption that the applicant will obtain the necessary permit approvals required, and notation of the assumption shall be placed on the construction plans.

d. Identification of all wetland encroachments.

e. Calculations for storage lane capacity, where applicable.

5. A draft of any proposed protective covenants, property owners' association articles of incorporation and bylaws.

6. Graphic standards shall conform to the following:

a. Plans shall be on one or more sheets 24 inches by 36 inches in size. An index of plan sheets shall be provided.

b. All plans and profiles shall be at an appropriate scale of sufficient size to show all detail.

c. Dimensions shall be shown on all drawings.

d. Drawings shall have a north arrow where applicable.

e. A title block shall be shown on all sheets and shall contain the following information:

i. Subdivision name.

ii. Sheet number and total number of sheets.

iii. Name, address and phone number of the responsible individual or professional.

iv. Preparation date and date of any revisions.

7. When the plat drawing is the result of a computer generated drawing, a copy of the drawing file in DXF, DGN, DWG format is required. As a minimum, whether the plat was generated by computer graphics or not, a coordinate data file of all corners of easements, lot lines, plat boundary lines, meander lines, right-of-way lines, and road center lines shall be submitted. The coordinate data file shall include: Northing, Easting, Point Description and elevation. The coordinate data file shall be submitted in comma delimited ASCII format.

B. ***Minor Revision to Level 2 Plans*** ***(Revised 3/17/10 – Ord. 10-011)***

Where a minor revision to approved Level 2 Review construction plans is proposed, plans may be submitted for review by the County Engineer and Current Planning, for approval or to determine whether the full DRC review is required. A minor revision is an adjustment in engineering or construction details that:

1. Does not change the external appearance of the development including adjustment in road or entrance alignment;

2. Does not violate any other agency regulations;

3. Does not require a Waiver from Technical Standards (See Section 932);

4. Does not violate any condition of approval;

5. Does not increase in density or intensity;

6. Does not require greater capacity of infrastructure and services offsite;

7. Increases impervious surface area by no more than 5% or 2,000 square feet whichever is less;

8. Increases parking spaces by no more than 5% or 5 spaces whichever is less;

9. Does not change primary or accessory uses on site to any use other than what is permitted by right (P) within the district as listed in Chapter 2 or in an overlay district in Chapters 4 and 5 (such as a Selected Area Plan, DRI, Green Swamp); or,

10. Does not change vehicle or pedestrian access or facility or its function.

A minor revision is intended to begin where a proposed change to an approved Level 2 Plan goes beyond the limits of a minor deviation under Section 980.B

C. ***Timing of Approval*** ***(06/17/09 – Ord. 09-025; 9/26/01 - Ord. 01-70)***

1. Upon approval of the construction plans and applicable permits, the applicant may construct those improvements described on the approved construction plans or request BoCC approval to completion guarantee pursuant to Section 807, for uncompleted improvements.

2. No construction shall commence until the plans have been approved by the County Engineer, other than preliminary ditching, and earth moving incidental and necessary to site preparation, and not impacting wetlands, floodplain and drainage features.

3. Approval of construction plans shall be valid for 36 months from the original date of approval. If construction has not commenced within this time frame, and the applicant has not requested an extension as outlined in this section, the applicant shall submit new construction plans for approval pursuant to Section 905, Level 2 Review. Construction may not commence prior to receiving approval of the new construction plans.

4. An applicant may apply for one additional time extension. Said time extension shall be for a maximum of one year and shall be reviewed by the DRC. When reviewing a request for a time extension, the DRC may request changes to the approved construction plans only to reflect policy changes to this Code, since the original construction plans were approved, relative to the health, safety and welfare of the general public. Applications for time extension, as identified in this section, shall be submitted prior to the expiration of the Level 2 Review construction plans. If an application for time extension has been submitted prior to expiration of the Level 2 Review construction plan approval, but has not been acted upon by the DRC prior to the date of expiration, the request for extension shall still be considered by the DRC, and the project shall not expire until the DRC renders a final decision either approving or denying the request. However, in no instance may a time extension be granted for a period to exceed one year from the date of the original Level 2 Review approval, regardless of when the DRC acts upon an application for a time extension.

5. Decisions hereunder by the DRC may be appealed pursuant to Section 918.B and Section 921 of the Code. If the DRC grants a time extension pursuant to this section, thereafter if construction has not commenced within that time frame, then the applicant shall submit new construction plans for approval pursuant to Section 905, Level 2 Review. Construction may not commence prior to receiving approval of the new construction plans

6. Any land alteration which takes place prior to construction plan approval shall be at the applicant's risk and may be required to be restored if it does not conform to the approved plans.

7. No sale of soils shall be allowed prior to obtaining all permits.

8. After construction has commenced, work shall be continuous until complete. Construction may be suspended no more than four times for the duration of the project, according to the following schedule:

   a. one work suspension/stoppage may be for a period not to exceed six months,

   b. the three remaining work suspensions/stoppages may be for a period not to exceed one month each time, and

   c. the work suspension/stoppages described above may not be combined.

   If construction should be suspended exceeding the limits described in this section, the applicant shall submit new construction plans for approval pursuant to Section 905, Level 2 Review. All work stoppages shall be reported to the engineering inspector responsible for the project.

9. If construction plans approval lapses, the plans become subject to any changes in this Code and other applicable regulations.

10. Additionally, Polk County acknowledges and will comply with the mandate of Senate Bill 360, which was enacted by the Florida Legislature and signed by the Governor in 2009. Therefore, Level 2 Review construction plans approved that are still valid and have not commenced construction that are scheduled to expire between September 1, 2008, and January 1, 2012, shall be extended for a period of two years from the original expiration date of the construction plans. Failure to commence construction prior to the extended expiration date shall result in the approval being null and void.

D. ***Inspection and Certification*** ***(Rev 10/07/09 - Ord. 09-061; 2/22/06 - Ord. 06-11; Rev. 10/12/05 - Ord. 05-062; Rev. 12/08/03 - Ord. 03-69)***

1. Before construction of public or private improvements begins, the applicant shall designate an engineer of record and testing laboratory for the project. It shall be the responsibility of the engineer of record to conduct necessary field inspections during construction to ensure that the project is constructed according to the plans and specifications. It shall be the engineer's responsibility to make the field determinations of the locations where tests are to be performed in order to ensure that the test results reported are representative of the work performed and that no faulty construction is approved without being removed and replaced.

2. The applicant shall keep a copy of the approved construction plans and any development approval transmittal letter on-site during construction activity. Each stage of construction shall be accepted by Polk County before proceeding, at his/her own risk, to the next stage of construction by providing test reports meeting Polk County specifications. Passing field test results may, at the discretion of the County Engineer or his/her representative, be used to allow the next stage (for example: stabilized subgrade or base course) to proceed. Should conditions indicate

non-compliance with the approved plans and specifications, Polk County shall require remedial actions as necessary. When the project is completed, the engineer shall submit record drawings and shall certify that the work was substantially constructed according to the project plans and specifications based upon the engineer's site reviews and certification a Professional Surveyor and Mapper for the project.

3. Changes in plans or specifications substantially affecting conformance to standards or performance of systems must be requested by the engineer of record during construction prior to the implementation of such changes. Such changes (for example: drainage and alignment) must be requested in writing and approved by the County Engineer. Changes of base course material to another base course material listed as an optional base course on the typical sections in Appendix A may be approved by the project inspector and noted in the project file.

4. The County Engineer may perform or require any inspection necessary to verify conformance with plans and specifications. The applicant, or the contractor retained by the applicant to construct the development, shall give the County Engineer at least five (5) days written notice before commencement of any construction. The applicant or contractor shall conduct a pre-construction meeting prior to commencement of construction of any public improvement.

5. All tests shall be performed, at owner's risk, and samples taken as directed by the testing engineer in conformance with FDOT requirements. For any area where the tested sample is deficient from the specifications, the area shall be re-worked and re-tested until a passing test is obtained. Test results for all required tests, including re-tests showing passing results for all deficient areas, along with a certification by the testing engineer that the materials tested meet the specifications, shall be submitted to the engineer of record and the County Engineer prior to the commencement of the next construction phase. All testing shall conform with Appendix A, Technical Standards Manual, and FDOT Standard Specifications.

   The testing engineer or contractor shall ensure that an appropriate County Inspector is notified to be present at the start of paving work and at any test or re-test performed. Notification must be provided at least two days prior to start of work or testing. Any road work including paving, base course, sub-grade, or backfill for storm pipes, utility lines, and structures, that are tested without the presence of a County Inspector will be required to be uncovered and re-tested at the applicant's cost until tests or re-tests show passing results.

6. As-built (record drawings) prepared to specifications of the County and certified by the engineer of record, showing the actual installation of all improvements shall be provided.

7. The applicant, or the contractor retained by the applicant to construct the public improvements, shall maintain a temporary construction identification sign at the construction site providing information such as project name, developer and/or contractor name and emergency phone number.

E. ***Approval of Private Improvements***

Upon satisfactory final inspection of any private improvements, receipt of drawings and required test reports, the County shall approve all such improvements. Such approval shall be evidenced by a written or stamped approval of improvements executed by appropriate departments. Maintenance of such private improvements remains the sole responsibility of the applicant.

F. ***Acceptance of Public Improvements***

1. Upon satisfactory final inspection of any public improvements, such improvements may be approved by the County. Approval of such improvements does not imply acceptance for maintenance by the County.

2. Upon satisfactory final inspection of any public improvements, acceptance of as-built plans, a list of estimated values for roadway improvements, and required test reports, the County shall accept responsibility for the maintenance of such improvements, provided that such improvements are on land which the County owns or for which it has accepted an offer of dedication or easement. Such acceptance shall be evidenced by a written or stamped acceptance of improvements executed by appropriate County departments. Unless and until the County acquires such interests, maintenance of such improvements shall remain the sole responsibility of the applicant.

Section 805 Reserved

Section 806 Plats *(Revised 3/17/10 – Ord. 10-010)*

The purpose of the review and approval of the plat by the County is to ensure that all requirements of this Code have been satisfied. The submission of the plat does not imply approval of the construction plans.

A. ***Procedure*** ***(Revised 3/17/10 – Ord. 10-010)***

The applicant may submit a plat for approval for the entire subdivision. Approval will be granted when one of the following conditions exist:

1. All private improvements, if any, have been installed and approved, and all public improvements, if any, have been installed and accepted by the County.

2. In the absence of the completion of all improvements referenced in Section 804 B.1, provision of security for such installation is required.

B. ***Application*** ***(Rev. 3/17/10 – Ord. 10-010; 5/20/09 – Ord. 09-023; 12/03/03 Ord. 03-38)***

The following items and information shall be submitted to the Growth Management Department plat review:

1. A complete application (on forms provided by the County).

2. All required processing fees.

3. All plats shall be prepared in compliance with these regulations and other applicable laws. An original and the required number of copies of the plat shall be prepared to include the following certifications which shall be printed on the original plat:

   a. Certificate of surveyor.

   b. Certificate of approval of the BoCC.

   c. County Surveyor.

   d. Land Development Director. (except in the case of a minor subdivision plat approval)

   e. County Engineer. (except in the case of a minor subdivision plat approval)

   f. Certificate of ownership and dedication and, separate mortgagee's joinder in and ratification of subdivision plat.

   g. Certificate of approval of the clerk of the circuit court.

4. The following shall be provided prior to plat approval by the BoCC:

   a. When improvements are constructed, completed and accepted prior to plat recording, the following documents shall be provided:

      i. Title certification or opinion of title that satisfies the requirements of F.S. 177. The title certification or opinion shall be submitted twice, once with the initial submittal and once with the final submittal. The certification or opinion shall have an effective date within 45 days of the date the plat is signed by the Board of County Commissioners Chairman and receives final approval. The effective date is the most recent date of the public records search used to prepare the title certification or opinion.

ii. Engineers certificate.

iii. Subdivider's guarantee.

iv. Surveyor's certificate of installation of PRM's, PCPs and monuments in accordance with Florida Statutes. All PRM's, PCP's and monuments are subject to inspection prior to plat approval; this doe not obligate the County to inspect PRM's, PCP's and monuments. The surveyor's certificate shall be signed and sealed by the surveyor of record and shall state that AAll PRM's, PCP's and monuments required by Florida Statutes have been installed.@ The certificate shall be submitted in a timely manner to allow inspection of PRM's, PCP's and monuments prior to plat approval.

v. Signed and sealed as-built plans.

vi. Such documentation from the Polk County Health Unit as required by law.

b. When improvements are to be constructed, completed, and accepted after plat recording, the following shall be provided:

i. Title certification or opinion of title that satisfies the requirements of F.S. 177. The title certification of opinion shall be submitted twice, once with the initial submittal and once with the final submittal. The certification or opinion shall have an effective date within 45 calendar days of the date the plat is signed by the Board of county Commissioners Chairman and receives final approval. The effective date is the most recent date of the public records search used to prepare the title certification or opinion.

ii. Subdivision agreement.

iii. Engineer's certificate.

iv. Sub-divider's guarantee.

v. Certificate of cost estimate (or actual installation cost).

vi. Performance guarantee.

vii. Defect security bond (after improvements are accepted for maintenance by the County).

c. For minor subdivisions when no improvements are to be constructed, with exception of sidewalks and/or shared driveways, the following shall be provided.

i. A title certification or opinion of title that satisfies the requirements of F.S. 177. The title certification or opinion shall be submitted twice, once with the initial submittal and once with the final submittal. The certification or opinion shall have an effective date within 45 calendar days of the date the plat is signed by the Board of County Commissioners Chairman and receives final approval. The effective date is the most recent date of the public records search used to prepare the title certification or opinion.

ii. Surveyor's certificate of installation of PRMs and monuments in accordance with Florida Statutes. All PRMs and monuments are subject to inspection prior to plat approval; this does not obligate the County to inspect PRMs and monuments. The surveyor's certificate shall be signed and sealed by the surveyor of record and shall state that all PRMs and monuments required by Florida Statutes have been installed. The certificate shall be submitted in a timely manner to allow inspection of PRMs, PCPs and monuments prior to plat approval.

iii. When sidewalks and/or shared driveways are to be constructed, a site plan showing construction details for the driveway or sidewalk shall be provided along with topographic survey data for the area in the vicinity of the sidewalk or driveway construction.

5. Evidence of the provision and assurance for maintenance of common facilities. This includes, but is not limited to all documents and other assurances, including deed restrictions, articles of incorporation and bylaws, prepared in accordance with the laws of the state and satisfactory to the County Attorney, to establish a means of common ownership and management of all common areas, facilities or improvements intended for use by some or all of the occupants of the subdivision, but not proposed to be provided, owned, operated or maintained at general public expense. Minor subdivisions are exempt from this requirement if there are no common areas.

6. Copies of permit approvals from all applicable regulatory agencies.

7. Flood plains, flood ways and flood elevation data, if applicable, shall be provided on the plat.

8. The applicant shall provide an original and a print or photographic copy of the original drawing prior to submission to the Board of County Commissioners. The

scale on the original mylar and the copy shall be to an appropriate scale to show all details.

9. A Boundary Survey pursuant to Chapter 177, F.S.

10. In addition to required certifications, plats shall be prepared to include the following:

    a. All graphic standards must conform to Chapter 177, F.S.

    b. The size of each sheet shall be 24 inches by 36 inches and shall be drawn with a marginal line or may be printed completely around each sheet and placed so as to leave at least a one half inch margin on each of three sides and a three inch margin on the left side of the plat for binding purposes.

    c. The following information shall be required on all plats:

        i. Each plat shall show the section, township and range, as applicable, or, if in a land grant, the plat will so state. If the subdivision is in an area where State Plane Coordinates or Geodetic Control Points have been established, the State Plane Coordinate values shall be annotated on the face of the plat for at least two Permanent Reference Monuments (PRMs) on every development of 40 acres or less and at least one additional PRM for every additional 40 acres. The coordinate datum shall be based on NGRS, current adjustment. Minor subdivisions shall not be required to establish State Plane Coordinators for the plat.

        ii. When the plat drawing is the result of a computer generated drawing, a copy of the drawing file in DXF, DGN, DWG format is required.

        iii. Conservation and preservation areas. Exact locations of all conservation and preservation tracts or easements, including wetlands when density transfers are uplands, mitigated wetlands and upland preserves, shall be identified.

        iv. Two vertical control points (VCP) shall be required for every development of 40 acres or less. One additional vertical control point shall be established for each additional 40 acres. A VCP shall be a two inch diameter or greater brass disk set into concrete in a drainage control structure, end wall or other suitable concrete structure. The elevation of the VCPs shall be referenced to either NGVD 29 or NAVD 88 datum and shall be annotated on the face of the plat and stamped into the disk together with the license number of either the Surveyor or the business entity. Minor subdivisions that contain no Special Flood Hazard Area are not required to establish VCPs.

v. Where a plat boundary falls within a water body, a meander line shall be established at or near the ordinary high water line and monumented in accordance with Chapter 61G17-6, F.A.C. This line shall not constitute a line of ownership.

C. ***Approval*** ***(Rev. 3/17/10 – Ord. 10-010; 9/13/06 – Ord. 06-048; Rev. 8/28/02 - Ord. 02-56)***

1. A plat is eligible for BoCC conditional approval prior to final review by the BoCC's Plat Review Staff, which is a technical fact-finding committee, approval by the Land Development Division Director, a final approval by the BoCC under the following circumstances:

   a. The applicant has paid all application and recording fees required by the County; and

   b. the submittal has completed the initial review by the Plat Review Staff pursuant to Section 908.

2. A plat is eligible for recording after the BoCC has conditionally approved the plat in accordance with Section 806.C.1, the BoCC's Plat Review Staff has reviewed said plat, the BoCC has approved the plat, and the plat has received all the appropriate signatures required by Chapter 177, Florida Statutes and this Code. The BoCC's final approval of the plat shall consist of the Chairperson signing the plat, which shall be evidence of the Board's final approval of the plat. No Furth Board action, other than the Chairperson signing the plat, is required to achieve BoCC final approval of the plat. If the BoCC's final approval has not been received and the Chairperson's signature has not been secured within 14 days of the most recent review by the Plat Review Staff the plat shall be resubmitted to the Plat Review Staff before it is eligible for final approval.

3. BoCC conditional approval shall only be valid for a maximum of 18 months after said conditional approval is granted. If the Final Plat has not received final Board approval and been recorded within 18 months after the BoCC's conditional approval, then the BoCC's conditional approval is null and void.

4. The BoCC Plat Review Staff includes a representative(s) from the County Surveyor's office, and the Land Development Division. The County Attorney's Office shall review all plats and advise the BoCC and its various divisions and departments whether the plat is legally sufficient.

D. ***Minor Subdivision Plat Approval*** ***(Rev. 3/17/10 – Ord. 10-010)***

1. A plat is eligible for BoCC conditional approval prior to final review by the County Surveyor and final approval by the BoCC under the following circumstances:

a. The applicant has paid all application and recording fees required by the County

2. A plat is eligible for recording after the BoCC has conditionally approved the plat in accordance with Section 806.C.1, the County Surveyor has reviewed the plat, the BoCC has approved the plat and the plat has received all the appropriate signatures required by Chapter 177, Florida Statutes and this Code. The BoCC's final approval of the plat shall consist of the Chairperson signing the plat, which shall be evidence of the Board's final approval of the plat. No further Board action, other than the Chairperson signing the plat, is required to achieve BoCC final approval of the plat. If the BoCC's final approval has not been received and the Chairperson's signature secured within 14 days of the most recent review by the Plat Review Staff, the plat shall be resubmitted to the Plat Review Staff before it is eligible for final approval.

3. BoCC conditional approval shall only be valid for a maximum 18 months after said conditional approval is granted. If the plat has not received final Board approval and been recorded within 18 months after the BoCC's conditional approval, then the BoCC's conditional approval is null and void.

Section 807 Completion Guarantee

A. ***Purpose***

In order to receive final plat approval prior to completion of all improvements, the applicant shall provide and maintain sufficient full performance security guaranteeing the completion and approval of all private or public on-site or off-site improvements.

B. ***General Provisions*** ***(Rev. 12/03/03 Ord. 03-38)***

The approval of any development plat shall be subject to the applicant providing assurance that all required improvements, including, but not limited to stormwater management facilities, sanitary sewer lines, water lines, streets and highways, lot monumentations shall be satisfactorily constructed according to the approved development plat. The following information shall be provided:

1. Agreement that all improvements, whether required by this Code or constructed at the applicant's option, shall be constructed in accordance with the standards and provisions of this Code.

2. The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated.

3. The projected total cost for construction of each improvement shall be determined by either of the following:

a. Estimate prepared and provided by the applicant's engineer (engineer of record).

b. A copy of the executed construction contract.

c. For installation of PCP's and monuments, an estimate of the cost to install the monumentation proposed to be bonded shall be prepared by the surveyor of record and provided to the County Surveyor for approval.

4. Specification of the public improvements shall be made and dedicated together with the timetable for making improvements.

5. A binding agreement shall be made stating if the applicant fails to make the required improvements (or to cause them to be made) according to the schedule for making those improvements, the County shall utilize the security provided in connection with the agreement.

6. If a provision concerning the amount and type of security provided to ensure performance is not fulfilled, the County shall utilize the security provided in connection with the agreement.

7. A provision may be made stating the amount of the security may be reduced periodically, but not more than two times during each year, subsequent to the completion, inspection and acceptance of improvements by the County.

C. ***Amount and Type of Security***

1. The amount of the security listed in the improvement agreement shall be approved as adequate by the County Engineer.

2. Security requirements may be met by, but are not limited to, the following:

a. Cashiers check payable to Polk County.

b. Certified check payable to Polk County.

c. Interest Bearing Certificate of Deposit endorsed to Polk County.

d. Irrevocable Letters of Credit payable to Polk County for a minimum of one year.

3. The amount of security shall be 110 percent of the total construction costs for the required applicant installed improvements. The amount of security may be reduced to commensurate with the completion and final acceptance of required improvements. In no case, however, shall the amount of the bond be less than 110 percent of the cost of completing the remaining required improvements.

D. ***Completion of Improvements*** ***(Rev. 12-03-03 Ord. 03-38)***

1. Upon completion of the work, the engineer of record shall submit three signed and sealed sets of record prints or record drawings to the County Engineer. When the drawings result from a computer generated design, a copy of the drawing files shall be submitted in digital format specified by the County.

2. When improvements are completed, final inspection shall be conducted and corrections, if any, shall be completed before final approval is recommended by the County Engineer. A recommendation for final approval shall be made upon receipt of a certification of project completion and one copy of all test results.

3. As required improvements are completed and approved, the applicant may apply for release of all or a portion of the bond consistent with the requirements of this Section.

3. After installation of any bonded PCP's or monuments, a surveyor's certificate, signed and sealed by a Florida licensed surveyor, stating "All bonded PCP's and lot monumentation (or any pertinent combination of the two) required by Florida Statutes have been installed," shall be provided 45 calendar days prior to the expiration of the bond.

E. ***Maintenance Security***

1. Whenever a proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the County a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and improvements.

   a. When the proposed development is to be organized as a condominium under the provisions of Chapter 718, F.S., common facilities and property, shall be conveyed to the condominium's association pursuant to that law.

   b. When no condominium is to be organized, an owners association shall be created and all common facilities and property shall be conveyed to that association.

   c. No development order shall be issued for a development for which an owners association is required until the documents establishing such association have been reviewed and approved by the County Attorney.

2. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the County shall be created by covenants running with the land. Such covenants shall be included with the final plat. Such organization shall not be dissolved nor shall it dispose of any common facilities or

open space by sale or otherwise without first offering to dedicate the same to the County.

F. ***Completion Guarantee Not Required***

If all private improvements have been approved and inspected by the County and all public improvements have been approved and accepted by the County, the applicant shall not be required to provide completion guarantee upon final plat approval by staff prior to BoCC action.

G. ***Effective Period; Extensions***

The effective period of the completion guarantee shall not be less than one year from the date the BoCC approves the subdivision; provided, however, that the County may permit or require extensions by renegotiation of the security amount and execution of a new security and subdivision agreement.

H. ***Default of Performance Security***

Where the approved completion guarantee has been provided and the improvements have not been installed according to the approved construction plans, this Code or the terms of the performance security instrument, the County may, upon ten days written notice to the parties to the instrument, declare the performance security to be in default and exercise the County's rights there under. Upon default, no further permits or approval shall be granted for the project until adequate progress toward completion of the remaining improvements is shown as determined by the County.

Section 808 Engineers Certification and Subdivider's Guarantee

A. ***Applicability***

1. The provisions of this Section apply to all proposed platted developments in the County, including those with private roads.

2. This Section does not modify existing agreements between an applicant and the County for subdivisions platted and final development orders granted prior to the effective date of this Code, providing such agreements are current as to all conditions and terms thereof.

B. ***Engineer's Certificate***

Prior to final plat approval and at the time of final acceptance of improvements by the County if applicable, the engineer of record shall provide the following engineer's certificate for all completed improvements.

ENGINEER'S CERTIFICATE (As Required Under)

Subdivision Name:

_____

Subdivision File Number:

_____

Date: _____

This is to certify that I have made periodic inspections on this project during construction and all work has been substantially performed in accordance with plans and specifications as approved by the Polk County Engineer.

_____
Signed

SEAL

C. ***Subdivider's Guarantee***

Prior to plat approval and at the time of final acceptance of improvements by the County, the subdivider shall provide the following subdivider's guarantee:

SUBDIVIDER'S GUARANTEE

This is to certify that I guarantee all work referred to in the foregoing Engineer's Certificate and I will be responsible for correcting any construction, design, or material defects or failures for a period of one (1) year from the date of final acceptance of the road and drainage improvements by the Polk County Board of Commissioners.

_____ _____
Signed Notary

CORPORATE SEAL

D. ***Special Conditions***

If the County Engineer determines that special conditions encountered during design or construction make normal inspection and testing insufficient to assure structural integrity, the time period for which a guarantee security must remain in force may be extended to a maximum of five years from date of acceptance of plat improvements if:

1. Marginal soils are used in construction.

2. Application of geotextile material precludes the removal of unsuitable material.

3. Construction practices result from experimental design concepts.

Section 809 Final Plat Approval and Recording

A. ***Approval***

Upon recommendation of the final plat by County staff, the BoCC may approve or disapprove the final plat and any legal instruments.

B. ***Cost***

The actual cost of recording and preparing all required prints and reproductions shall be paid by the applicant.

Section 810 Re-plats and Modifications

A. ***Vacating and Re-platting***

Whenever land comprising all or part of an existing plat of record is proposed as all or part of a new plat, it shall be in accordance with the procedures as set forth in Chapter 177, F.S.

B. ***Revision of Final Plat After Board Approval***

No changes, erasures, modifications or revisions shall be made on any final plat after approval has been given, unless the plat is resubmitted to the BoCC for its approval. This shall not affect the right to file an affidavit confirming an error on a recorded plat as provided by law. Any change, other than those listed in Section C, shall be considered a major modification or re-plat and shall be processed as a major subdivision pursuant to Section 803.C.

C. ***Minor Modifications***

When it is necessary to change a plat which has been duly recorded, the applicant may proceed with submission of the final plat to the County. The minor subdivision process in Section 803.B. shall apply if one or more of the following modifications are proposed:

1. Lot lines are adjusted, provided that the number of lots does not increase and the individual lot sizes still meet the minimum lot size prescribed in this Code.

2. Minor adjustments in street alignments.

3. Release or dedication of easements.

4. Street name changes.

Section 811 Streets ***(Rev. 06/08/04 Ord. 04-09)***

Any development which includes or is required to construct, widen or improve a public or private street shall adhere to the design and construction requirements in this Section and Sections 821 through 824.

A. ***Clear Visibility Triangle***

In order to provide a clear view of intersecting roads to the motorist, there shall be a triangular area of clear visibility formed by two intersecting roads or the intersection of a driveway and a road pursuant to Section 711.

B. ***Traffic Signs and Signalization***

All required traffic signs and signalization shall be installed by the applicant prior to acceptance by the County. The County may, prior to acceptance of roads, accept from the applicant a deposit of sufficient funds to provide all required traffic signs and signalization.

C. ***Right of Way Requirement***

All residential and non-residential development shall provide additional road right of way on all public roads adjacent to the development, if required. The roads rights-of-way requirements shall be in accordance with Table 8.2 and Table 8.3 in Chapter 8 of this Code.

D. ***Street Re-Designation*** ***(Rev. 06/08/04 Ord. 04-09)***

1. An existing street proposed for designation as public or where public funds will be used for street maintenance shall met the requirements of Section 811- Streets; 821- Access; 823- Right of Way; 824- Roadway Design; 830- Uniform Street Address System; 707- Sidewalks; 740- Stormwater Management; and 760- Signs. Designation of a street as public shall require approval be the Board of County Commissioners.

2. Designation of an existing street as private shall require approval by the Board of County Commissioners. Maintenance and upkeep for the street and other common facilities, including drainage pipes, inlets, ponds, and street signs, shall be identified and provided for by a maintenance agreement, easement agreement, or other similar agreement as approved by the County Attorney. A street designated as private shall provide access for emergency or public service, e.g. Fire Safety, EMS, Sheriff, or utilities.

3. The applicant for re-designation of an existing street shall:

   a. Provide a resolution from the homeowners association authorizing the request for street designation. When there is no homeowners association, the request must be signed by a majority of owners of lots with frontage on the affected street.

   b. Provide a copy of letters of consent from utility companies providing service.

   c. Provide all funds necessary to upgrade the street facilities including removal of obstructions within the road right of way, engineering, surveys, and legal fees.

   d. Provide other information necessary to process the application.

Section 812 - 819 Reserved

Section 820 Subdivision Design Standards

A. ***Approval***

No subdivision plat shall be approved under the provision of this Code unless the subdivision satisfies the standards and requirements set forth herein.

B. ***Lot Depth***

In the UDA, UGA, and SDA a lot platted for residential purposes shall not exceed 500 feet in depth.

Section 821 Access ***(Rev. 06/08/04 Ord. 03-94; 4/4/02 - Ord. 02-18; 2/11/02 - Ord. 02-07;)***

A. ***Access Through Platted Residential Lots***

1. Access through a platted subdivision to adjoining property shall not be permitted through existing lots which have been platted for residential purposes.

2. Access may be allowed through tracts which have been recorded as part of a plat for the expressed purpose of future road access.

3. All roads and road rights-of-way recorded as of 1992 for future road access shall be the minimum required for a road based on the potential functional classification of the road and the master development plan for the area.

4. Any deviance from Section 821.A shall require a Level 4 Review.

Table 8.2 Minimum Clear Recovery Zone

Type of Facility	Posted Speed (MPH)						
	30 & Below	35	40	45	50	55	60 & Above
RURAL[1]	**Local** 6 feet **Collectors** 10 feet **Arterials** 14 feet	**Local** 6 feet **Collectors** 10 feet **Arterials** 14 feet	**Collectors** 10 feet **Arterials** 14 feet	**Arterials & Collectors ADT<1500** 14 feet **Arterials & Collectors ADT$1500** 18 feet	**Arterials & Collectors ADT<1500** 14 feet **Arterials & Collectors ADT$1500** 18 feet	**Arterials & Collectors ADT<1500** 18 feet **Arterials & Collectors ADT$1500** 24 feet	**Arterials & Collectors ADT<1500** 24 feet **Arterials & Collectors ADT$1500** 30 feet
URBAN[2]	4 feet	4 feet	4 feet	4 feet	N/A[3]	N/A[3]	N/A[3]

(1) Use Rural for Urban Facilities when no curb and gutter or a depressed (Miami) curb is used.
(2) From face of curb.
(3) Curb and gutter not to be used on Facilities with Design Speed >45mph.

Table 8.3 Minimum Roads and Right-of-Way (R-O-W) Widths ***(Rev. 9/13/06 - Ord. 06-047; Rev. 06/08/04 Ord. 03-96)***

Road Type and Number of Lanes	**No Curb**		**Depressed Curb (Village Section)**		**Curb & Gutter (Urban Section)**	
	Pavement	R-O-W	Pavement	R-O-W	Pavement	R-O-W
Local Roads Two travel lanes	20 feet	60 feet	20 feet	40 feet[1]	20 feet	40 feet[1]
Two Lane Collector Roads	24 feet	80 feet	24 feet	60 feet	24 feet	60 feet
Future Capacity Road Needs (Four Land Collector or Arterial Roads)	48 feet	120 feet	48 feet	120 feet	48 feet	120 feet

(1) Utility easements must be provided outside of the right of way.

B. ***Access to the County Transportation System*** ***(Rev. 4/4/02 - Ord. 02-18; Rev. 7/25/01 - Ord. 01-57)***

1. When a tract of land to be sub-divided accesses a County road, such road shall be a paved County maintained road.

a. Where a proposed development entrance has no frontage on an existing paved public road, a paved road meeting the requirements of this Code shall be constructed connecting the proposed development to an existing paved public road meeting County standards.

b. A proposed development consisting of more than 2000 AADT shall provide either a minimum of two points of access to public roads meeting County standards or a boulevard type entrance.

C. ***Residential Access on Arterial and Collector Roads*** ***(Rev. 06/08/04 Ord. 03-94; Rev. 2/11/02 - Ord. 02-07)***

No new development shall create any parcels for single-family or duplex residential uses accessing on an arterial, urban collector, or rural major collector roadway, unless the parcels conform to the requirements for non-residential development specified in Section 822. A.1 and A.2.

D. ***Lot Access***

Primary lot access shall be from the side where the frontage width is measured.

Section 822 Minimum Road Frontage ***(Rev. 06/08/04 Ord. 03-94)***

A. ***Direct Access from Arterial Roads*** ***(Rev. 4/4/02 - Ord. 02-18)***

All new lots gaining direct access from an arterial road shall have a minimum frontage of 350 feet. The required lot frontage may be reduced by 50 percent if access to the lot is provided jointly (through recorded easement) with other lots created as part of the same development such that minimum standards of this Section are satisfied by the combination of lots served by the existing or relocated joint access driveway; or if access to the lot is ultimately to be provided from a frontage road (paralleling an arterial) then local road frontage requirements shall apply.

B. ***Access from Major Urban Collector Roads*** ***(Rev. 06/08/04 Ord. 03-94)***

All new lots, except for those developed for the purpose of single-family, duplex, triplex, and quadruplex that have direct access from an urban collector road, shall have a minimum frontage of 210 feet. If the lot has access from another road, other than an urban collector road, then this criteria is not applicable. The required lot frontage may be reduced by 50 percent if access to the lot is provided jointly (through recorded easement) with other lots created as part of the same development such that minimum standards of this Section are satisfied by the combination of lots served by the existing or relocated joint access driveway.

C. ***Single-Family, Duplex, Triplex, and Quadruplex Lots*** ***(Rev. 02/16/05 - Ord. 05-05; Rev. 3/25/03 - Ord. 03-26; Rev. 06/08/04 Ord. 03-94)***

Single-family, duplex, triplex, and quadruplex lots created fronting on minor collector urban and minor and major rural collector roads shall have a minimum frontage of 150 feet unless access is provided jointly through a recorded easement and the driveway separation satisfies the minimum requirements of Section 705, Access to county Transportation System.

D. ***Existing Lots*** ***(Rev. 06/08/04 Ord. 03-94)***

Lots existing at the time of adoption of this Code that do not meet the minimum lot widths shall, where possible, gain access through existing development through cross-access easements. A cross-access easement is a platted private internal roadway that crosses an adjacent parcel or parcels which do not specifically meet the commercial road frontage requirements stipulated in the Polk County Comprehensive Plan. For further clarification on cross-access easements please refer to the definition in Chapter 10.

E. ***Non-Residential Access to Rural Collector Roads*** ***(Rev. 3/25/03 - Ord. 03-26; Rev. 06/08/04 Ord. 03-94)***

All new non-residential lots gaining access from a rural collector road shall have a minimum frontage of 210 feet.

F. ***Local Road Minimum Standards*** ***(Rev. 3/25/03 - Ord. 03-26; 4/4/02 - Ord. 02-18; 9/26/01 - Ord. 01-70; Rev. 06/08/04 Ord. 03-94)***

Unless different standards are established by a Planned Development (PD), all new lots fronting on a local road shall have a minimum frontage of 50 feet. A lot with less than 50 feet but more than 25 feet at road frontage will be allowed provided the following conditions are met:

1. The lot is platted pursuant to the requirements in this Code and the requirements of Chapter 177, FS.

2. No more than two contiguous lots with less than 50 feet but more than 25 feet of road frontage may be located less than 300 feet from another lot with less than 50 feet of road frontage as measured along the road right-of-way.

3. The portion of any lot which is less than 50 feet in width abutting a street or road which is publicly maintained and which provides the actual access to the lot may not extend to a depth of more than 435 feet from the street.

4. Lots located on a cul-de-sac or on a roadway with a curve of at least 90-degree may measure the minimum frontage width at the building setback line.

5. In no circumstance shall any lot be less than 25 feet wide.

6. Except as otherwise authorized by this Code, all side lot lines shall be straight and unbroken to the greatest extent practical.

G. ***Multi-Family/Townhome Lot Access Standards*** ***(Added 03/19/08 - Ord. 08-004)***

The following standards shall apply to the subdivision of lands for multi-family structures:

1. All newly created lots for multi-family/townhome developments shall not be required to have minimum road frontage as long as each unit has access to a paved road meeting County local road standards via a common area, open space, or common parking facility.

2. Parking areas or driveways for multi-family/townhome units shall either have direct access to a paved road meeting County standards or indirect access to a paved road meeting County standards via common area, open space or common parking facility.

3. Parking areas or driveways shall be designed to prevent vehicles from encroaching into, or obstructing, the public right of way.

4. All paring areas shall meet the criteria contained in Chapter 7 of this code.

5. Figures 8.1 through 8.4 illustrate potential parking and access scenarios for multi-family/townhome units.

Figure 8.1 - Multi-family / townhome units with lot frontage on common area/open space and parking areas having direct access from a local road only

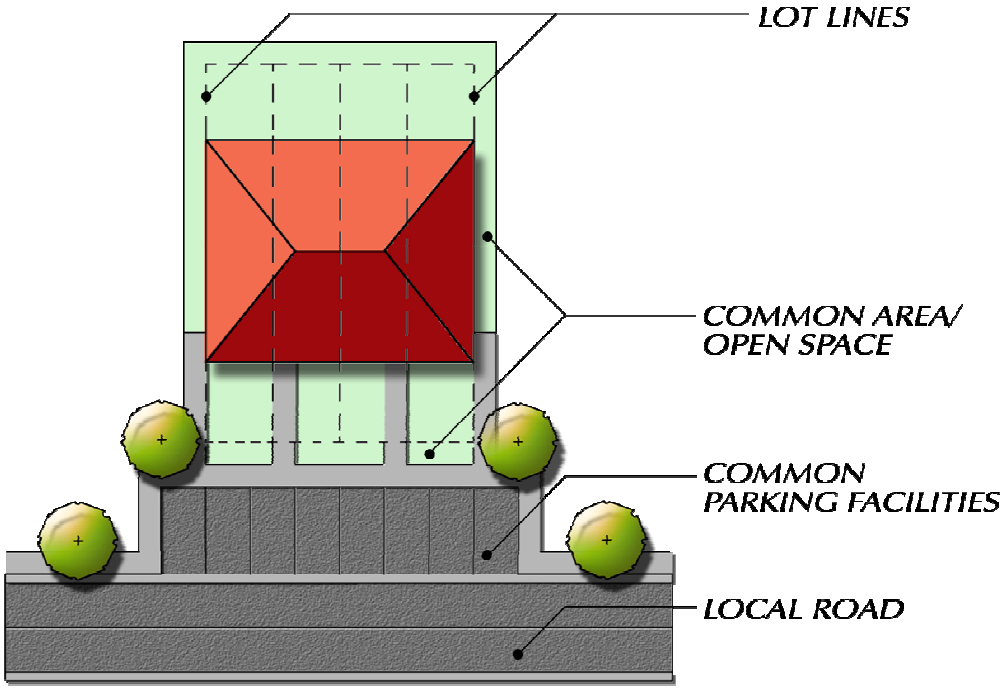


Figure 8.2 - Multi-family / townhome units with lot frontage and driveways / parking areas having direct access from a local road only.

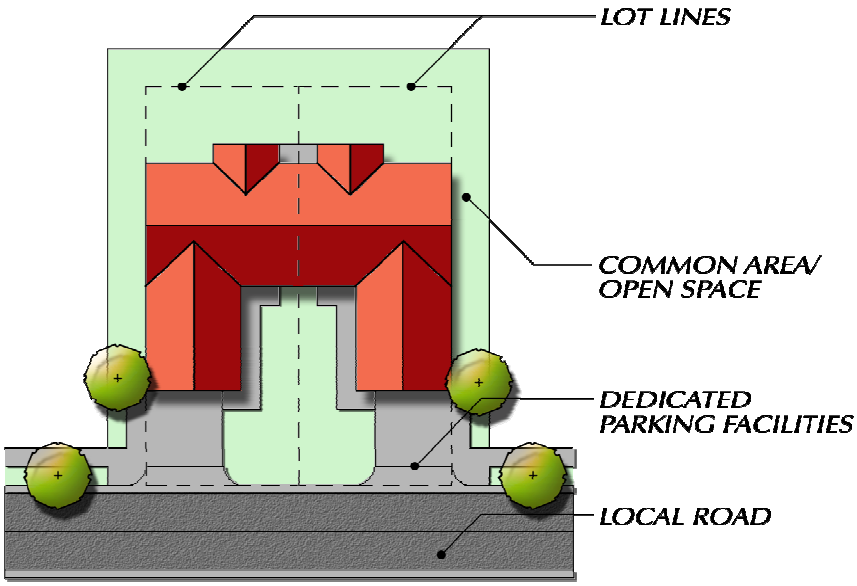


Figure 8.3 - Multi-family / townhome units with lot frontage on common area /open space with parking areas having indirect access from a local or collector road.

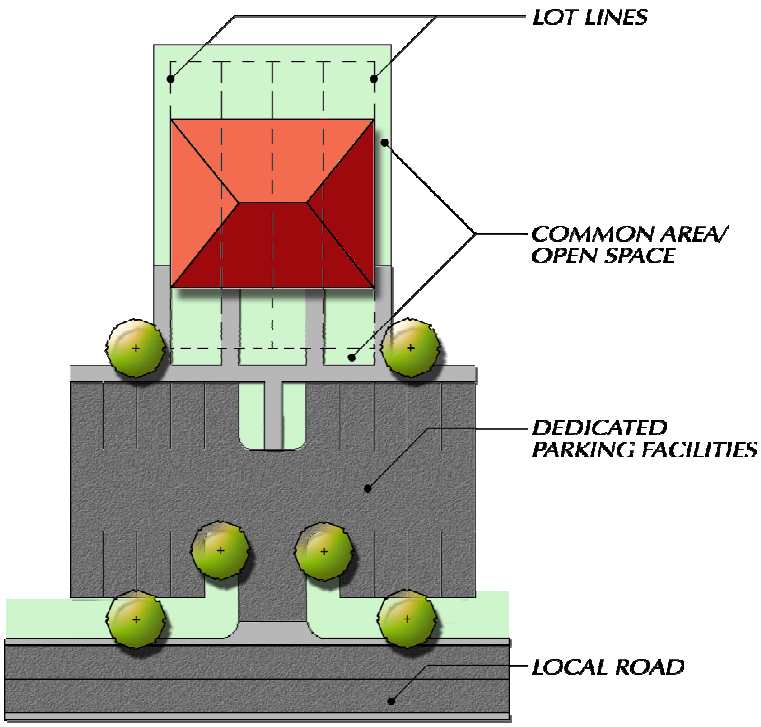
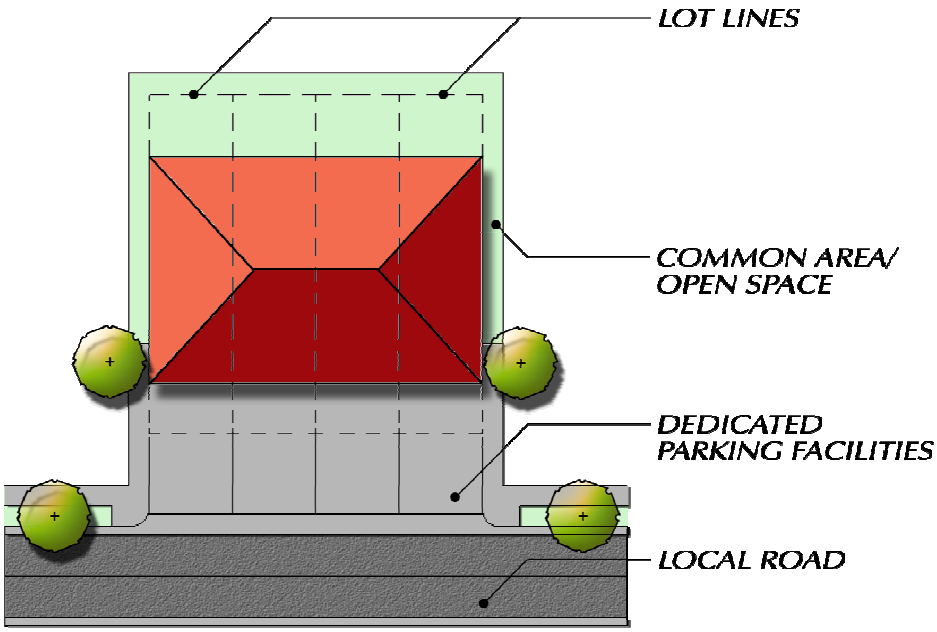


Figure 8.4 - Multi-family / townhome units with lot frontage on driveways / parking areas having direct access from a local road only.



Section 823 Right-of-Way Requirements

A. ***Width***

Right-of-way requirements for road construction shall be as specified in Table 8.3 of this Section.

B. ***Existing***

In the development of an existing unimproved platted subdivision, or a new subdivision adjacent to an existing County road where right-of-way is deficient, additional right-of-way shall be provided from the centerline of the existing County road of sufficient width to meet the requirements of this Section (one half of the entire right-of-way requirement).

C. ***Boundary Roads***

No half roads or road rights-of-way shall be accepted by the County along the boundary of a development unless the road or road right-of-way is required for a future road right-of-way in the Comprehensive Plan.

D. ***Protection and Use***

1. No encroachment shall be permitted into existing rights-of-way.

2. Use of the right-of-way for public or private utilities, including, but not limited to sanitary sewer, potable water, telephone wires, cable television wires, gas lines or electric power transmission (this is not an inclusive list), shall be allowed subject to the placement specifications in Appendix A, Technical Standards Manual, and other applicable County regulations.

E. ***Vacating***

The vacating of County maintained or platted rights-of-way and easements shall be in accordance with the following:

1. For the vacation of easements where no land boundary changes will result from the vacation, a certified description sketch performed in accordance with Chapter 61G17-6 of the F.A.C., pursuant to Chapter 472.027, F.S., shall be prepared and submitted. Where the easement is shown on a recorded plat, a certified copy of the plat shall be submitted with the easement area clearly marked.

2. For vacation of road rights-of-way and alleys where land boundary changes will result, a certified description sketch, performed in accordance with Chapter 61G17-6 of the F.A.C., pursuant to Chapter 472.027, F.S., shall be prepared and submitted.

   a. A petition requesting the vacation shall be submitted to the Transportation Department Director. In addition to the required sketch, the petition should contain:

      i. signatures of all adjoining property owners.

      ii. letters of consent to the vacation by all property owners gaining access by the requested vacation.

      iii. letters of consent to the vacation from the local utility companies (electric, water, telephone, cable, and gas).

   b. Petitions to vacate rights-of-way shall be considered upon a finding that all of the following requirements are met:

      i. The requested vacation is consistent with the Traffic Circulation Element of the Comprehensive Plan.

      ii. The vacation would not jeopardize the current or future location of any utility.

iii. Any necessary utility easements have been provided in the area to be vacated.

iv. The proposed vacation is not detrimental to the public interest.

v. The right-of-way does not provide the sole access to any property.

Section 824 Roadway Design *(Rev. 06/08/04 Ord. 03-96; Rev. 06/08/04 Ord. 03-94)*

A. *Applicability*

This Section establishes minimum requirements for transportation system components including public and private roads, and sidewalks. The standards in this Section are intended to assure that all developments adequately and safely provide for movement of vehicles consistent with sound engineering and development design practices.

B. *General Provisions* *(Rev. 06/08/04 Ord. 03-96)*

1. All elements of the transportation system shall be provided and designed in compliance with the engineering design and construction standards contained in Appendix A, Technical Standards Manual.

2. All roads in the County are classified according to the function served in order to allow for regulation of access, road and right-of-way widths, circulation patterns, design speed, and construction standards.

3. The County Road Inventory and any amendments thereto, adopted by the BoCC, is hereby made a part of this Code. The inventory shall be the basis for all decisions which are based on functional classification including, but not limited to, required road improvements, reservation or dedication of rights-of-way for required road improvements, or access of proposed uses to existing or proposed roadways.

4. All new roads (public and private) shall be designed and constructed in accordance with this Section and Appendix A, Technical Standards Manual. Existing private roads proposed for designation as public and involving construction, reconstruction, facilities upgrade or right-of-way dedication shall meet the provisions of this chapter and Appendix A.

5. Table 8.3 specifies the minimum pavement and right-of-way widths for local roads. All Collector roads and Arterial roads shall be designed in accordance with the FDOT Manual for Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways (the “Green Book”).

6. Utilities may be located in easements or right-of-way and shall be designed in accordance with Appendix A, Technical Standards Manual.

7. The minimum distance from the edge of the pavement which shall be free of obstruction as required by Table 8.2.

8. All sidewalks, bikeways and stormwater facilities shall be designed and constructed in accordance with the provisions of Appendix A, Technical Standards Manual.

C. ***Roadway Development Standards*** ***(Rev. 12/08/03 Ord. 03-69; Rev. 06/08/04 Ord. 03-94)***

1. All new roads (public and private) shall be designed and constructed in accordance with this Chapter and Appendix A, Technical Standards Manual. For any standards not specifically addressed in Appendix A, the FDOT standards may be used as approved by the County Engineer.

2. The road layout in all new development shall be coordinated with and interconnected to the road system of the surrounding area where specifically required in the Comprehensive Plan.

3. Public roads and sidewalks in developments may be connected to rights-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow. If adjacent lands are un-platted, interconnecting public roads in the new development may be provided for future connection to the adjacent un-platted land. These interconnecting public access points shall not be used as the primary access to adjacent un-platted properties unless the public road is constructed in accordance with Section 821.

4. Local roads should be arranged to discourage through traffic.

5. Roads shall intersect at right angles.

6. New intersections along one side of an existing road shall coincide with the center lines of existing intersections. Where an offset is necessary at an intersection, the distance between center lines of the intersecting roads shall be no less than 150 feet except when divided by a raised median.

7. No two roads may intersect with a local road on the same side at a distance of less than 150 feet measured from centerline to centerline of the intersecting road. When the intersected road is an urban collector or rural major collector, the distance between intersecting roads shall be no less than 440 feet.

8. Access to subdivisions by fire apparatus shall not be less than 20 feet (6 meters) of unobstructed width, able to withstand live loads of fire apparatus, and shall have a minimum vertical clearance of 13 feet, six inches.

D. ***Roads with No or Limited Outlet*** **(*Rev. 12-08-03 Ord. 03-69*)**

1. A turnaround shall be located at the terminus of any road greater than 150 feet in length with no outlet.

2. Cul-de-sac turnarounds shall consist of a travel lane with a minimum outside turning radius of 50 feet.

3. Turnarounds shall be designed and constructed pursuant to Appendix A, Technical Standards Manual.

4. Subdivision roads that cross railroad tracks or bridges shall provide a second outlet.

E. ***Temporary Interconnecting Roads***

1. Temporary local interconnecting roads may be permitted only within subsections of a phased development for which the proposed road in its entirety has received Final Site Plan approval. However, interconnecting roads may be permitted or required by the County provided that the future extension of the road is deemed desirable by the County or conforms to an adopted County Transportation Plan and is included in a Master Site Plan.

2. Temporary turnarounds shall be provided for all interconnecting roads providing access to five or more lots or housing units or more than 200 feet in length.

3. Temporary interconnecting roads shall be designed and constructed pursuant to the standards in Appendix, Technical Standards Manual.

F. ***Roadway Construction Standards***

1. The applicant or contractor retained by the applicant to construct the development shall give the County at least five days written notice before the commencement of any construction.

2. A pre-construction meeting is required prior to the commencement of construction.

3. Clearing and grubbing shall be accomplished on the entire width of rights-of-way dedicated by the plat as public roads. This clear area shall include all area between the edge of pavement and the edge of right-of-way. No trees shall remain within the Minimum Clear Recovery Zone.

4. All roadway improvements resulting in a change in the travel lane on existing roads shall include an overlay of the existing pavement between the limits of the improvement.

5. All rights-of-way other than pavement, shall be either grass sodded, or seeded and mulched on swale section roadways in accordance with FDOT Standard Specifications, except that only Bahia, Bermuda and Centipede or St. Augustine grasses will be permitted unless specifically approved by the County Engineer. All

roadways shall incorporate a two foot grass sod strip behind the curb or edge of pavement.

6. All roads associated with new development shall be paved.

7. All roads associated with new development shall be striped in accordance with County standards.

8. Curbing shall be required in accordance with the following standards:

   a. Curbing shall be required for the purposes of drainage, safety, and delineation and protection of pavement edge along roads in the following cases:

      i. Along designated parking lanes.

      ii. Where the surface drainage plan requires curbing to channel storm water.

9. Curbing shall be required for all residential development with a net density of three or more units/acres located in the Urban Development Area (UDA), the Urban Growth Area (UGA), and the Suburban Development Area (SDA).

10. All curbing shall conform to the construction standards contained in Appendix A, Technical Standards Manual.

11. Shoulders are required on all local roads and collector roads and shall conform with the typical section contained in Appendix A, Technical Standards Manual. Shoulders shall be provided on each side of roads and located within the right-of-way as indicated in Table 8.3.

12. Acceleration, deceleration, and turning lanes shall be designed and constructed in accordance with Section 705 and Appendix A, Technical Standards Manual.

13. Medians shall be constructed as follows:

   a. All roads, divided by a median, shall have a minimum pavement width on both sides of the median meeting the minimum established in Table 8.3. Multiple travel lanes shall be striped.

   b. Medians at intersections shall not extend beyond the backside of the radius return to insure safe turning movements.

   c. Design of roadways and medians shall provide for safe movement of anticipated traffic.

d. Where boulevard entrances are provided to residential and non-residential developments vehicle lane striping and marking shall be provided to reflect the number of lanes provided and approved turning movements from each lane.

e. Guard houses or entrance gates may be located on private residential streets provided their location does not present a traffic hazard, obstruct the visibility triangle, impeded drainage or adversely interfere with the use of the right-of-way by approved utilities.

f. Landscape medians may be located on private residential streets and may contain trees and other landscaping material provided their location does not present a traffic hazard, obstruct the visibility triangle, impede drainage or adversely interfere with the use of the right-of-way by approved utilities. Maintenance of landscape islands shall be the responsibility of a homeowners association.

Sections 825 - 829 Reserved

Section 830 Uniform Street Address System

A. ***Applicability***

This Code shall apply to the unincorporated areas of Polk County unless an inter local agreement is entered into between the Board of County Commissioners and a municipality or postal service assigning addressing authority over a designated territory to the Enhanced 911 Office.

B. ***Enclaves***

1. Any territorial unit within the unincorporated area of Polk County may be designated as an Enclave at the discretion of the County Manager provided the governing authority of such territorial unit has established a roadway naming and address numbering system which is consistent with the Uniform Street Address System established by Ordinance 90-38 and this Code.

2. The governing authority of an Enclave shall have and retain authority to assign roadway names, and building numbers within such Enclave, subject to the approval of the Enhanced 911 Office.

C. ***Enhanced 911 Office***

1. The Enhanced 911 Office of the Polk County Department of Public Safety Emergency Management Division shall design, implement, administer, operate and maintain the Enhanced 911 Emergency Telephone System and the Uniform Street Address System.

2. The Enhanced 911 Office shall:

a. Gather information concerning all roadway names assigned before the effective date of this Code and Ordinance 90-38 and other information from Polk County and the Enclaves to determine whether such roadway names comply with Section 336.05, F.S., this Code, and Ordinance 90-38.

b. Design and prepare a Street Naming System, Structure Numbering Plan, Address Numbering Maps and the Uniform Street Address System established by Ordinance 90-38 in accordance with requirements set forth in this Code and with the assistance of other departments and divisions of Polk County as directed by the County Manager.

c. Review, in cooperation with any pertinent Enclave, proposed roadway names and designations in proposed plats for subdivisions in the unincorporated areas of Polk County to determine whether such proposed roadway names and designations comply with Section 336.05, F.S., this Code, and Ordinance 90-38.

d. Assign building numbers to each existing building and for each subsequently constructed building in accordance with the Structure Numbering Plan described in Section F and subject to the approval of the Enhanced 911 Office.

D. ***Establishment of Uniform Street Address System***

Polk County shall establish and govern a Uniform Street Address System devised by the Enhanced 911 Office or a designated Enclave by adopting a grid system which is a system of vertical and horizontal axis and which shall incorporate the Uniform Street Naming System and Uniform Structure Numbering Plan in compliance with this Code. The Uniform Street Address System shall be implemented in accordance with the following procedures:

1. If a building is located on a lot which is adjacent to two or more roadways, the roadway name to be used in that building's address shall be the name of the roadway by which the building is accessed and the number to be assigned to such building shall then be determined in accordance with this Code and Section 7 of Ordinance 90-38.

2. If a roadway runs in both north to south and east to west directions, the direction of such roadway, for the purpose of assigning even or odd numbers to buildings on a given side of the roadway, shall be determined by the direction in which the greater proportion of the roadway runs or by such other logical means as would minimize confusion where a predominant direction cannot be reasonably determined.

3. The Enhanced 911 or a designated Enclave may retain the address numbering schemes used for mobile homes, lots within mobile home parks, or units within multiple building complexes as authorized or assigned prior to the effective date of this Code and Ordinance 90-38 by the United States Postal Service, the government of Polk County, or the government of an Enclave, if retention of such address number schemes is more reasonable.

4. In situations where it would be more reasonable or practical for the Enhanced 911 Office to assign a roadway address to a building located in close proximity to an Enclave based on a separate grid numbering system used by such Enclave, it shall be within the discretion of the Enhanced 911 Office to assign a number to such building in conformity with such separate grid numbering system.

5. Within 30 days after a parcel of land, a subdivision, or and part thereof, becomes part of the unincorporated area of Polk County by municipal contraction or otherwise, the Enhanced 911 Office or applicable designated Enclave shall review the address numbers of such property and determine whether such numbers, their posting, and the method of numbering for such contracted portion conform to the designated system and the Structure Numbering Plan established by Ordinance 90-38 and this Code.

E. ***Establishment of Street Naming System***

Polk County shall establish and govern a Street Naming System in accordance with the following procedures:

1. All roadways named by the recording of plats containing such names or by the assignment of such names by other authorized means prior to the effective date of this Code and Ordinance 90-38, including roadways within mobile home and RV parks and multiple building complexes, may retain their names. Additionally, such previously assigned roadway names shall be included on the Address Numbering Maps by the Enhanced 911 Office unless the Enhanced 911 Office determines that renaming of such roadways is necessary to avoid duplication, inconsistency or confusion in the provision of emergency services. In such cases where renaming roadways is necessary, the roadways shall be renamed in accordance with Section 336.05, F.S., this Code, and Ordinance 90-38.

2. Each unnamed roadway in existence on the effective date of Ordinance 90-38 and this Code. Each roadway which comes into existence thereafter shall be named in accordance with Section 336.05, F.S., this Code, and Ordinance 90-38, subject to the approval of the Enhanced 911 Office, regardless of whether such roadway is located within a platted subdivision, mobile home or RV park, or multiple building complex.

3. As names are assigned to existing unnamed roadways and assigned to new roadways through the platting of subdivisions or other authorized means, such roadway names and new roadways shall be included on the Address Numbering Maps.

F. ***Establishment of Structure Numbering Plan***

Polk County shall establish and govern a Structure Numbering Plan in accordance with the following procedures:

1. All buildings for which building permits or mobile home set-up permits were issued before the effective date of this Code and to which building numbers were assigned by a public utility, the United States Postal Service, the government of Polk County, or the government of an Enclave, and to which such number were assigned in compliance or conformity with the grid numbering system described in this Code, and other requirements of this Code and Ordinance 90-38, shall retain such numbers.

2. All buildings for which building permits or mobile home set-up permits are issued on or after the effective date of this Code and Ordinance 90-38 shall be numbered in compliance with the requirements of this Code.

3. Mobile homes and mobile home lots located within a mobile home park and units located within a multiple building complex shall be numbered in accordance with the city style Addressing System.

G. ***Posting of Building Number***

It shall be the joint duty and responsibility of the owners and occupants of each building located in the unincorporated areas of Polk County to post or display the assigned building number on or near such building in accordance with the following requirements:

1. The building number shall be displayed by the permanent attachment or affixing of the building number to the building front or to a separate structure located in front of the building, such as a mailbox, post, wall or fence.

2. The building number shall be clearly visible and legible from the roadway on which the building faces and shall clearly identify the building to which it is assigned.

3. The building number shall be displayed by the use of Arabic numerals of a height not less than three inches and of a color which contrasts with the color of its immediate background.

4. The numerals used for the display of a building number shall be made of a durable weather resistant material and shall be permanently affixed to their supporting structure.

5. The owners and occupants of buildings in the unincorporated areas of Polk County which are in existence on the effective date of this Code are required to comply with this Section within 90 days from the effective date of this Code.

6. The owners and occupants of each building erected on or after the effective date of this Code shall comply with this Section as a prerequisite to obtaining a Certificate of Occupancy.

H. ***Lot Numbering and Posting for Mobile Home and RV Parks***

Notwithstanding any other provision of this Code to the contrary, all new Mobile Home and RV Parks shall be addressed according to established city style addressing schemes.

1. Roadway name signs shall be erected internally within Mobile Home and RV Parks and the cost of such roadway markers shall be the responsibility of the Mobile Home or RV Park owner.

2. Address numbers shall be posted on mobile homes or RVs and placed where they can be easily seen from the roadway on which they face. The cost of the address numbers shall be the responsibility of the mobile home or RV owner.

3. City style addresses shall be assigned to the lots within Mobile Home and RV Parks in accordance with the provisions of the other Sections of this Code and Ordinance 90-38.

4. Lots within existing Mobile Home and RV Parks may be re-addressed, on a case by case basis, in compliance with the requirements of this Code and Ordinance 90-38.

I. ***Violations and Penalties***

1. The Codes Enforcement Division shall have the authority and duty to investigate reported violations of this Code and Ordinance 90-38 and to proceed against violators of Ordinance 90-38 as specified in Polk County Ordinance 85-06, as amended.

2. The owner and occupant of any building in the unincorporated areas of Polk County which is not in compliance with the provisions of this Code and Ordinance 90-38 shall be subject to prosecution before the Polk County Code Enforcement Board and shall be subject to administrative fines and liens as set forth in Polk County Ordinance No. 85-6, as amended.

J. ***Adoption of a Procedures Manual***

The Enhanced 911 office shall prepare a procedures manual to be used for establishing addressing guidelines. The manual shall be detailed, explaining procedures for public notification of address changes, the procedures for County staff and County citizens to follow to petition for roadway name designations and changes, and what the criteria are for naming a roadway.

Chapter 9

DEVELOPMENT REVIEW PROCEDURES

CHAPTER 9 DEVELOPMENT REVIEW PROCEDURES

Section 901 Applicability

Prior to undertaking any development or use of land in unincorporated Polk County, a development approval shall be obtained in accordance with the procedures of this Chapter unless otherwise exempt. All development and use of land, whether or not subject to the procedures of this Chapter, is subject to all other provisions of this Code.

Section 902 Development Approval

Any development or use of land not exempted in Section 902C shall obtain approval through one or more of the development review procedures outlined in this Chapter according to the type of use or development.

A. ***Compliance With This Chapter***

In addition to all required permits, permitted uses, conditional uses, subdivisions, Planned Developments, and Land Use District Modifications shall comply with the provisions of this Chapter, except as provided in Section 902C. A project may require more than one development review and approval. Building and other County or agency permits may be obtained after the approval of other development approvals required by this Chapter.

B. ***Pre-requisites to Building Permit***

A building permit may not be issued unless the proposed development activity is authorized by a development approval (unless exempt) processed pursuant to this Chapter and conforms to Appendix A, Technical Standards Manual and all other applicable laws and regulations.

C. ***Exemptions*** ***(Rev. 12/03/03 Ord. 03-38)***

The following types of development are exempt from the review procedures in this Chapter provided said development complies with all applicable requirements of this Code and obtains all applicable permits:

1. The construction or alteration of a single-family dwelling or duplex on a lot in a valid recorded subdivision plat approved prior to the adoption of this Code or on a lot of record;

2. The construction of a dwelling unit on a lot created consistent with this Code that did not require platting;

3. Non-residential development with unexpired engineering plans approved by the County Engineer and having obtained all other approvals prior to the effective date of this Code;

4. Bona fide agricultural activity as defined by Florida Statutes; and

5. Clearing and grubbing.

D. ***Earthwork***

No earth moving, utility work, grading, construction or development activity may be undertaken unless the activity is authorized pursuant to this Chapter.

E. ***Modifications After Approval*** ***(Revised 5/20/09 – Ord. 09-023)***

After approval has been issued, it shall be unlawful to substantially change, modify, alter, or otherwise deviate from the terms or conditions of the plan or approval without first obtaining an approval of the modification. The Land Development Director shall determine the type of review for the modification and a written record of the modification shall be maintained in the files of the Land Development Division.

F. ***Cease and Desist Illegal Activity***

Prior to seeking any level of development approval (including variances, waivers, or modifications to prior approvals), the owner, applicant, or occupant must cease and desist all activity on the subject property that is not legally in compliance with this Code or any other condition imposed through prior development approval. This includes but is not limited to construction, excavation, parking or vehicles, storage of materials, or the operation of a business that is not legally meeting the requirements or exempted from this Code.

Section 903 Review Procedures

Development review procedures are divided into five primary levels according to the purpose of the review. The Level of Review shall be based upon the Use Tables in Chapters 2, 4 and 5, along with any overlay, subdivision and other requirements of this Code. A summary of the required review procedures and steps is shown in Tables 9.1 and 9.2. The Level of Review required for each type of development is as follows:

Table 9.1 Summary of Required Review Procedures (Rev. 02/14/07 – Ord. 07-004; Rev. 01/30/03 - Ord. 03-14)			
Development Approval Requested	**Submittal Required**	**Required Steps**	**Review Procedure**
All other Apermitted@ uses on Use Tables in Chapters 2, 4 and 5	Final Development Plan	DRC	Level 2 (DRC Action)
Conditional Uses			
C-1 Conditional Uses [(1)]	As requested for permitting	Staff review	Level 1 (Admin. Action)
C-2 Conditional Uses [(1)]	Final Development Plan	DRC	Level 2 (DRC Action)
C-3 Conditional Uses [(1)]	Draft Development Plan and Impact Assessment Statement	DRC, and PC	Level 3 (PC Action)
C-4 Conditional Uses [(1)]	Final Development Plan and Impact Assessment Statement	DRC, PC and BoCC	Level 4 (BoCC Action)
Land Use District Modification	Application and Impact Assessment Statement	PC and BoCC	Level 4 (BoCC Action)
Code Amendments and Comprehensive Plan Amendments [(4)]	Application	PC and BoCC	Level 4 (BoCC Action)
Planned Developments			
Planned Development Preliminary Plan Approval	Preliminary Plan and Impact Assessment Statement	DRC, PC	Level 3 (PC Action)
Build-out	Final Development Plan	DRC	Level 2 (DRC Action)
Minor Modification to Planned Development	Preliminary Plan [(2)]	DRC	Level 2 (DRC Action)
Major Modification to Planned Development	Preliminary Plan [(2)]	DRC, PC	Level 3 (PC Action)
Subdivision Plats			
Construction Plans	Construction Plans	DRC	Level 2 (DRC Action)
Modification to Construction Plans	Construction Plans	DRC	Level 2 (DRC Action)
Signage Plan [(5)]	Signage Plan	PC, DRC	Level 3 (PC Action) Level 2

Table 9.1 Summary of Required Review Procedures (Rev. 02/14/07 – Ord. 07-004; Rev. 01/30/03 - Ord. 03-14)			
			(DRC Action)
Final Plat	Final Plat	DRC and BoCC	Level 5 (Platting Approval)
Minor Plat	Final Plat	DRC and BoCC	Level 5 (Platting Approval)
Plat Modification	Final Plat	DRC and BoCC	Level 5 (Platting Approval)
Replat/Vacating (3)	Construction Plans and Final Plat	DRC and BoCC	Level 5 (Platting Approval)

(1) All conditional uses shall comply with the conditions outlined in Chapter 3.
(2) Final Development Plans may be submitted at the option of the applicant.
(3) Depending upon size and complexity, staff may require a preliminary plat.
(4) There shall be a transmittal and an adoption hearing on all text amendments and map amendments over ten acres.
(5) Complete in conjunction with final Development Approval in Level 2.

Table 9.2 Review Procedure Steps (Rev. 3/8/06 - Ord. 06-12)

	Level 1	Level 2	Level 3	Level 4	Level 5
Pre-application Conference (4)	Optional	Optional	Optional	Optional	Optional
Staff Review (1)	Required	Required	Required	Required	Required
Development Review Committee (DRC)	Not Required	Required	Required	Required	Required
Planning Commission (PC)	Not Required	Not Required	Required	Required	Not Required
Board of County Commissioners (BoCC)	Not Required	Not Required	Required (3)	Required	Required (2)

(1) When Staff Review occurs as part of a standard permitting or site plan procedure; full DRC not required.
(2) BoCC Consent agenda only; No public notice required.
(3) BoCC only if appealed
(4) Pre-applications are valid for no more than a year from the DRC meeting

A. *Level 1 Review- Administrative Action*

All new development, redevelopment, and re-occupancy of an existing structure is subject to a Level 1 Review. This is an administrative action performed by County staff. Only the forms of land development listed under Section 902C are exempted from a Level 1 Review. Successful completion of Level 1 Review enables the applicant to proceed with an application for a building permit.

B. ***Level 2 Review - Development Review Committee Action*** ***(Revised 08/21/12 – Ord. 12-027)***

All new development and modification to existing development are required to complete a Level 2 Review. This is a multi-departmental review that requires an engineered site plan. Successful completion of Level 2 Review requires approval from all parties involved in the review. Depending upon the uses within a proposed development, Level 2 Review will be followed by either a Level 1 Review, Level 5 Review, or application for a building permit in conformance with a binding site plan. Appeals of the Development Review Committee's Level 2 decisions will be considered as Administrative Interpretations and should be filed with the Land Development Division Director at any time during the Level 2 Review process but no later than seven calendar days after the Level 2 Review decision is rendered.

C. ***Level 3 Review- Planning Commission Action***

All new development and modification to existing developments involving land uses listed as C-3 conditional uses within its respective future land use district or applications for Planned Development are required to successfully complete a Level 3 Review prior to application to Level 2 Review. Level 3 Review requires recommendation from the Development Review Committee and a public hearing before the Planning Commission. At the public hearing, the Planning Commission may approve, approve with conditions, or deny an application for Level 3 Review. Successful completion of Level 3 Review will enable the applicant to proceed with Level 2 Review in accordance with conditions placed upon the application by the Planning Commission and other regulatory requirements. Appeals of the Planning Commission's decision may be heard before the Board of County Commissioners through the De Novo Hearing process outlined in Section 921D.

D. ***Level 4 Review- Board of County Commissioners Action***

All new development and modification to existing developments involving land uses listed as C-4 conditional uses within the respective future land use district or applications for amendment to the Future Land Use Map Series are required to undergo a Level 4 Review. This Level of Review requires recommendation from the Development Review Committee, a public hearing before the Planning Commission with a formal recommendation, and a public hearing before the Board of County Commissioners. Successful completion of Level 4 Review will enable the applicant to proceed with Level 2 Review in accordance with conditions placed upon the application by the Board of County Commissioners. Appeals of the County Commission's decision shall be by the Circuit Court of Polk County by filing an appropriate petition with the Clerk of the Court within 30 calendar days after the Board of County Commissioners' decision.

E. ***Level 5- Subdivision Plats***

Land being subdivided according to the definitions and requirements in Chapter 8, shall be reviewed and approved according to the following procedures and summarized in Table 9.1.

DRC shall review the plat to ensure compliance with the Comprehensive Plan, this Code, and the following:

1. Pursuant to the specifications in Sections 805 and 905 (Level 2 Review), construction plans shall be reviewed by the DRC to ensure the public and private infrastructure, utilities and other improvements are compliant with all applicable codes and Appendix A, Technical Standards Manual.

2. A Final Plat shall be submitted pursuant to the specifications in Sections 806 and 908 (Level 5 Review). The review by the DRC and BoCC shall ensure the plat complies with all applicable codes, recording requirements, the approved construction plans, and security requirements.

3. Certain subdivision plats, which due to their complexity or phasing, may be required to undergo a subsequent Level 2 Review, in order to obtain necessary detail, scale and data required for a Final Development Plan.

F. ***Conditional Uses***

All AConditional@ uses according to the Use Tables in Chapters 2, 4 and 5 shall comply with the prescribed conditions or performance standards outlined in Chapter 3; and prepare a Final Development Plan which shall be subject to the following levels of review seen in Table 9.1:

C-1 Conditional Uses	Level 1
C-2 Conditional Uses	Level 2
C-3 Conditional Uses	Level 3
C-4 Conditional Uses	Level 4

G. ***Planned Developments***

The procedures and review requirements are summarized in Table 9.1.

1. Planned Development shall require a Level 3 Review which will be processed through the Development Review Committee and the Planning Commission. A Preliminary Plan and Impact Assessment Statement shall be required.

2. Development, redevelopment or use of land within a Planned Development which has been previously approved, shall require a Level 2 Review. A Final Development Plan pursuant to the specifications in Section 909, shall be reviewed and approved by the Development Review Committee to ensure the proposed use, structures and improvements are in compliance with the approved Planned Development Preliminary Plan and all applicable codes.

3. Minor Modifications to approved Planned Developments shall be processed as a Level 2 Review. The DRC shall review the revised Preliminary Plan to ensure it is

consistent with the approved Planned Development. At the applicant's option, a Final Development Plan may be submitted for review of a Minor Modification.

4. Major Modifications to Planned Developments shall be processed as a Level 3 Review. The DRC and Planning Commission shall review the revised plan to ensure it is consistent with the approved Planned Development. At the applicant's option, a Final Development Plan may be submitted for review of a Major Modification.

H. ***Non-Phosphate Mining***

The process for non-phosphate mining review and approval follows:

1. A Level 3 Review is required for non-phosphate mining and shall consist of the following:

   a. Impact Assessment Statement;

   b. Mine Plan; and

   c. Reclamation Plan.

2. A Level 2 Review includes a Development Plan including a Stormwater Management Plan.

3. A Level 1 Review includes the Issuance of an Operating Permit in compliance with a Level 2 and Level 3 Review

Section 904 Level 1 Review

A. ***Purpose***

A Level 1 Review is a technical review of development plans and applications for development activities that do not require a multi disciplinary review. The review is to ensure the development meets minimum standards as stated in this Code and other County regulations.

B. ***Performed By***

A Level 1 Review is performed by various Polk County staff.

C. ***Results***

A successful Level 1 Review will result in an issuance of an authorization to proceed with development, such as a building permit.

D. ***Review Process for Level 1 Review*** ***(Revised 5/20/09 – Ord. 09-023)***

The applicant shall file a completed application and plans for Level 1 Review with the Land Development Director. Pre-application conferences are optional.

1. A copy of the application for Level 1 development review and documentation shall be delivered to the relevant staff members of the Development Review Committee. The staff shall review the proposal and submit written comments to the Director within 10 working days from the date of receipt of an application.

2. The Land Development Director or designee shall review the staff comments and determine whether the application complies with the requirements of this Code.

3. Within five working days of the receipt of the comments, the Director shall:

   a. Issue Level 1 approval; or

   b. Deny the application based on the failure of the development to comply with the standards of this Code.

E. ***Expedited Procedure for Affordable Housing Permits*** ***(Rev. 01/30/03 - Ord. 03-14)***

In order to expedite the issuance of building permits for affordable housing developments as defined herein, the application shall be identified with yellow paper and placed ahead of other incoming applications for plan review and permit processing, Initial plan review shall be completed within ten working days.

Section 905 Level 2 Review

A. ***Purpose*** ***(Revised 5/20/09 – Ord. 09-023)***

A technical review of an application and plans for a development which is:

1. Expected to have multiple technical issues or changes in the use or site;

2. To ensure conditions required by the Comprehensive Plan are compliant;

3. To evaluate whether the application meets minimum development standards and conditions as stated in this Code and other County development regulations;

4. Necessary to review by the Land Development Director for conditions as required by the Comprehensive Plan and in Chapter 3 of this Code.

B. ***Performed By***

A Level 2 Review is performed by the Development Review Committee (DRC).

C. ***Results***

A successful Level 2 Review will result in approval of subdivision construction plans, permitted use site plans or conditional use site plans.

D. ***Review Process for Level 2 Review*** ***(Rev. 11/27/02 - Ord. 02-84)***

1. The proposal shall be placed on the agenda of the next meeting of the Development Review Committee that allows ten working days for review. A copy of the application and supporting documentation shall be delivered to each member of the Development Review Committee. The Development Review Committee members shall conduct a preliminary review of the proposal.

2. At the meeting, Development Review Committee staff will present comments (written or verbal) and determine whether the plan should be approved, approved with conditions, or denied, based on whether the plan conforms to this Code. For a development to be approved, all comments and concerns of the committee members must be addressed.

3. If the applicant or his designee fails to attend the meeting, the item shall be put on the next scheduled meeting for no more than two consecutive meetings. After failure to attend a second meeting, the applicant will be required to re-submit a new application.

4. Within five working days of the meeting the Director shall issue a written statement of approval, approval with conditions, or denial based on the failure of the proposed development to comply with the standards of this Code, and any conditions required by the Planning Commission or the BoCC.

5. If approved and released by all DRC representatives, the applicant shall submit a revised final set of plans for final approval.

6. If DRC representatives impose conditions, these conditions shall be addressed, and the applicant shall resubmit revised plans addressing the conditions within 180 days or must thereafter initiate a new application and pay all fees. The applicant may request a suspension of the application and resume the review with no major deviation to the application within one year with no additional fee.

7. If denied, a new application is required and all fees must be paid.

8. Re-submittals shall follow the procedures as set forth for an original submittal.

E. ***Expedited Procedures for Affordable Housing Subdivisions*** ***(Rev. 01/30/03 - Ord. 03-14)***

In order to expedite the issuance of building permits for affordable housing developments as defined herein, the application shall be identified with yellow paper and placed ahead of the other incoming applications for plan review and permit processing. Initial plan review shall be completed within ten working days.

F. ***Review process for Minor Revision to Plans*** ***(Revised 3/17/10 – Ord. 10-011)***

Where a minor revision to approved Level 2 construction plans is proposed, plans may be submitted for review by the County Engineer and Current Planning for approval or to determine whether a full DRC review is required. Revisions that are considered minor to approved Level 2 plans are listed in Section 704.C.

G. ***Review process for Minor Land Disturbance*** ***(Revised 3/17/10 – Ord. 10-011)***

A minor land disturbance is any form of land development that receives a "Notice General Permit for Minor Activity" from the appropriate Water Management District where:

1. The parcel or parcels of land within the developed area do not contain flood hazard areas;

2. Land Development will not intrude or otherwise impact wetlands;

3. There are no soils removed or added to the site,

4. The proposed use is permitted by right within the Future Land Use Map district (e.g. listed as "P" in Section 205 or corresponding Selected Area Plan use table),

5. Does not occur within any public or private easement that precludes such development or activity that may result from the development,
6. Is not located within an Area of Critical State Concern; and,

7. The total impervious surface area of the site does not exceed 4,000 square feet or 25 percent of the parcel or parcels whichever is less.

A minor land disturbance may be submitted through a shortened review by the County Engineer, Current Planning, Transportation Engineering and Polk County Utilities for approval or to determine whether further DRC members should be included in the review.

Section 906 Level 3 Review

A. ***Purpose***

The Level 3 Review is a technical and compatibility review of development applications and plans which have limited issues to be reviewed by a citizen authority in a public hearing forum, in which affected parties can provide input and feedback to the applicant and the Planning Commission (PC). The Planning Commission shall determine whether the proposed development complies with the standards of this Code and the Comprehensive Plan regarding the following issues:

1. The compatibility of non-residential uses near or adjacent to residential land uses or vacant land designated as residential;

2. The compatibility of proposed residential uses in proximity to existing residential densities of a significantly different density;

3. Where there are specific characteristics of the proposal which may result in potential adverse off-site impacts. Site characteristics such as a dumpster, driveway, drive-through window, or buffer will be reviewed to determine compatibility and possible mitigation of impacts not deemed compatible;

4. The effects of noise, vibration, air pollution, glare and odor may adversely impact the use of adjacent properties shall be reviewed, and if such effects can be mitigated and conditions for mitigation imposed;

5. Whether the requested development meets minimum development standards as stated in this Code, and other County development regulations; and

6. A development plan which mitigates impacts as outlined in an Impact Assessment Statement which has been prepared pursuant to Section 910.

B. ***Performed By***

A Level 3 Review is performed by the Development Review Committee and Planning Commission (PC). The DRC and the Planning Commission may approve, deny or approve with conditions.

C. ***Results***

A successful Level 3 Review will result in an approval, or approval with conditions, or an affirmative recommendation of the plans presented.

D. ***Review Process for Level 3 Review*** ***(Rev. 5/20/09 – Ord. 09-023; 3/8/06 - Ord. 06-12)***

1. A pre-application meeting is optional, but recommended.

2. Applications for development review shall be available from the Land Development Division. A complete application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the application shall be signed by an officer of the corporation. All applications shall comply with the following submittal requirements and additional submittal requirements that may be required by other Sections of this Code or by resolution adopted by the Polk County Board of County Commissioners.

   a. Applications shall include documents and drawings showing:

      i. Name of owner or contact, address, and phone number;

      ii. Description of intended use and Land Use District;

      iii. Preliminary Development Plan;

      iv. Location and linear dimensions and size of parcel;

      v. Legal description of property involved;

      vi. Access;

      vii. Boundary survey or scaled drawing as required by this Code; and,

      viii. Tax parcel sheets and aerial photos.

   b. There may be additional submittal requirements in other Sections of this Code. All plans submitted for review by the County and other review agencies shall be identical. Any revisions made at the request of one or more review agencies shall be resubmitted with the request number of copies.

   c. All preliminary plans shall include the following information:

      i. Location of the subject property in relation to surrounding and adjacent roadways and proposed access to the property street network;

ii. General description of the project, illustrating the location of all proposed uses. Residential projects shall include the total number of units proposed and density. Non-residential projects shall include the floor area ratio (FAR) and impervious surface ratio (ISR);

iii. Location and type of developments, land uses, and driveways or roads within 150 feet of the proposed project;

iv. A drawing of the site (at a scale of one inch equals 60 feet) showing major geographical features including creeks, ditches, water bodies, other prominent topographic features (USGS, or tax maps may be used);

v. Location of major tree stands and other large trees (this may be outlined on aerial maps, and need not be a tree survey);

vi. Location, size and number of stories of proposed building and above ground transmission structures;

vii. General parking lot layout with approximate number of spaces, basic traffic flow and proposed circulation patterns;

viii. A statement indicating whether access will be required to a state, city, county or private road;

ix. Generalized location of intended buffers;

x. Proposed foot print of non-residential building indicating building setbacks and access points;

xi. Typical and minimum lot size on residential projects;

xii. A map identifying the location and elevation of any flood zones, wetlands and other Development Limitation or Resource Protection Areas;

xiii. A general description of how drainage will be handled, including a soils statement (Natural Resources Conservation Service acceptable) and the general area of the site to be used for stormwater management facilities;

xiv. Any special occupancies to be included on the site, which may include but are not limited to, underground storage tanks, a fireworks manufacturing site, a paint and body shop; or any other occupancy that includes a fire safety concern;

xv. Existing water and waste water services; (this may simply be a statement such as: "There are no water or wastewater service facilities on or near the site@);

xvi. The gross floor area per floor of the building proposed;

xvii. The proposed use as listed in the appropriate use tables in Chapters 2, 3, and 4; and,

xviii. Current Property Appraiser parcel maps and aerials for the site.

3. The Land Development Director shall send a copy of the application to each member of the Development Review Committee and shall place the request on the agenda of the next Committee meeting allowing for a minimum 15 working days for review.

4. The County shall provide notice of the request according to the requirements of Section 960.

5. Each committee member shall submit written comments as to the probable effect of the proposed development on the public facilities and services and the compliance or lack thereof with this Code and the Comprehensive Plan.

6. Within ten working days after the committee meets to consider the plan and comments, the Land Development Director shall prepare a written report setting forth DRC findings and conclusions supporting its recommendation to the Planning Commission. The written report shall:

   a. Recommend approval or approval with conditions of the application as consistent with this Code; or

   b. Recommend denial of the application based upon its failure to comply with the requirements of this Code.

7. The Planning Commission shall make findings regarding the factors outlined in Section 920 and render a final decision to recommend approval, approval with conditions, or denial of the development application. The Planning Commission, in the review of development plans, shall consider the following factors:

   a. Whether the proposed development is consistent with all relevant requirements of this Code;

   b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;

c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and

d. How the concurrency requirements will be met, if the development were built.

8. The Planning Commission may consider conditions and safeguards in conformity with the intent and provisions of this Section, including the following:

a. Limit the manner and extent to which an activity is conducted to minimize environmental effects such as: noise, vibration, air pollution, glare, and odor;

b. Limit the height, size, or location of a building or other structure (including signs) to minimize incompatibilities between a proposed development and surrounding uses;

c. Designate the size, number, and location of vehicle access points to minimize hazards for vehicular or bicycle/pedestrian traffic and to minimize congestion on public roads;

d. Prescribe the location of on-site facilities such as parking areas, loading areas, driveways, drive-thru windows, and trash collection areas to minimize adverse impacts on adjacent properties;

e. Limit the location and intensity of outdoor lighting, including sign lighting, or require its shielding to protect adjacent or nearby property and public roadways from glare;

f. Require berming, screening, or landscaping to lessen visual and sound impacts which may adversely affect adjacent or nearby property; and

g. Specify other conditions in conformity with the intent and purpose of this Code and the Comprehensive Plan.

9. When part of a Planned Development or Conditional Use Review (Level 3 Review), the Planning Commission is also authorized to review, hear, and act upon variances and expansions of non-conforming uses as they relate to that proposal.

10. Any applicant or substantially affected property owner who is dissatisfied with a decision of the Planning Commission may request a full hearing before the Board of County Commissioners by filing an application for a hearing with the Land Development Division within seven calendar days after the Planning Commission hearing. The Board of County Commissioners shall set a time, date and place for the hearing. Notice of the hearing before the BoCC shall be given in the same manner as the notice for the Planning Commission hearing.

E. ***Minor Modification to Level 3 Approval*** ***(Rev. 12/08/03 Ord. 03-69; Rev. 7/29/02 - Ord. 02-52)***

The following changes may be reviewed as minor modifications to approved conditional uses:

1. Any change in the number of parking spaces resulting in an increase of less than ten percent in the number of spaces provided;

2. Alterations not significantly affecting the basic size and form of the building as shown on the approved plan, subject to an amended building permit approval. Changes in size and form will only be considered substantial if they occur within 50 feet of the boundary of the conditional use or within 50 feet of any part of the conditional use which has been constructed or sold to any owner or owners different from the applicant requesting the change;

3. Any reduction in the amount of open space of less than five percent or any non-substantial change in the location or characteristics of open space;

4. Non-substantial changes in location or type of pedestrian or vehicular accesses or circulation, which will not affect adjacent properties, functionality of the system or interconnections;

5. Any increase in intensity of non-residential uses for a portion of the project which is further than 100 feet from the conditional use boundaries or any part of the project which has been constructed or sold to an owner or owners different from the applicant requesting the change;

6. An increase in residential density which results from an increase in the total number of lots by less than ten percent of the total number of approved lots within a project, or project phase, provided there is no change to the minimum lot size or general lot layout and there is no increase in the overall gross density;

7. Any increase or decrease in intensity or density, as long as the intensity or density was not a condition, requirement, or basis for approval;

8. An increase in structure height less than eight feet, provided there is no increase in the number of stories;

9. Any changes in the phasing schedule which do not impact timing, amount, or completion of improvements; or the satisfaction of any specific conditions;

10. Any change in required yard setbacks of 20 percent or less, except a change which would affect any easement or a change adjacent to an existing or proposed residential area;

11. Any increase in gross floor area of less than or equal to five percent of the gross floor area for the project; and,

12. Subsequent to development, changes to dimensional requirements on residential lots may be processed as variances pursuant to Section 910.

F. ***Major Modification to Level 3 Approval***

Major modifications to an approved conditional use other than those outlined in Subsection E.1-10 shall be reviewed pursuant to Section 906, Level 3 Review.

G. ***Timing of Approval*** ***(Revised 12/17/13 – Ord. 13-067; Added 06/17/09 Ord. 09-025)***

1. All Level 3 Review approvals are valid for a period not exceeding three years from the date of approval, with exception to residential and Residentially Based Mixed-Use Planned Developments which shall be valid for a period not to exceed ten years from the date of approval, unless stated otherwise in a condition of approval by the Planning Commission, or the Board of County Commissioners. Level 2 Review plans shall be submitted within that time frame; otherwise the approval shall be null and void. If Level 2 Review plans are submitted within that time frame then the other provisions of this Code govern the effectuation of the project. All Level 2 Review plans shall comply with the current Land Development Code requirements except for permitted uses, density, and intensity that were appurtenant to the Level 3 Review approval. All conditions of approval of the Level 3 Review shall remain in full force and effect.

2. After Level 3 Review approval, an applicant may apply for one additional time extension. Said time extension shall be for a maximum of one year, shall be reviewed by the DRC and shall not constitute a major modification. The DRC shall only review the project for the appropriateness of granting the requested time extension. Applications for time extension as identified in this section shall be submitted prior to the expiration of the Level 3 Review. If an application for time extension has been submitted prior to expiration of the Level 3 Review approval but has not been acted upon by the DRC prior to the date of expiration, the request for extension shall still be considered by the DRC and the project shall not expire until the DRC renders a final decision either approving or denying the request. However, in no instance may a time extension be granted by the DRC for a period to exceed one year from the date of the original Level 3 Review approval, regardless of when the DRC acts upon an application for a time extension. Decisions hereunder by the DRC may be appealed pursuant to Section 918.B and Section 921 of the Code.

3. Time Extensions for Specific Level 3 Projects Previously Approved Prior to May 11, 2009:

   a. As of May 11, 2009, the following Conditional Uses have previously been approved, have not expired and have not submitted Level 2 Review plans.

These projects are hereby granted a three year time extension to submit Level 2 Review plans as outlined below. Failure to submit Level 2 Review plans by the dates listed below shall result in the approval being null and void:

Case Number	ID Number	Original Expiration Date	New Expiration Date
PD 02-13M	53528	Retail & Restaurant - 7/17/2012 Office & Single family - 7/17/2014 Multi-family - 7/17/2017	Retail & Restaurant - 7/17/2015 Office & Single family - 7/17/2017 Multi-family - 7/17/2020
PD 06-13M	53783	4/11/2012	4/11/2015
PD 07-15	51727	12/11/2012	12/11/2015
PD 08-09	53719	12/10/2012	12/10/2015
CU 08-17	53266	1/7/2012	1/7/2015
CU 08-26	53524	1/14/2012	1/14/2015
CU 09-01	53779	3/10/2012	3/10/2015

b. Polk County acknowledges and will comply with any mandate enacted into law by the Florida Legislature that extends the duration of development order approvals such as Level 3 Review and Level 2 Review plans. However, failure to commence construction prior to the extended expiration date shall result in the approval being null and void.

4. An applicant may apply for additional time extensions through the major modification process before the Planning Commission for a project which has been granted a time extension or extensions pursuant to section 906.G.2 and/or 906.G.3. An application for a time extension in that circumstance must be submitted prior to the project's Level 3 Review approval expiration. If an application for time extension has been submitted prior to expiration of the Level 3 Review approval but has not been acted upon prior to the date of expiration, the request for extension shall still be considered by the Planning Commission, or in the case of a de novo appeal the Board of County Commissioners, and the project shall not expire until the appropriate body renders a final decision either approving or denying the request.

H. ***Permitted (P) and Conditional (C1) and Conditional (C2) Uses***

A Level 3 Review approval does not divest the subject property from any use labeled Permitted (P) and Conditional (C1) or Conditional (C2) per the applicable Use Table. A Major Modification is not required for uses labeled P, C1 or C2, unless otherwise prohibited in the Level 3 Review approval. The use that is the subject of the Level 3 Review approval shall still comply with Section 906.E. Uses listed as a P, C1, or C2 in the appropriate use table shall not be bound by Section 906.E.

If a Level 3 Review limits the density or unit count, or alters the setbacks, through the binding site plan or a Condition of Approval, then the density or unit count cannot be

increased by right. The density or unit count can only be increased through a major modification.

Section 907 Level 4 Review

A. ***Purpose***

The review is to evaluate whether the requested development meets minimum development standards as stated within this Code, other County development regulations, and to provide for compatibility review. The Planning Commission shall recommend and the BoCC may approve, approve with conditions, or deny the application. The BoCC shall determine whether the proposed development complies with the standards of this Code and the Comprehensive Plan regarding the following issues:

1. The compatibility of non-residential uses near or adjacent to residential land uses or vacant land designated as residential;

2. The compatibility of proposed residential uses in proximity to existing residential densities of a significantly different density;

3. Where there are specific characteristics of the proposal which may result in potential adverse off-site impacts. Site characteristics such as a dumpster, driveway, drive-through window, or buffer will be reviewed to determine compatibility and possible mitigation of impacts not deemed compatible;

4. The effects of noise, vibration, air pollution, glare and odor may adversely impact the use of adjacent properties shall be reviewed and, where appropriate, conditions for mitigation imposed;

5. Whether the requested development meets minimum development standards as stated in this Code, and other County development regulations; and to provide for compatibility; and

6. The development plan and impacts are outlined in an Impact Assessment Statement which mitigates any impacts of the project and is prepared pursuant to Section 910.

B. ***Performed By***

A Level 4 Review is performed by the Development Review Committee (DRC), the Planning Commission (PC), and the Board of County Commissioners (BoCC).

C. ***Results***

A successful Level 4 Review will result in a recommendation of approval, or approval with conditions from the Planning Commission and approval or approval with conditions by the Board of County Commissioners.

D. ***Review Process For Level 4 Review*** ***(Rev. 5/20/09 – Ord. 09-023; 3/8/06 - Ord. 06-12)***

1. A pre-application meeting is optional, but recommended.

2. Submit an application consistent with the requirements of Section 906D.2.

3. The Land Development Director shall send a copy of the application to each member of the Development Review Committee and shall place the plan on the agenda of the next Committee meeting that allows for 15 working days for review.

4. Each Committee member shall submit written comments as to the proposed development's probable effect on public facilities and services and whether the proposal is in compliance with the Comprehensive Plan and this Code. If required to mitigate the impacts of the proposed development, DRC members shall provide written conditions for Planning Commission consideration.

5. Within ten working days after the Committee meets to consider the plan and comments, the Director shall prepare a written report and recommendation that the development application be approved, approved with conditions, or denied.

6. On the earliest available date that allows the giving of notice required by Section 960, the Land Development Director shall schedule a Planning Commission public hearing on the application.

7. The Planning Commission shall review the development application and recommend approval, denial, or approval with conditions in accordance with a Level 3 Review process.

8. Within ten working days after the Planning Commission meets to consider the plan and comments, the Land Development Director shall prepare a written report including the Planning Commission recommendation and conditions.

9. On the earliest available date that allows the giving of notice required by Section 960, the Land Development Director shall schedule a Board of County Commissioners public hearing on the development plan and application.

10. The Board of County Commissioners, in the review of the development application shall consider the following factors:

    a. Whether the proposed development is consistent with all relevant requirements of this Code;

    b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;

c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, and noise appearance; and

d. Any other matter which the BoCC may deem appropriate and relevant to the specific development proposal.

11. The BoCC may prescribe appropriate conditions and safeguards in conformity with the intent and provisions of this Section, including the following:

a. Limit the manner and extent to which an activity is conducted to minimize such environmental effects as noise, vibration, air pollution, glare, and odor;

b. Limit the height, size, or location of a building or other structure (including signs) to minimize incompatibilities between a proposed development and surrounding uses;

c. Designate the size, number and location of vehicle access points to minimize hazards for vehicular or bicycle/pedestrian traffic and to minimize congestion on public roads;

d. Limit the location of on-site uses such as parking areas, loading areas, drive-thru windows, and trash collection areas to minimize adverse impacts on adjacent properties;

e. Limit the location and intensity of outdoor lighting, including sign lighting, or require its shielding to protect adjacent or nearby properties and public roadways from glare;

f. Require berming, screening, or landscaping to lessen visual and sound impacts which may adversely affect adjacent or nearby property; and

g. Specify other conditions in conformity with the intent and purpose of this Code and the Comprehensive Plan.

12. The BoCC shall consider the factors listed in Section 907D.9 and 907D.10, and render a final decision to approve, approve with conditions, or deny the development application. Within five working days the County shall issue a letter outlining the decision and required conditions.

E. ***Modification to Level 4 Approval***

Modifications to Level 4 conditional uses shall be consistent with the criteria set forth for Level 3 conditional use modifications. However, major modifications to uses requiring Level 4 approval shall follow the Level 4 approval procedures.

F. ***Timing of Approval*** ***(Revised 12/17/13 – Ord. 13-067; Added 06/17/09 – Ord. 09-025)***

1. All Level 4 Review approvals are valid for a period not exceeding three years from the date of approval, with exception to residential and Residentially Based Mixed-Use Planned Developments which shall be valid for a period not to exceed ten years from the date of approval, unless stated otherwise in a condition of approval by the Board of County Commissioners. Level 2 Review plans shall be submitted within that time frame; otherwise the approval shall be null and void. If Level 2 Review plans are submitted within that time frame then the other provisions of this Code govern the effectuation of the project. All Level 2 Review plans shall comply with the current Land Development Code requirements except for permitted uses, density, and intensity that were appurtenant to the Level 3 Review approval. All conditions of approval of the Level 3 Review shall remain in full force and effect.

2. After Level 4 Review approval, an applicant may apply for one additional time extension. Said time extension shall be for a maximum of one year, shall be reviewed by the DRC and shall not constitute a major modification. The DRC shall only review the project for the appropriateness of granting the requested time extension. Applications for time extension as identified in this section shall be submitted prior to the expiration of the Level 4 Review. If an application for time extension has been submitted prior to expiration of the Level 4 Review approval but has not been acted upon by the DRC prior to the date of expiration, the request for extension shall still be considered by the DRC and the project shall not expire until the DRC renders a final decision either approving or denying the request. However, in no instance may a time extension be granted by the DRC for a period to exceed one year from the date of the original Level 4 Review approval, regardless of when the DRC acts upon an application for a time extension. Decisions hereunder by the DRC may be appealed pursuant to Section 918.B and Section 921 of the Code.

3. Polk County acknowledges and will comply with any mandate enacted into law by the Florida Legislature that extends the duration of development order approvals such as Level 4 Review, Level 3 Review and Level 2 Review plans. However, failure to commence construction prior to the extended expiration date shall result in the approval being null and void.

4. An applicant may apply for additional time extensions through the major modification process before the Board of County Commissioners for a project which has been granted a time extension or extensions pursuant to section 907.F.2 and/or 907.F.3. An application for a time extension in that circumstance must be submitted prior to the project's Level 4 Review approval expiration. If an application for time extension has been submitted prior to expiration of the Level 4 Review approval but has not been acted upon prior to the date of expiration, the request for extension shall still be considered by the Board of County Commissioners, and the project shall not expire until the Board renders a final decision either approving or denying the request.

G. ***Permitted (P) and Conditional (C1) and Conditional (C2) Uses (Added 12/17/13 – Ord. 13-067)***

A Level 4 Review approval does not divest the subject property from any use labeled Permitted (P) and Conditional (C1) or Conditional (C2) per the applicable Use Table. A Major Modification is not required for uses labeled P, C1 or C2, unless otherwise prohibited in the Level 4 Review approval. The use that is the subject of the Level 4 Review approval shall still comply with Section 906.E. Uses listed as a P, C1, or C2 in the appropriate use table shall not be bound by Section 906.E.

If a Level 4 Review limits the density or unit count, or alters the setbacks, through the binding site plan or a Condition of Approval, then the density or unit count cannot be increased by right. The density or unit count can only be increased through a major modification.

Section 908 Level 5 Review

A. ***Purpose***

The review is to evaluate whether the requested subdivision meets minimum development standards as stated within this Code, other County development regulations, and to provide for compatibility review. The BoCC may approve, approve with conditions, or deny.

B. ***Performed By (Revised 3-17-10 – Ord. 10-010)***

A Level 5 Review is performed by the Development Review Committee (DRC) and/or plat Review Staff and the Board of County Commissioners (BoCC) for review of the plat or plans submitted.

C. ***Results***

A successful Level 5 Review will result in approval of a subdivision plat by the Board of County Commissioners.

D. ***Review Process For Level 5 Review (Rev. 3-17-10 – Ord. 10-010; 5/20/09 – Ord. 09-023; 01/30/03 - Ord. 03-14)***

1. For the plat the Land Development Director shall send a copy of the application to each member of the Development Review Committee and shall allow 15 working days for review.

2. Within five working days after the Committee meets to consider the plan and comments or the plat is released, the Director shall prepare a written report and recommendation that the development application be approved, denied or approved with conditions.

3. If re-submittal is required, the revised plans shall be submitted to commenting agencies which shall have 5 working days to review.

4. On the earliest available date the Land Development Director shall schedule the application on the Board of County Commissioners' consent agenda.

5. The Board of County Commissioners, in the review of the development application, shall consider the following factors:

   a. Whether the proposed development is consistent with all relevant requirements of this Code;

   b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;

   c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as height, bulk, scale, intensity, traffic, noise, and appearance; and

   d. Any other matter which the BoCC may deem appropriate and relevant to the specific development proposal.

6. The BoCC shall consider the factors listed in Section 908D.6, and render a final decision to approve or deny the development application. Within five working days the County shall issue a letter outlining the decision.

E. ***Expedited Procedures for Affordable Housing Subdivisions*** ***(Rev. 01/30/03 - Ord. 03-14)***

In order to expedite the issuance of building permits for affordable housing developments as defined herein, the application shall be identified with yellow paper and placed ahead of the other incoming applications for plan review and permit processing. Initial plan review shall be completed within ten working days.

Section 909 Reserved

Section 910 Impact Assessment Statements

The purpose of an Impact Assessment Statement is to provide information on the effects a proposed development or land use action will have on the existing neighborhood and general area; on the transportation facilities; on the environment and natural resources of the County; on the public facilities for water, sewer, solid waste disposal, fire, police, public education, parks, recreation, and other utilities; and any other aspect with an identified impact of the development and deemed appropriate for concern.

A. ***Land and Neighborhood Characteristics***

To assess the compatibility of the requested land use district with the adjacent property and to evaluate the suitability of the site for development, the applicant shall:

1. Show how and why is the site suitable for the proposed uses;

2. Provide a site plan showing each type of existing and proposed land use;

3. Describe any incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses;

4. Explain how the requested district may influence future development patterns if the proposed change is located in an area presently undeveloped; and

5. Describe each of the uses proposed in a Planned Development and identify the following:

    a. The density and types of residential dwelling units;

    b. The type of commercial and industrial uses;

    c. The approximate customer service area for commercial uses; and

    d. The total area proposed for each type of use, including open space and recreation.

B. ***Access to Roads and Highways***

To assess the impact of the proposed development on the existing, planned and programmed road system, the applicant shall:

1. Calculate the number of vehicle trips to be generated daily and at PM peak hour based on the latest ITE or provide a detailed methodology and calculations;

2. Indicate what modifications to the present transportation system will be required as a result of the proposed development;

3. List the total number of parking spaces and describe the type of parking facilities to be provided in the proposed development;

4. Indicate the proposed methods of access to the existing public roads (e.g., direct frontage, intersecting streets, frontage roads); and

5. Indicate the modes of transportation, other than the automobile, that have been considered (e.g., pedestrian, bicycle, bus, train or air) and describe the modes.

C. ***Sewage***

To determine the impact caused by sewage generated from the proposed development, the applicant shall:

1. Calculate the amount of sewage in gallons per day (GPD) expected to be generated by the proposed development;

2. Describe the proposed method and level of treatment, and the method of effluent disposal for the proposed sewage treatment facilities if on-site treatment is proposed;

3. Indicate the relationship of the proposed sewage system to Polk County's plans and policies for sewage treatment systems;

4. Identify the service provider; and

5. Indicate the current provider’s capacity and anticipated date of connection.

D. ***Water Supply***

To determine the amount of water to be used, how it will be distributed, and the impact on the surrounding area, the applicant shall:

1. Indicate the proposed source of water supply and, the type of treatment;

2. Identify the service provider;

3. Calculate the estimated volume of consumption in gallons per day (GPD); and

4. Indicate the current provider’s capacity and anticipated date of connection.

E. ***Surface Water Management and Drainage***

To determine the impact of drainage on the groundwater and surface water quality and quantity caused by the proposed development, the applicant shall:

1. Discuss the impact the proposed development will have on surface water quality;

2. Describe the alteration to the sites natural drainage features, including wetland, that would be necessary to develop the project;

3. Describe the impact of such alterations on the fish and wildlife resources of the site; and

4. Describe local aquifer recharge and groundwater conditions and discuss the changes to these water supplies which would result from development of the site.

F. ***Population***

To determine the impact of the proposed developments additional population, the applicant shall:

1. Calculate the projected resident (and transient) population of the proposed development and the generated population in the case of commercial or industrial uses;

2. Describe, for commercial and industrial projects, the employment characteristics including the anticipated number of employees, type of skills or training required for the new jobs, the percentage of employees that will be found locally or are expected to be drawn from outside the county or state, and the number of shifts per day and employees per shift;

3. Indicate the expected demographic composition of the additional population (age/socio-economic factors); and

4. Describe the proposed service area and the current population thereof.

G. ***General Information***

To determine if any special needs or problems will be created by the proposed development, the applicant shall:

1. List and discuss special features of the proposed development that promote desirability and contribute to neighborhood needs; and

2. Discuss the demand on the provision for the following services:

   a. Parks and Recreation;

   b. Educational Facilities (preschool/elementary/middle school/high school);

   c. Health Care (emergency/hospital);

   d Fire Protection;

   e. Police Protection and Security; and

   f. Electrical Power Supply

H. ***Maps***

1. Maps shall be used to give the public agencies a clear graphic illustration and visual understanding of the proposed development and the potential positive and negative impacts resulting from the development.

2. Maps shall be of sufficient type, size, and scale to facilitate complete understanding of the elements of the proposed development. Scales shall be clearly indicated on each map and the dates of preparation and revisions shall be included. The project boundaries shall be overlaid on all maps. The following maps shall accompany all Impact Assessment Statements:

3. Map A: A location map showing the relationship of the development to cities, highways, and natural features;

4. Map B: A Topographical Map with contour intervals of no greater than five feet, the identification of the property boundaries, and a delineation of the areas of special flood hazard (100 year flood plain) as shown on the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) for Polk County;

5. Map C: A Land Use and Land Use District Map showing the existing land use designations and districts on and abutting the proposed development, including lot sizes and density;

6. Map D: A Soils Map with soils designated according to Natural Resources Conservation Service classifications. If available, USDA Natural Resources Conservation Service (NRCS) soil surveys are preferable;

7. Map E: A Traffic Circulation Map identifying any existing roads on or adjacent to the proposed development and indicating the name of the roads, maintenance jurisdiction, and pavement and right-of-way widths.

8. Map F: A Site Plan showing land uses, the layout of lots, the type and maximum density for each type of residential area; the typical minimum lot sizes and dimensions for each use and unit type, and the dimensions, locations, and types of buffers, easements, open space areas, parking and loading areas, setbacks, and vehicular circulation routes; and

9. Map G: A Drainage Map delineating existing and proposed drainage areas, water retention areas, drainage structures, drainage easements, canals, wetlands, watercourses, and other major drainage features.

Section 911 Operating Permits

A. ***Applicability***

Operating Permits and annual renewals of such permits shall be required for non-phosphate mining, mobile home parks, recreational vehicle parks, and salvage yards.

B. ***Operating Permits***

Prior to establishing or operating a non-phosphate mine, mobile home park, recreational vehicle park, or salvage yard, the operator shall obtain an Operating Permit from the County in accordance with the following:

1. An initial application for an Operating Permit shall be required to undergo a Level 2 Review. Initial applications shall include;

    a. the name, address, and phone number of the operator;

    b. a complete set of final as-built plans for the development including site, infrastructure and structures on-site; and,

    c. any supplemental data required in Chapter 3 for the specific use.

2. A valid Operating Permit shall be prominently displayed in the office of the firm and shall be renewed on an annual basis. Operating permit renewals shall undergo a Level 1 Review. The Codes Enforcement Division may require additional information, as necessary, for the renewal of the permit.

3. In the event of sale or transfer of ownership, 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 the sale. Application for the re-issuance of an annual operating permit may be made prior to the sale or filed within ten days after the closing date of the sale. Failure to comply with this Section shall cause a current operating permit to become invalid.

Section 912 Code Amendments, Land Use District Modifications and Comprehensive Plan Amendments

A. ***State Law***

The procedures in this Section shall be followed in amending this Code and the Comprehensive Plan. This part supplements the mandatory requirements of Florida law, which must be adhered to in all respects.

B. ***Application***

Any property owner, BoCC, or agency may apply to the Department to amend the text of this Code, the text of the Comprehensive Plan or the Future Land Use Map Series (FLUMS) in compliance with procedures prescribed by the Department.

C. ***Planning Commission***

The Planning Commission shall hold a public hearing on each application to amend this Code, the FLUMS, or the Comprehensive Plan and thereafter submit to the Board of County Commissioners a written recommendation which:

1. Identifies the provisions of the Code, Comprehensive Plan, or FLUMS, proposed to be changed and describes how the proposal relates to each; and

2. States factual and policy considerations supporting the recommendation.

D. ***Board of County Commission***

The Board of County Commissioners shall hold a public hearing on the proposed amendment and may enact or reject the proposal, or enact a modified proposal that is within the scope of matters considered in the hearing.

E. ***Hearing***

Each public hearing shall conform to the following requirements:

1. Public notice that complies with the requirements of state law and Section 960 shall be given.

2. The public hearing shall at a minimum:

   a. Comply with the requirements of Florida law;

   b. Present the Department's analysis of the proposed decision;

   c. Present the Department's summary of reports by other agencies; and

   d. Permit any person to make recommendations and comments before or during the hearing.

F. ***Public Notice***

Public notice of Code Amendments, Land Use District Modifications and Comprehensive Plan Amendments shall be given pursuant to Section 960.

Section 913 Fee Refund Requests and Withdrawal of Applications

A. ***Level 1 Review***

A Fee Refund Request for a Level 1 Review shall be in accordance with following:

1. Requests for refunds of permit fees on building, electrical, plumbing, mechanical or mobile home setup permits may be recommended for processing by the Director of the Department for reasonable cause provided:

    a. The cause for not using the permit is received in writing by the Department within 60 days of the date of issuance of the permit along with the original permit receipt and the permit posting card;

    b. Construction has not begun or the mobile home has not been placed on the property; and

    c. No request for inspections has been made.

2. The first 25 percent of the fee is not refundable.

3. Fees on the following permits are not refundable:

    a. Demolition;

    b. Moving;

    c. Storage of mobile home;

    d. Mobile home park permit and use space permit;

    e. Any permit issued as a result of a violation;

    f. Temporary power pole; and

    g. Permit for temporary structure.

B. ***Level 2 Review*** ***(Revised 5/20/09 – Ord. 09-023)***

A Fee Refund Request for a Level 2 Review shall be submitted in writing to the Land Development Division with the payment receipt or other evidence of payment by the applicant. Fee Refund Requests received two weeks from the receipt of the Level 2 Review request are entitled to a full refund of the fees paid. Fee Refund Requests received after two weeks but prior to issuance of any final approval are entitled to a 25 percent refund. After the issuance of any Level 2 Review approval no refund shall be made.

C. ***Level 3 and Level 4 Reviews*** ***(Revised 5/20/09 – Ord. 09-023)***

A Fee Refund Request for Level 3 and Level 4 Reviews shall be submitted in writing to the Land Development Division with the payment receipt or other evidence of payment by the applicant. Fee Refund Requests received up to two weeks prior to the deadline for filing the request are entitled to a full refund of the fees paid. Fee Refund Requests received within two weeks of the filing deadline but prior to advertising are entitled to a 25 percent refund. Fee Refund Requests received after advertising for public notice shall not be entitled to any refund.

D. ***Level 5 Review*** ***(Revised 5/20/09 – Ord. 09-023)***

A Fee Refund Request for a Level 5 Review shall be submitted in writing to the Land Development Division with the payment receipt or other evidence of payment by the applicant. Fee Refund Requests received two weeks from the receipt of the Level 5 Review request are entitled to a full refund of the fees paid. Fee Refund Requests received after two weeks but prior to issuance of any final approval are entitled to a 25 percent refund. After the issuance of any Level 5 Review approval no refund shall be made.

Section 914 Transfer of Development Rights

A. ***Purpose and Authority***

It is the purpose of this Section to establish procedures for the transfer of allocated development rights in the County in order to promote redevelopment of the district in a manner which minimizes the impacts of such transfers and protects the interests of all property owners and residents of the County.

B. ***Allocated Development Rights are Freely Transferable***

Any development right which is appurtenant to a parcel of land in the County by the operation of this Code which has not been developed may be transferred to any person at any time, to the same extent and in the same manner as any other interest in real property. The transfer shall be in the form of a special warranty deed which shall specify the amount of transferable development rights which are being conveyed or sold and the real property from which the rights are transferred. The special warranty deed shall contain a covenant restricting in perpetuity the use of the parcel from which the rights have been transferred.

C. ***Use of Transferred Development Rights*** ***(Revised 5/20/09 – Ord. 09-023)***

1. Any development right which has been transferred may be used in the development of another parcel of land in the County if approved by the Development Review Committee (DRC) as a Level 2 Review.

2. The use of transferable development rights shall not authorize uses not otherwise permitted in the County.

3. No development right may be transferred to a land use district with a lower permitted density of use than the district from which the rights are transferred, except that density averaging is permitted within residential land use districts. The entire area under consideration must be considered as one project and the total dwelling unit count shall not exceed what is otherwise allowed under the Future Land Use District for the area under consideration.

4. No development right may be transferred to a parcel of land which is located more than one mile from the parcel from which the rights are transferred.

5. Development rights may be converted from one use to another on the basis of trip generation rates established by the most recent edition of the Institute of Transportation Engineers Trip Generation Manual consistent with the land use.

6. An affidavit of ownership shall be filed with the Land Development Division at least 30 days prior to the submission of an application for development approval that involves the use of a transferred development right. Such an affidavit shall contain:

   a. Evidence of recording of the special warranty deed conveying the development rights or if the applicant has entered in an option agreement for the transfer of development rights, a statement that the deed of transfer will be recorded in the event that the application is approved prior to the issuance of a building permit;

   b. A statement that the development rights reflected in the instrument of conveyance have not been conveyed to any person other than the applicant or his predecessor in title; and

   c. A statement that the development rights have not been previously used or exercised by any person on the parcel of land from which the development rights have been transferred or any other parcel of land.

7. The Land Development Director shall keep a record of such transfers and report them annually to the Planning Commission and Board of County Commissioners.

Section 915 Development Agreements

A. *Purpose and Intent*

It is the intent of this Section to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development, all in conformity with and to carry out the purposes of the Polk County Comprehensive Plan and the Local Government Comprehensive Planning and Land Development Regulation Act.

B. ***Authority***

This intent is affected by exercising the authority granted the County to enter into Development Agreements with applicants under Sections 163.3220 through 163.3243, F.S. This Section shall be regarded as supplemental and additional to the powers conferred upon the County by other laws and shall not be regarded as derogation of any powers now existing.

C. ***Definitions***

The definitions set forth in Section 163.3221 of the Local Government Comprehensive Planning and Land Development Regulation Act are incorporated by reference for the purposes of this Section as fully set forth herein.

D. ***Findings of Fact***

As part of the Development Agreement, the Polk County Board of County Commissioners shall make findings of fact declaring:

1. The lack of certainty in the approval of development can result in a waste of economic and land resources, discourage sound capital improvement planning and financing, escalate the cost of housing and development, and discourage commitment to comprehensive planning.

2. The assurance to an applicant that upon receipt of his development permit he may proceed in accordance with existing laws and policies, subject to the conditions of a Development Agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning, and reduces the economic costs of development.

E. ***Application for Development Agreement***

1. Applications for Development Agreements shall be submitted to the County on forms provided by the County. The County may require an applicant to submit such information as the County considers necessary to process the application. Each application shall be accompanied by the Development Agreement proposed by the applicant. The Board of County Commissioners may establish, and amend from time to time, by resolution, a schedule of fees listing the charges imposed for the filing and processing of each application.

2. Only a qualified applicant may file an application to enter into a Development Agreement. A qualified applicant is a person who has legal or equitable interest in the real property which is the subject of the Development Agreement. A purchaser under a specifically enforceable contract for the sale and purchase of property shall be considered a qualified applicant with respect to the property that is the subject of

the contract. If there is a question as to the sufficiency of the applicant's interest in the subject real property, the County staff may request and rely upon an opinion of the County Attorneys Office.

3. County staff shall prepare and file with the Clerk of the Board of County Commissioners a staff report and recommendation within 45 calendar days of the application submittal. If County staff determines that an application is insufficient, County staff shall provide the applicant with a statement of any additional information required within 15 calendar days of the application submittal, and the report and recommendation of County staff shall be due 45 calendar days from the receipt by County staff of a sufficient submittal.

F. ***Requirements of a Development Agreement***

1. A Development Agreement shall require, at a minimum, the following information:

   a. A legal description of the land subject to the Development Agreement and the names of its legal and equitable owners;

   b. The duration of the Development Agreement;

   c. The development uses permitted on the land, including population densities, building intensities and height;

   d. The land use designation of the property as set forth in the Future Land Use Element of the Polk County Comprehensive Plan;

   e. The current land use district of the property and that such land use district has been determined to be consistent with the Polk County Comprehensive Plan;

   f. A description of public facilities that will service the development, including the provider of such facilities;

   g. The date any new facilities, if needed, will be constructed;

   h. A schedule to assure public facilities are available concurrent with the impacts of the development;

   i. A description, including legal descriptions, of any reservation or dedication of land for public purposes;

   j. A finding that the development permitted or proposed, if developed in accordance with the Development Agreement, satisfies the requirements of the Polk County Concurrency Management System;

k. A description of all local development permits approved or needed to be approved for the development of the land;

l. A finding that the Development Agreement and the development permitted or proposed is consistent with the Polk County Comprehensive Plan and this Code;

m. A statement indicating that the failure of the Development Agreement to address a particular permit, condition, term, or restriction shall not relieve the applicant of the necessity of complying with the law governing said permitting requirements, conditions, term, or restriction;

n. A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the County for the public health, safety, or welfare of its citizens; and

o. The design and construction of any public facility by the applicant shall be in compliance with all Federal, State, and County standards and requirements.

2. Development Agreements may require a phasing schedule which includes start and completion dates for the development and subsequent phases.

3. In addition to the information listed in Section 915F.1, a Development Agreement may contain any terms agreed to by the parties so long as such terms are not inconsistent with Florida law, this Code and the Polk County Comprehensive Plan.

G. ***Term of Agreement***

The term of a Development Agreement shall not exceed ten years, or such other time that may be permitted under Florida law at the time of the execution of the Development Agreement. A Development Agreement may be extended by mutual consent of the Board of County Commissioners and the applicant, subject to a public hearing in accordance with the notice requirements of this Section.

H. ***Successors***

The burdens of a Development Agreement shall be binding upon, and the benefits of an Agreement shall inure to, all successors in interest to the parties to the Agreement.

I. ***Public Hearing***

1. Before entering into, amending or revoking a Development Agreement, the County shall conduct at least two public hearings, one of which shall be held by the Planning Commission.

2. The Board of County Commissioners, at the conclusion of the second public hearing, shall take formal action to approve, approve with modifications agreed to by the applicant, or deny the application.

J. ***Public Notice***

Public notice of Development Agreements shall be given pursuant to Section 960.

K. ***Governing Laws and Policies***

1. Polk County's laws and policies governing the development of land at the time of the execution of the Development Agreement shall govern the development of the land for the duration of the Development Agreement.

2. Polk County may apply subsequently adopted laws and policies to a development that is subject to a Development Agreement only if the Board of County Commissioners has held a public hearing and determined:

   a. They are not in conflict with the laws and policies governing the Development Agreement and do not prevent development of the land uses, intensities, or densities in the Development Agreement;

   b. They are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a Development Agreement;

   c. They are specifically anticipated and provided for in the Development Agreement;

   d. Polk County demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the Development Agreement; or

   e. The Development Agreement is based on substantially inaccurate information supplied by the applicant.

3. This Section does not abrogate any rights that may vest pursuant to common law.

L. ***Periodic Review of Agreements***

1. The owner/applicant of lands, subject to a Development Agreement, shall submit an Annual Report at least once every 12 months, commencing 12 months after the effective date of the Agreement. The report shall describe the status of the project and compliance with the terms and conditions of the Agreement.

2. If the County finds and determines that the applicant has complied in good faith with the terms and conditions of the Development Agreement during the period under review, the review for the period is concluded.

3. If the County makes a preliminary finding that there has been a failure to comply with the terms of the Development Agreement, the Board of County Commissioners shall conduct a public hearing at which the applicant shall be given the opportunity to demonstrate good faith compliance with the terms of the Agreement.

   a. If the Board of County Commissioners determines that the applicant has complied in good faith with the terms and conditions of the Development Agreement during the period under review, the review for the period is concluded.

   b. If the Board of County Commissioners determines that the applicant has not complied with the terms of the Development Agreement it may revoke the Development Agreement and all development approvals and permits; or modify the Agreement to the extent the modifications are accepted by the applicant; or sue for specific performance.

M. ***Amendment or Cancellation***

A Development Agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest. Prior to amending a Development Agreement, the Board of County Commissioners shall hold two public hearings on the proposed amendment in accordance with the Notice and Hearings provisions of this Section.

N. ***Subsequently Enacted State and Federal Laws***

If state or federal laws are enacted after the execution of a Development Agreement which are applicable to, and preclude the parties compliance with the terms of a Development Agreement, such agreement shall be modified or revoked as necessary to comply with relevant state or federal laws.

O. ***Recording***

Within 14 days after Polk County enters into a Development Agreement, the applicant shall have the Development Agreement recorded in the Public Records of Polk County. A copy of the recorded Development Agreement shall be submitted to the Florida Department of Community Affairs within 14 days after the Agreement is recorded. If the Development Agreement is amended, canceled, modified, extended, or revoked, the Clerk shall have notice of such action recorded in the public records and such recorded notice shall be submitted to the Florida Department of Community Affairs within 14 days.

P. ***Enforcement***

Any party, any aggrieved or adversely affected person as defined in Section 163.3215(2) F.S., or the state land planning agency, may file an action for injunctive relief in the 10th Judicial Circuit Court to enforce the terms of a Development Agreement or to challenge the validity of the Agreement.

Section 916 Reserved

Section 917 Administrative Determinations

A. ***Application*** ***(Revised 08/21/12 – Ord. 12-027; 2/21/12 – Ord. 12-006; 5/20/09 – Ord. 09-023)***

Any member of the general public may request an Administrative Determination on the use of a property within the unincorporated area of Polk County to the Land Development Division Director by submitting a sufficient application. The request shall include any required fees, information on the subject policy, parcel of land affected, applicable state or federal laws, and any additional information the applicant may have.

B. ***Response*** ***(Revised 08/21/12 – Ord. 12-027; 2/21/12 – Ord. 12-006)***

Upon submittal of an application for Administrative Determination, Land Development Division staff shall review the application for sufficiency. Once the application is found sufficient, the Land Development Division Director will have up to 60 calendar days in which to render a determination.

C. ***Appeals*** ***(Revised 08/21/12 – Ord. 12-027; 2/21/12 – Ord. 12-006; 5/20/09 – Ord. 09-023)***

Any affected persons may appeal the determination of the Land Development Division Director within 30 calendar days of the date that notices were mailed by submitting the appropriate application and paying the required fee. Appeals are heard before the Board of County Commissioners in a public hearing, advertised in accordance with Section 960.

Section 918 Administrative Decisions

A. ***Applications*** ***(Revised 08/21/12 – Ord. 12-027)***

Administrative Decisions are rendered as a result of a Level 1or Level 5 Review. Any member of the general public may request an Administrative Decision on a property within the unincorporated area of Polk County to the Land Development Division Director by submitting a sufficient application. The request shall include any required fees, information on applicable policies, parcel of land affected, applicable state or federal laws, and any additional information the applicant may have.

B. ***Response*** ***(Revised 08/21/12 – Ord. 12-027)***

Upon submittal of an application for Administrative Decision, Land Development Division staff shall review the application for sufficiency. In response to a Level 1 Review, the response time shall be as noted in Section 904.D. In response to a Level 5 Review, the response time shall be noted in Section 908.D.

C. ***Appeals*** ***(Revised 08/21/12 – Ord. 12-027; 5/20/09 – Ord. 09-023)***

Any affected persons may appeal the decision of the Land Development Director within 7 calendar days of the date the decision was mailed by submitting the appropriate application and fees. A final decision of the appeal is rendered by the County Manager. The County Manager shall have 30 calendar days to respond to appeal requests

Section 919 Administrative Interpretations

A. ***Applications*** ***(Revised 08/21/12 – Ord. 12-027)***

Administrative Interpretations are rendered as a result of a request by an applicant or any substantially affected interest to clarify the implementation or application of guidelines, standards and/or rules of the Polk County Land Development Code, the Polk County Comprehensive Plan or other applicable rules and regulations enforced by Polk County. An applicant or any substantially affected interest may request an Administrative Interpretation of the Land Development Division Director by submitting a sufficient application and paying the applicable fees.

When Administrative Interpretations are requested regarding the application of standards to a specific Development Review Committee action, such interpretation may be requested anytime during the Committee's review process, but no later than seven calendar days following the final decision of the Development Review Committee.

B. ***Response*** ***(Revised 08/21/12 – Ord. 12-027)***

Upon submittal of an application for Administrative Interpretation, Land Development Division staff shall review the application for sufficiency. The Land Development Division Director shall have 15 calendar days to respond to requests for Administrative Interpretations.

C. ***Appeals*** ***(Revised 12/17/13 – Ord. 13-067; 08/21/12 – Ord. 12-027; 5/20/09 – Ord. 09-023)***

Any affected persons may appeal the interpretation of the Land Development Division Director within 7 calendar days of the date the interpretation is mailed by submitting the appropriate application and fees. A final decision of the appeal is rendered by the County Manager. The County Manager shall have 30 calendar days to respond to appeal requests.

Section 920 Administrative Hearings by Planning Commission

Each administrative hearing conducted by the Planning Commission shall conform to the following procedures, as supplemented by law, rule or decision.

A. ***Burden and Nature of Proof***

The applicant for any development order carries the burden of persuasiveness and of demonstrating entitlement to the development order.

B. ***Order of Proceedings***

1. The Planning Commission shall determine whether it has jurisdiction over the matter and each member must determine whether he must abstain or otherwise be disqualified.

2. The Planning Commission may take official notice of known information related to the issue, including:

   a. State law and applicable ordinances, resolutions, rules and official policies of the County; and

   b. Other public records and facts judicially noticeable by law.

3. Matters officially noticed need not be established by evidence and are binding to the extent that they are relevant and material. Requests that official notice be taken shall be made on the record and an opportunity for rebuttal shall be given to opposing parties. The Planning Commission may take notice without prompting or suggestion of matters listed in Section 920B.2, and shall state all matters officially noticed for the record.

4. Planning Commission members may view the site of the proposed development with or without notification to the parties, but after the visit, shall place the time, manner and circumstances of the viewing on the record.

5. The County staff, the applicant, and interested persons may present information to the Planning Commission. The Planning Commission may approve or deny a request from a person attending the hearing to ask a question. Unless the Planning Commission specifies otherwise, if the request to ask a question is approved, the Planning Commissioners will direct the question to the person submitting testimony.

6. Before the hearing has concluded, the Planning Commission shall restate the issues and comment upon the law and facts pertaining to the decision, and if opportunity for rebuttal is provided, may ask additional questions of any person who has testified or presented information.

C. ***Written Order for Denials*** ***(Revised 3/18/09 – Ord. 09-007)***

Should the Planning Commission deny a Level 3 Review development application and an application for De Novo hearing is not filed within seven calendar days of the Planning Commission's hearing on the development application, then pursuant to Florida Statutes Section 125.022, the Planning Commission shall adopt a written order stating the legal basis for the denial of the development application at the next scheduled Planning Commission meeting. The Planning Commission may adopt the written staff report as its written order if it desires in lieu of a separate order, including any adopted modifications to the staff report, if the staff report recommended denial by the DRC.

D. ***Record of Proceedings***

1. All proceedings shall be recorded steno graphically or electronically and may be transcribed at the expense of the party making the request if required for review or if ordered by the Planning Commission.

2. The Planning Commission shall, where practicable, include in the hearing record each item of physical or documentary evidence presented and shall mark each item to show the identity of the person who presented it. Each exhibit received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, when it may be returned to the person identified thereon, or otherwise disposed of in accordance with Florida law.

3. The findings and order shall be included in the record.

Section 921 Procedures for Appealing Decisions of Citizen Boards ***(Revised 12/17/13 – Ord. 13-067; 08/21/12 – Ord. 12-027; 06/04/04 Ord. 03-96)***

A. ***Appeals from Decision of the Planning Commission*** ***(Revised 08/21/12 – Ord. 12-027)***

An applicant or any a substantially affected interest may appeal the decision to the Board of County Commissioners. Applications for appeal must be filed within seven calendar days of the hearing.

B. ***Appeals of Decisions by the Board of Adjustment*** ***(Revised 08/21/12 – Ord. 12-027)***

Appeals must be filed with the Circuit Court of the 10th Judicial Circuit within 30 calendar days of the hearing.

C. ***De Novo Hearing*** ***(Revised 3/18/09 – Ord. 09-007; 11/09/05 - Ord 05-066)***

1. ***Application***

Any applicant who has petitioned the Planning Commission or any substantially affected interest on the petition that has been heard, may request a De Novo hearing before the Board of County Commissioners. A De Novo hearing shall be requested by filing an application within seven calendar days after the Planning Commission hearing as described in Section 921.B, herein. The Board of County Commissioners shall set a time, date, and place for the hearing.

2. ***Hearing***

Once notice has been given, the Board of County Commissioners (ABoCC@) shall conduct a hearing upon the application. The BoCC may consider the recommendation of the Planning Commission, the staff report, the DRC's recommendation, and any testimony, evidence and/or comments presented at the De Novo hearing, if not prohibited by law, which is offered by interested persons appearing at the De Novo hearing, or written comments submitted prior to or at the De Novo hearing, or any other matter the BoCC or any of its individual members deem relevant, if not prohibited by law. The BoCC shall consider the development application based upon all applicable provisions of the Land Development Code and Comprehensive Plan, including, but not limited to, the provisions pertaining to the Level 3 review.

3. ***Timing***

Once an application for a De Novo hearing has been submitted, the Land Development Division shall present possible hearing dates to the applicant and appellant (if not the applicant) and shall submit a "Set Hearing" request for a date on which both the applicant and appellant (if not the applicant) are available. The hearing date shall be within 60 days of the Planning Commission hearing or the Planning Commission decision shall stand. Any requests by the applicant or appellant to continue or withdraw the De Novo hearing shall be requested in writing at least 10 calendar days prior to the hearing so that all affected parties can be notified. The BoCC may deny the request to continue or limit the duration of the continuance. If additional advertising is required, advertising fees are the responsibility of the party seeking the continuance.

4. ***Authority of the BoCC***

The BoCC shall have the authority:

a. To request briefs to be filed on behalf of any party and prescribe filing and service requirements;

b. To hear oral argument on behalf of any party;

c. To adjourn, continue, or grant extensions of time for compliance with these rules, either on his own motion or upon application of the party, provided no requirement of law is violated;

d. To dispose of procedural requests or similar matters including motions to amend and motions to consolidate; and

e. To keep a record of all persons requesting notice of the decision in each case.

5. ***Decision of the BoCC and Final Action*** ***(Revised 3/18/09 – Ord. 09-007; 06/04/04 Ord. 03-96)***

a. The BoCC may approve a development application, approve a development application with modifications and/or conditions, or deny a development application. Pursuant to Section 125.022, Florida Statutes, a written order shall be adopted by the BoCC within 30 days stating the legal basis for the denial of a development application. The BoCC may adopt the written staff report as its written order if it desires in lieu of a separate order, including any adopted modifications to the staff report, if the staff report recommended denial by the DRC.

Sections 922- 929 Reserved

Section 930 Variances & Special Exceptions

A. ***Board of Adjustment***

The Board of Adjustment may grant a variance or special exception from the strict application of this Code, if the following procedures are followed and findings made. Variances to the Green Swamp protection standards in Chapter 5 and all Use Tables in Chapters 2 and 4 are prohibited.

B. ***Authority*** ***(Rev. 9/1/15 – Ord. 15-056; 08/19/14 – Ord. 14-054; 12/3/13 – Ord. 13-0-62; Rev. 9/18/12 – Ord 12-028; (Rev. 1/10/12 – Ord. 12-001; 12/6/11 – Ord. 11-033; 12/1/10 – Ord. 10-083; 12/1/10 - Ord. 10-082; 06/03/09 – Ord. 09-024; 02/16/05 - Ord. 05-05, Rev. 9/18/12 – Ord 12-028, Rev 09/18/12 – Ord. 12-028)***

Where there is no other form of relief available, the Board of Adjustment shall have the authority to grant variances or special exceptions from the terms and requirements of this Code relative to:

1. The dimensional requirements in Tables 2.2, 4.2, 4.4, 4.9, 4.13, 4.15, 4.17, 401.08.04 and 5.3. Variances by the Board of Adjustment to density, floor area ratio and minimum lot size requirements are prohibited;

2. Section 206.M, Solar Panels and Solar Energy Systems (lot size requirement, Setbacks, height, or solar panel or equipment location requirements)

3. Section 207D, Temporary Mobile Home for Medical Hardship (special exception);

4. Section 209.G, Accessory Structure (size)

5. Section 211.B, Swimming Pool Enclosure

6. Section 214, Distance Between Buildings;

7. Section 215, Setbacks From Private Roads;

8. Section 216, Commercial Vehicle Parking and Storage (special exception);

9. Section 222.E Livestock and Fowl in Residential Neighborhoods

10. Section 224, Alcohol Sales, (Distance requirements only)

11. Section 303, Communication Towers, Section 2 (Separation from Airports);

12. Section 303 Solar Electric Power Generation Facility (l.d – height)

13. Section 303, Utilities, subsection 8 (electrical power substations and electrical power switching stations);

14. Section 401.04, US highway 98 Selected Area Plan, the following subsections:

    a. 401.04.D.6.i

    b. 401.04.D.7.d

    c. 401.04.D.8.j

15. Section 610.D.4 & 6, (Setbacks).

16. Section 761, Maximum Permissible Noise Levels by Land Use Designation

17. The linear distance measurement and height approved by Level 3 Review or Level 4 Review. Variances by the Board of Adjustment to density, floor area ratio and minimum lot size requirements are prohibited.

18. The height requirements in the Military Compatibility Zone as indicated in Section 642.

19. Section 401.08.Southeast Polk Selected Area Plan, subsection 401.08.H.1.

C. ***Public Notice***

Public notice of the Board of Adjustment hearings shall be given pursuant to Section 960.

D. ***Planning Commission*** ***(Rev. 9/1/15, Ord 15-05612/1/10 - Ord. 10-082)***

Variances may be granted by the Planning Commission only when the variance request is part of an application for Conditional Use C-3 or C-4. However, sign variances for height shall be granted by the Planning Commission in accordance with Section 760.K. Variances eligible for review by the Planning Commission are listed in Section 930 and only apply when in conjunction with a Planned Development, C-3 or C-4 application with the exception to sign variances.

Section 931 Criteria for Granting Variances

A. ***Factors to Consider*** ***(Revised 5/20/09 – Ord. 09-023)***

In order to authorize any variance from the terms of these Land Development Regulations, except variances to Section 303 Communication Towers, the Board of Adjustment shall consider the following factors:

1. The findings in the Land Development Director or his/her designee's staff report;

2. Whether granting the variance will be in accordance with the general intent and purpose of this Code, and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

3. Whether special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the applicable land use district;

4. Whether provided the special conditions and circumstances present in the request do not result from the actions of the applicant;

5. Whether granting the requested variance will not confer on the applicant any special privilege that is denied by the provisions of this Code and will constitute unnecessary and undue hardship on the applicant;

6. Whether the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;

7. Whether that in no case shall a variance be granted which will result in a change of land use that would not be permitted in the applicable land use designation;

8. Whether that in no case shall the Board of Adjustment or the Planning Commission grant a variance which would result in creation of any residual lot or parcel which does not meet the requirements of this Code; and

9. Whether that the granting of the variance does not circumvent a condition of the intent of a condition placed on a development by the Planning Commission or the BoCC.

B. ***Factors to Consider for Granting a Variance as Provided in Section 930B.6 (Rev. 09/18/12 – Ord. 12-028)***

In order to authorize any variance from the separation and height requirements in Section 303 Communication Towers, and Section 642 Military Compatibility Zones, the Board of Adjustment shall consider the following factors:

1. The findings in the Developments Services Director or his designee's staff report;

2. Whether granting the variance will be in accordance with the general intent and purpose of this Code;

3. Whether the granting of the variance does not circumvent a condition or intent of a condition placed on a development by the Planning Commission or the BoCC;

4. Whether the requested communication tower would be in compliance with the requirements of the Polk County Airport Zoning Regulations;

5. Whether for private use airports, the requested communication tower would be considered an Airport Obstruction, as defined by this Code, if the private use airport were a public use airport;

6. Whether for private use airports, the owner of the airport has acquired avigation easements to protect the airspace around the airport;

7. Whether there is any evidence that the placement of the requested communication tower within one mile of active airport would create a hazard to lawful aviation activities; and

8. Whether other sites beyond the one mile radius are available to accommodate the proposed tower.

9. Whether for military use airports, the requested communication tower would be considered an Airport Obstruction, as defined by this Code, if the military use airport were a public use airport.

10. Whether for a military airport, airbase, range or landing strip, the owner of the facility has acquired easements to protect the airspaces within the Military Compatibility Zone.

11. Whether this is any evidence that the placement of the communication tower within the Military Compatibility Zone would create a hazard to lawful aviation activities; and,

12. Whether other sites beyond Military Compatibility Zone-1 are available and suitable to accommodate the proposed tower.

C. ***Conditions, Restrictions, and Safeguards***

The Board of Adjustment may prescribe appropriate conditions, restrictions and safeguards in granting a variance. The Board of Adjustment may also, as a condition of approval, require compliance with any site plan or other specification submitted by the applicant when the Board of Adjustment has relied upon the site plan or specification in granting the variance. Violation of any conditions, restrictions, and safeguards, when made a part of the terms under which the variance is granted, shall be considered a violation of this Code.

D. ***Appeals From Decisions of the Board of Adjustment***

Any person or persons aggrieved by any decision of the Board of Adjustment shall be entitled to a review of the decision by the 10th Judicial Circuit Court of Polk County by filing an appropriate petition with the Clerk of the Court within 30 calendar days after the Board of Adjustments decision.

E. ***Re-application for an Exception to the Land Development Code***

After a petition for a variance for a property has been denied either by final decision of the Board of Adjustment or upon appeal to the Circuit Court, a re application for the same variance for the same property shall not be accepted during a period of three years after the final decision. A variance may be denied without prejudice by the Board of Adjustment and re-application for such variance may be submitted without waiting the three year period.

Section 932 Waivers to Technical Standards

A. ***Minimum Requirements for Consideration of Waivers*** ***(Rev. 05/06/09 - Ord. 09-021)***

Upon submittal of a sufficient application for a waiver to technical standards of this Code, as prescribed in this section, the Development Review Committee shall consider and grant or deny waivers from the requirements set forth in this Code, as outlined in Section 932.B below, and impose such conditions and safeguards that are reasonably necessary to comply with the provisions of this Code and Comprehensive Plan or for the protection of the health, welfare or safety of the general public. When considering the waiver application, the Development Review Committee shall consider all of the following criteria:

1. Whether the application of the provisions of the Code would cause unnecessary and undue hardship on the use of the property;

2. Whether the waiver granted is the minimum adjustment that will make possible the reasonable and permitted use of the property;

3. Whether the granting of the waiver will be in harmony with the general intent and purpose of this Code and that such waiver will not be injurious or detrimental to the public health, safety or welfare by, without limitation, creating unsafe traffic conditions or cause increased maintenance expenses in connection with the subdivision improvements;

4. The granting of the waiver will not likely result in setting a precedent for a similar waiver request in the area; and

5. Whether all other avenues of relief have been exhausted.

B. ***Authority*** ***(Rev 9/6/16 – Ord. 16-042; 06/04/13 Ord. # 13-020; Revised 12/6/11 – Ord. 11-033; 12/1/10 - Ord. 10-082; 3/18/09 – Ord. 09-010; 05/06/09 - Ord. 09-021)***

Where there is no other form of relief available, the Development Review Committee shall have the authority to grant waivers from the terms and requirements of this Code relative to the following sections:

1. The Impervious Surface Ratio (ISR) requirements contained in Table 2.2, and Table 4.18, unless specified otherwise in the Comprehensive Plan or Land Development code. This waiver shall only be allowed within non-residential land use districts within the Urban Development Area (UDA) and the Urban Growth Area (UGA). Approval of this waiver is contingent upon the applicant complying with all landscape and buffer requirements. A waiver request shall not be granted for both the landscaping and ISR requirements. This waiver shall not be permitted within the Green Swamp ACSC. In no instance shall the ISR exceed the ratios provided for in the Comprehensive Plan.

2. Section 230, Specific Provisions Applicable to Non-Residential Districts and Uses

3. Section 303, Solar Electric-Power Generation Facility (subsection l.e.i)

4. Section 401.02.E.1.c. Multiple access to residential developments of 200 dwelling units or more in the Ronald Reagan Selected Area Plan

5. Section 401.04.D.8.b, ISR in TCX in the US Highway 98 Selected Area Plan

6. Section 401.04.N.1.a, Sidewalks along US highway 98 and the Ft. Fraser Trail in the US Highway 98 Selected Area Plan

7. Section 630.I, Flood Hazard Management and Flood Plain Protection (Allowable Uses)

8. Section 705, Site Access

9. Section 707, Sidewalks

10. Section 708, Parking Space Requirements

11. Section 709, Parking Area Design

12. Section 720, Landscaping and buffering

13. Section 740, Storm Water Management

14. Chapter 8

15. Appendix A, Technical Standards Manual

C. ***Burden***

The burden of demonstrating entitlement to a waiver from these regulations shall rest with the applicant.

D. ***Approval Process (Added 05/06/09 - Ord. 09-021)***

1. In order for an application for a waiver submitted pursuant to this section to be approved, all members of the Development Review Committee shall determine that the waiver is appropriate, based upon all the evidence and the criteria enumerated in this section. Furthermore, the Development Review Committee shall determine whether the waiver request is in compliance with the Code and the Comprehensive Plan. If one member of the Development Review Committee denies the request for a waiver, then the waiver shall be denied. Decisions by the Development Review Committee regarding waiver applications may be appealed pursuant to Section 918.B, and Section 921, of this Code.

2. All waiver applications shall be processed in accordance with a Level 2 Review as outlined in Section 905.D, of this code.

E. ***Consistency with the Comprehensive Plan***

Approval of any waiver request shall be consistent with the Polk County Comprehensive Plan.

F. ***Rescinding of Waivers***

If the factual basis upon which a waiver has been granted materially changes, the County Attorney or Department Director may modify or rescind such waiver to the extent prescribed by law.

Section 933 Re-application for Land Use Change

After a petition for an action for a property has been denied by final decision of the Board of County Commissioners or a Citizen Board, a re-application for requests without material changes, on the same property shall not be heard by the applicable board for a period of one year after the final decision. However, an action may be denied without prejudice by the applicable board and re-application for any action may be submitted without waiting the one year period, or the applicable board may grant relief to the one year waiting period.

Sections 934 - 959 Reserved

Section 960 Public Notice ***(Revised 03/07/12 – Ord. 12-009)***

This Section contains notice requirements for public hearings for all development orders that are subject to the public notice requirements of this Code and Florida Statutes. Unless otherwise provided by law, regulation, or decision, addresses for a mailed notice required by this Chapter shall be obtained from the records of the Polk County Property Appraiser. The failure of any person to receive notice shall not invalidate an action if a good faith attempt was made to comply with the notice requirements.

A. ***Types of Public Notice***

The types of public notice Polk County shall provide for public hearings shall be as follows:

Legal Ad in Newspaper – Legal ads for public notice shall be in accordance with Florida Statutes. The expense of all newspaper publications shall be borne by the applicant.

Newspaper advertisements for Board of Adjustment hearings have no size requirement and may be placed in the classified ad section of a newspaper.

Notice by Mail - Notice to affected property owners shall be per Florida Statutes. In addition, notice by mail shall be sent to all persons who own property within 500 feet of the property that is the subject of the proposed action as shown on the current year's tax rolls of the Polk County Property Appraiser. Should this delineation result in fewer than 12 different landowners, additional adjacent landowners shall be noticed so that a minimum of 12 are notified. Information on the Notice by Mail shall include, a case name and number, a description of the proposed action before the Planning Commission or BoCC, a brief description of the property involved (if applicable), and the time, date, and place of the hearing. The expense of the notice by mail shall be borne by the applicant.

For Development Agreements only, the Notice by Mail shall specify:

1. The day, time, and place of the first public hearing on the proposed Development Agreement and a statement that the day, time, and place of the second public hearing will be announced at the first public hearing;

2. The location of the land subject to the Development Agreement;

3. The development uses proposed on the property, the proposed residential densities, and the proposed building intensities and height;

4. Instructions for obtaining further information regarding the request, including where a copy of the proposed agreement can be obtained.

For cases before the Board of Adjustment, notice by mail shall be sent to all persons who own property within 250 feet of the property that is the subject of the proposed action as shown on the current year's tax rolls of the Polk County Property Appraiser. Information on the Notice by Mail shall include a case name and number, a description of the proposed action before the BOA, a brief description of the property involved, and the time, date, and place of the hearing.

Posting Sign - property under consideration shall have sign(s), provided by the Land Development Division, posted at least 15 days prior to the scheduled hearing date. The sign(s) shall specify that a land use action on the property is under consideration by either the Planning Commission, the BOA, or the BoCC and shall specify the time, date and place of the public hearing(s). The sign(s) shall be no less than 18 inches by 24 inches in size, produced with a bright noticeable color and placed in sufficient numbers and suitable locations so as to be easily seen by the public. All property frontages on public rights of way shall be posted and shall in no case be posted with less than one sign per 500 feet of road frontage, unless a more effective posting of signs based on the size and location of the property under consideration is determined by the Land Development Director or their designee.

B. *Summary of Notice Requirements*

All applications for development which require public hearings shall be advertised in accordance with Table 960.1, Table 960.2, and Table 960.3. These tables list the number of days prior to the public hearing that public notice will be given.

Table 960.1						
	Planning Commission			**Board of County Commissioners**		
	Posting Sign	Notice by Mail	Legal Ad	Posting Sign	Notice by Mail	Legal Ad
Brownfield Designation	n/a	n/a	n/a	15 days	Subject site – 30 days, Surrounding properties – 15 days	10 days
Comprehensive Plan Amendments						
Small Scale	15 days	Subject site – 30 days, Surrounding properties – 15 days	10 days	15 days	Subject site – 30 days, Surrounding properties – 15 days	10 days
Large Scale						
Map Amendments*	15 days	Subject site – 30 days, Surrounding properties – 15 days	10 days	15 days	Subject site – 30 days, Surrounding properties – 15 days	10 days
Text Amendments*	n/a	n/a	10 days	n/a	n/a	10 days
De Novo	n/a	n/a	n/a	15 days	Subject site – 30 days, Surrounding properties – 15 days	10 days
Development Agreements	n/a	Surrounding properties - 15 days	7 days	n/a	Surrounding properties - 15 days	7 days
Development of Regional Impact						
Development Approval	60 days	Surrounding properties - 60 days	60 days	60 days	Surrounding properties - 60 days	60 days
Substantial Deviations	60 days	Surrounding properties - 60 days	60 days	60 days	Surrounding properties - 60 days	60 days
Notice of Proposed Changes						15 days
Joint Planning Agreements	n/a	n/a	n/a	n/a	n/a	10 days
Land Development Code Text Amendments**	n/a	n/a	10 days	n/a	n/a	10 days
LDC Sub-district Map Changes	15 days	Subject site - 30 days, Surrounding properties – 15 days	10 days	15 days	Subject site - 30 days, Surrounding properties – 15 days	10 days
Level 3 Conditional Use	15 days	Subject site - 30 days, Surrounding properties – 15 days	10 days	n/a	n/a	n/a
Level 4 Conditional Use	15 days	Subject site - 30 days,	10 days	15 days	Subject site - 30 days,	10 days

Table 960.1						
	Planning Commission			**Board of County Commissioners**		
	Posting Sign	Notice by Mail	Legal Ad	Posting Sign	Notice by Mail	Legal Ad
		Surrounding properties – 15 days			Surrounding properties – 15 days	

*Large Scale Comprehensive Plan Amendments require two hearings before the Board of County Commissioners: the first hearing is a transmittal hearing to send the proposed CPA to the State reviewing agency, the second hearing is an adoption hearing. Both hearings shall be noticed as shown in Table 960.1.

**Land Development Code Text Amendments require two hearings before the Board of County Commissioners: a first reading and a second reading. Both hearings shall be noticed as shown in Table 960.1.

Table 960.2 – Appeals of Administrative Actions			
	Board of County Commissioners		
	Posting Sign	Notice by Mail	Legal Ad
Appeals to Administrative Determinations	15 days	15 days	10 days
Appeals to Non-Conforming Rights Determinations	15 days	15 days	10 days
Appeals to Waivers	15 days	15 days	10 days

Table 960.3 – Board of Adjustment			
	Posting Sign	Notice by Mail	Legal Ad
Variances	15 days	Subject site - 30 days, Surrounding properties – 15 days	10 days
Special Exceptions	15 days	Subject site - 30 days, Surrounding properties – 15 days	10 days
Temporary Special Exceptions	15 days	Subject site - 30 days, Surrounding properties – 15 days	10 days

Public notice requirements for Phosphate Mine operating permit renewals, conceptual mine plans, plan amendments, and variances shall be in accordance with the Phosphate Mine ordinance, ORD 88-19.

C. *Alternative Methods for Providing Notice*

1. Alternative Notice:

In cases in which a proposed Comprehensive Plan Map Amendment or Conditional Use involves 5 percent or more of the total land area of the county, Polk County may provide for public notice and hearings as follows:

a. Notice of Public Hearing:

Polk County shall hold two advertised public hearings on the proposed Comprehensive Plan Map Amendment or Conditional Use. The first public hearing shall be advertised in the newspaper 7 days prior to the day of the first public hearing. The second public hearing shall be advertised 5 days prior to the day of the public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

b. Advertising Requirements:

The required newspaper advertisements shall be no less than one-quarter page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county and of general interest and readership in the community pursuant to Chapter 50, Florida Statutes, not one of limited subject matter. Whenever possible, the advertisement shall appear in a newspaper that is published at least 5 days a week. The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed Comprehensive Plan Map Amendment or Conditional Use. The map shall include major street names as a means of identification of the area.

In lieu of publishing the advertisements set out in the above paragraph, Polk County may mail a notice to each person owning real property within the area covered by the Comprehensive Plan Map Amendment or Conditional Use. Such notice shall clearly explain the proposed Comprehensive Plan Map Amendment or Conditional Use and shall notify the person of the time, place, and location of both public hearings on the proposed Comprehensive Plan Map Amendment or Conditional Use.

2. Supplemental Notice Methods:

In order to supplement the methods of notification required by this section, Polk County may use other methods, such as posting notice on the County's website, mass

e-mail notices, social media, neighborhood registry mailers, etc., to expand notification of required public meetings in a cost effective manner. Such notice(s) shall not be in lieu of any required advertising contained herein, but shall be supplemental only.

Sections 961 - 969 Reserved

Section 970 Agencies and Boards

It is the purpose of this Chapter to establish County administrative agencies and citizen boards to administer the requirements of this Code and to establish procedures to implement this Code. The following boards and agencies are created to administer the provisions of this Code under the authority prescribed by this Code and Florida law.

Section 971 Department of Growth Management

A. ***Creation*** ***(Revised 5/20/09 – Ord. 09-023)***

The Department of Growth Management, (hereinafter referred to as the Department) or other departments as may be designated by the County Manager, shall ensure that all administrative functions of the county government relating to the administration of this Code are performed. The Land Development Division is the primary repository for most development applications.

B. ***Administrative Organization***

The Department may be subdivided into several divisions, with each performing responsibilities that may, from time to time, be assigned by the Director of the Department.

C. ***Director of Growth Management*** ***(Revised 5/20/09 – Ord. 09-023)***

1. The final responsibility for daily implementation and interpretation of this Code shall rest with the Director. The Director may assign responsibility for implementation and interpretation of this Code to appropriate staff.

2. The Director shall ensure that all administrative functions necessary for the administration of this Code are performed. The Director, through assigned staff, shall ensure the following

   a. Receipt of applications for all development approval;

   b. Determination of the completeness of development applications;

   c. Conduct all Pre-application Conferences;

d. Scheduling of all applications for development review before the Development Review Committee and, where applicable, the Planning Commission, Board of Adjustment and the Board of County Commissioners;

e Ensure that proper notice is given prior to all hearings on development applications;

f. Ensure that all time limits prescribed by this Code are met; and

g. Receive all applications for amendments to the Polk County Comprehensive Plan and coordinate review of the application with the Land Development Division.

3. The Director shall ensure that the Land Development Director or his/her designee chairs the Development Review Committee.

Section 972 Development Review Committee

A. ***Creation and Appointment of Chair*** ***(Revised 5/20/09 – Ord. 09-023)***

There is hereby created a Development Review Committee (DRC) to be chaired by an individual appointed by the Land Development Director.

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

1. The membership of the Committee shall be composed of the chairman and a representative of each of the following entities:

a. Land Development Division;

b. County Engineer Section;

c. Fire Services Division;

d. Public Works Department;

e. Polk County Attorneys Office;

f. Leisure Services Division; and

g. E-911/Addressing.

2. Should any of the entities listed in Section 972B.1 no longer exist, through a restructuring of County staff, the membership positions shall be filled by those entities which most closely represents the interests listed in Section 972B.1 , without the need to immediately take special action to amend this Code. Such amending of

this Code should occur at a time when the ordinance is going to be amended for other reasons. No action of the DRC shall be invalidated due to this Section not being amended in a timely manner.

3. A request for information, as required, may be made to representatives of the following agencies:

   a. Transportation Planning Organization (TPO);

   b. Polk County Sheriff's Office;

   c. Polk County School District;

   d. Natural Resources and Drainage;

   e. Building Division;

   f. Codes Enforcement;

   g. All applicable utility providers (e.g., gas, electric, cable television, telephone, sewer, water, garbage);

   h. The three water management districts having jurisdiction within Polk County;

   i. The Polk County Health Department, and other County Departments and Divisions; and

   j. The Department of Community Affairs or other state or federal agencies with jurisdiction.

4. The Committee shall meet weekly to review development applications. The chairman may:

   a. Refer matters to the Committee for review and comment;

   b. May call additional meetings; and

   c. May cancel weekly meetings due to a lack of applications or scheduling conflicts for holidays or other reasons.

5. DRC members review concept and final development plans. The DRC shall consider:

   a. Whether the proposed development complies with this Code and the Comprehensive Plan;

b. Other applicable regulations, review procedures, and submission requirements; and

c. Other applicable factors and criteria prescribed by the this Code, Comprehensive Plan, or other regulations and laws.

6. The entities listed in Section 972B.1 shall attend DRC meetings when issues related to their organization are on the agenda.

7. The entities listed in Section 972B.3 should attend DRC meetings when issues related to their organization are on the agenda.

8. The applicant shall attend DRC meetings pursuant to Section 905D.3.

Section 973 Citizen Boards

A. ***Generally***

The County, as prescribed in this Section, shall appoint citizen volunteers to serve on all citizen boards. Notice of vacancies on citizen boards shall be published in a newspaper of general circulation in Polk County to encourage application by citizen volunteers. The Planning Commission and the Board of Adjustment shall be governed by these provisions:

B. ***Board Membership and Operation*** ***(Rev. 11/09/05 - ord.05-067)***

1. Each Board shall have seven members and, whenever practical, three alternates appointed by the Board of County Commissioners. Members shall serve at the pleasure of the Board of County Commissioners. Any interested person may be appointed to a Board; however, whenever practical, the Board should include members representing each of the following areas:

a. An AICP-certified planner;

b. A licensed professional engineer, surveyor and mapper, architect, or landscape architect;

c. A natural or environmental specialist;

d. A farmer, rancher, or extension agent, or an individual involved in other aspects of agriculture; and

e. A business person, who may include a licensed realtor, licensed general contractor, or subcontractor.

2. Each member shall reside in Polk County.

3. Each member shall be appointed to a three year term except that, initially, two members shall be appointed for a term of one year, three members shall be appointed for a term of two years, and two members shall be appointed for a term of three years. No person may serve more than two consecutive full length, three year terms. In the case of an initial appointment being less than three years, such person may serve three consecutive terms, so long as such length of service is no greater than eight years. Persons disqualified by this term limitation provision may be appointed again after one year elapses following the expiration of the previous final term of service.

4. When a position becomes vacant before the end of the term, the Board of County Commissioners shall appoint an individual to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is qualified and appointed.

5. The members of each Board shall annually elect a chair and vice chair from among the members and may create and fill other offices as that Board deems needed. The vice chair shall perform the role of chair in the absence of the chair.

6. The Director shall appoint a County employee to serve as secretary to each Board, recorder, and custodian of all Board records.

7. The Board of County Commissioners shall appropriate funds to permit each Board to perform its prescribed functions.

8. Members of citizen boards shall not be compensated, but may be paid for travel and other expenses incurred on Board business under procedures prescribed in advance by the Board of County Commissioners.

9. If any member, without cause and without approval of the chairman, fails to attend two consecutive meetings per year, the relevant Board will declare the member's office vacant and notify the Board of County Commissioners, which shall promptly fill the vacancy after advertising such vacancy.

10. The members of citizen boards shall be subject to the requirements of an annual financial disclosure and the Florida Government in the Sunshine Act as provided by law.

11. The members of Citizen Boards may serve on more than one Board.

12. All volunteer Citizen Boards members shall receive training prior to appointment in the following areas:

    a. Florida Sunshine Law;

b. Florida Ethics;

c. Robert's Rules of Order;

d. Polk County Comprehensive Plan;

e. Polk County Land Development Code; and

f. all other relevant ordinances and policies of the Board of County Commissioners.

C. ***Board Procedures*** ***(Rev. 12/17/13 – Ord. 13-067; 12-04-03 Ord. 03-52)***

1. Each board shall adopt rules of procedure to carry out its purposes. All rules must conform to this Code, other County ordinances, and state law.

2. Each board shall meet at least once each calendar month, unless canceled by its chair, and more often at the call of the chair, by written notice signed by at least three members of the Citizen Board or the Board of County Commissioners.

3. Each board shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question.

4. Four voting members shall constitute a quorum.

5. Unless otherwise prescribed by this Chapter, each decision of a board must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting. A tie vote results in a denial of a development application.

6. Each board shall create subcommittees needed to carry out the purposes of the BoCC. The chair of each Citizen Board shall annually appoint the membership of any subcommittees from the members of the Board.

7. Any and all testimony shall be taken under oath.

8. A member of the County Attorney's staff shall attend meetings of all boards and assist in the conduct of its hearings.

D. ***Annual Training*** ***(Revised 5/20/09 – Ord. 09-023)***

The Land Development Division is responsible for this annual training in the following areas:

1. Florida Sunshine Law;

2. Florida Ethics;

3. Robert's Rules of Order;

4. Polk County Comprehensive Plan;

5. Polk County Land Development Code, and

6. all other relevant ordinances and policies of the Board of County of Commissioners

Section 974 Planning Commission

A. ***Establishment*** ***(Revised 3/18/09 – Ord. 09-008; 12/04/03 Ord. 03-52)***

1. The Planning Commission is hereby created as a Citizen Board to review and approve, or deny, certain types of development applications, pursuant to the use tables in Chapters 2, 4, and 5 of this Code. The Planning Commission is hereby designated the Local Planning Agency for Polk County pursuant to Florida Statutes Section 163.3174.

2. In addition to the regular membership, the Planning Commission shall include one nonvoting member designated by the Polk County School Board and appointed by the Board of County Commissioners pursuant to Florida Statutes Section 163.3174; and one ex officio, nonvoting member designated by the Commanding Officer of the Avon park Air Force Range and appointed by the Board of County Commissioners pursuant to Florida Statutes Section 163.3175(5). Each of these nonvoting members may designate an alternative to serve in their place in the circumstance that the nonvoting member cannot attend a Planning Commission meeting. However, these alternates must be approved by the Board of County Commissioners.

B. ***Powers and Duties***

The procedures of the Planning Commission shall be consistent with Section 973C, and the following:

1. The Planning Commission shall review and act upon applications for Preliminary Development Plans for Level 3 and 4 Reviews and other provisions required by this Code.

2. The Planning Commission shall have the authority to require a development to meet a higher standard than the minimum required by this Code, if necessary to mitigate any off-site impact.

3. The Planning Commission shall hear and decide all applications for a variance from the requirements of this Code which are part of an application for a Planned Development, or a C-3 and C-4 Conditional Use.

4. Pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act (ACT), the Planning Commission is hereby designated to be the Local Planning Agency and the Land Development Regulation Commission and shall perform the duties and functions prescribed in the Act.

Section 975 Reserved

Section 976 Board of Adjustment

A. ***Establishment***

The Board of Adjustment is hereby established as a Citizen Board to consider and grant, grant with conditions, or deny, requests for a variance in accordance with the provisions of this Code and Polk County Ordinance 75-4, Alcoholic Beverage Location Regulation, as amended and such other ordinances as the Board of Adjustment may designate.

B. ***Legal Representation***

A member of the County Attorney's staff shall attend meetings of the Board of Adjustment and assist in the conduct of its hearings.

C. ***Powers and Duties***

1. The procedures of the Board of Adjustment shall be consistent with Section 973.

2. The Board of Adjustment shall consider requests and may issue variances in accordance with Section 930 and Section 931.

D. ***Appeals***

Appeals from the Board of Adjustment must be in conformance with the requirements of Section 921C.

Sections 977- 979 Reserved

Section 980 Enforcement of Site Requirements

The purpose of this Section is to enforce the conditions of approval from the Board of Adjustment, Planning Commission, and the BoCC.

A. ***Inspection***

The Department shall implement a procedure for periodic inspection of development work in progress to ensure compliance with the development approvals which authorized the activity.

B. ***Minor Deviations*** ***(Revised 3/17/10 – Ord. 10-011)***

A Minor Deviation to approved Level 2 Review plans may be approved by the County Engineer or his/her assigns in the field and documented by the applicant through submittal of as-built plans. Minor Deviations include the following changes to approved plans:

1. Any minor adjustment in engineering or construction details which in no way affects the approved use or function of the development, or its surrounding uses, owners or properties including, but not limited to;

    a. Changes to materials such as pipe composite, plant species, roadway or parking lot base, sprinkler head emitter, etc. that still meet the standards set forth in this Code;

    b. Changes in stormwater pond dimensions so long as volume is not diminished or structures are not relocated; or,

    c. Deviations in intersection or sidewalk alignment no greater than 15 feet;

2. A reduction in the number of lots; or

3. Any minor adjustment in internal road alignment, either horizontal or vertical, which does not affect the function of the development and does not violate any other agency regulations.

    If the change in plans does not meet the criteria listed above or the County Engineer interprets a Minor Deviation request to be a Major Deviation, the applicant may either submit application for a Minor Revision as enabled in Section704.C or submit a full re-review of the Level 2 Plans, whichever the County Engineer determines. Regardless of the process by which a deviation is approved, it shall be the applicant's responsibility to provide as-built plans to document the changes to the approved Level 2 Review Plans. Certificate of Occupancy shall not be granted until as-built plans are submitted.

C. ***Major Deviations*** ***(Revised 3/17/10 – Ord. 10-011)***

1. If the work is found to have one or more Major Deviations, the County Engineer shall:

    a. Place the matter on the next agenda of the Development Review Committee (DRC) allowing for adequate notice; or,

    b. Issue a stop work order and refuse to allow occupancy of all or part of the development if deemed necessary to protect the public interest. The order shall remain in effect until the DRC determines that work or occupancy may proceed pursuant to the decision of the DRC; or

c. Refer the matter to the Building and Codes Division, if it appears that the applicant has committed violations within the jurisdiction of the Code Enforcement Special Magistrate.

D. ***Action of the Applicant After Revocation of Development Order***

After a decision, approval or permit has been revoked, development activity shall not proceed on the site until a new plan or permit is granted in accordance with procedures for original approval.

Section 981 Enforcement of Code Provisions

The Code Enforcement Board and the Codes Enforcement Division shall enforce this Code according to the procedures set forth in Polk County Ordinance 85-06.

Chapter 10

DEFINITIONS

CHAPTER TEN DEFINITIONS

AASHTO: Abbreviation for the American Association of State Highway and Transportation Officials.

ABANDONED VEHICLE: Any vehicle without a valid registration.

ABANDONMENT: To relinquish, or give up authority with the intent of never again claiming a right or interest in.

ACCESSORY BUILDING: A building which is clearly incidental or subordinate to, and customarily used in connection with, a principal building located on the same lot.

ACCESSORY PARKING: Parking spaces set aside for the storage of recreational vehicles, boats, and campers.

ACCESSORY STRUCTURE: (See: STRUCTURE, ACCESSORY)

ACCESSORY USE: (See: USE, ACCESSORY)

ACTIVE AIRSTRIP: (See AIRSTRIP, ACTIVE)

ACTIVITY CENTER: An area containing a planned or existing cluster of related land use activities, including but not limited to commercial, industrial, and tourist/recreational activities.

ADDITION (to an existing building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load bearing wall is new construction.

ADDRESS NUMBERING MAPS: A master set of maps which, in conjunction with approved plats, depicts the existing street naming and building numbering schemes, street naming system and building numbering plan, any proposed street naming and building numbering schemes within the unincorporated area of Polk County, and the layout of internal access roads and lots or units in mobile home parks and apartment complexes. Said maps shall be delineated on a scale of one inch representing 200 feet, or some other workable scale deemed suitable by the Enhanced 9-1-1 Office.

ADMINISTRATIVE APPEAL: A request for review of any administrative decision or interpretation made under this Code.

ADMINISTRATIVE DECISIONS: A written final decision made by the appropriate Division Director in connection with a Level 1 and/or Level 5 development review procedure as identified in Section 903.

ADMINISTRATIVE DETERMINATION: A written determination made by a Division Director, upon written request and payment of a fee, which serves to resolve conflicting objectives, policies, maps and disputes regarding the administration of the Polk County Comprehensive Plan or Land Development Code. Administrative determinations may include decisions regarding matters which are not specifically addressed in the Comprehensive Plan or Land Development Code such as land uses not identified or listed in this Code.

ADMINISTRATIVE INTERPRETATION: Interpretations made by the appropriate Division Director regarding the application of the provisions of the Land Development Code where guidelines, standards, or rules are established within the Land Development Code.

ADMINISTRATOR: The Federal Insurance Administrator to whom the Director of the Federal Emergency Management Agency has delegated the administration of the National Flood Insurance Program.

ADULT DAY CARE HOME (Rev. 12/01/09 – Ord. 09-073): A residential home, whether operated for profit or not, in which is provided through its ownership or management, for a part of a day, basic services for no more than six (6) persons who are 18 years of age or older, who are not related to the owner operator by blood or marriage, and who require such services.

ADULT DAY CARE CENTER (Rev. 12/01/09 – Ord. 09-073): Any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, for a part of a day, basic services for seven (7) or more persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services.

ADULT FAMILY-CARE HOME (Rev. 12/01/09 – Ord. 09-073): A full-time, family-type living arrangement, in a private home, under which a person who owns or rents the home provides room, board, and personal care, on a 24-hour basis, for no more than five disabled adults or frail elders who are not relatives, per Chapter 429, F.S. The following family–type living arrangements are not required to be licensed as an Adult Family Care Home:

1. An arrangement whereby the person who owns or rents the home provides room, board, and personal services for not more than two adults who do not receive optional state supplementation under Section 409.212, F.S. The person who provides the housing, meals, and personal services/care must own or rent the home and reside therein.

2. An arrangement whereby the person who owns or rents the home provides room, board, and personal services only to his or her relatives.

3. An establishment that is licensed as a Congregate/Assisted Living Facility pursuant to Chapter 429, F.S and this Code. (See: GROUP HOME, SMALL)

ADULT USE: Any commercial establishment located within the unincorporated area of Polk County, Florida which permits live performances by entertainers where such performances are characterized by the exposure for the view of the patrons thereof any specific sexual activities or specific anatomical area.

ADVERSE EFFECTS: Any modifications, alterations, or effects on waters, associated wetlands, or shore lands, including their quality, quantity, hydrology, surface area, species composition, or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the reasonable use of property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

ADVERSE IMPACT: Any direct or indirect effect likely to cause, or actually causing, a decline in the stability, natural function, or natural diversity of any environmental resource or system, or in the quiet, peaceful, safe, or healthful use or occupancy of any off-site property. This term includes secondary and cumulative as well as direct impacts.

ADVERTISING: Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

AFFORDABLE HOUSING: Pursuant to the Polk County State Housing Initiatives Partnership (SHIP) program guidelines and Chapter 420, Florida Statutes, housing developed for owner-occupants having a sales price not to exceed 90% of the median area purchase price, as established by the U.S. Department of Treasury. Affordable rental housing shall have monthly rents not to exceed 30% of the median gross income for low, very low, and moderate income households as specified by current Polk County SHIP guidelines.

AFFORDABLE HOUSING DEVELOPMENTS: A single-family residential development in which at least 25% of the units meet the definition of affordable housing; or a multi-family residential development in which at least 25% of the units meet the definition of affordable housing.

AGRICULTURAL ACTIVITY: The use of land for the purpose of growing crops, plants, trees, or other agricultural or forestry products; aquaculture and raising livestock, as defined in Section 193.461, FS

AGRICULTURAL PROCESSING (Added 05/19/15- Ord. 15-029) : The production, fabrication, or processing, of raw or live agricultural products into goods, merchandise, or substances.

AGRICULTURAL PURPOSES: Included, but are not limited to horticulture, floriculture, viticulture, forestry, dairy, livestock poultry, bee, pisciculture, production of tropical fish, aquiculture, sod farming and all forms of farm products and farm production, Section 193.416, FS

AGRICULTURAL SUPPORT, OFF-SITE (Rev. 01/30/03 - Ord. 03-14): Activities and uses related to the production of agricultural-related products, including, but not limited to, storage and maintenance of grove equipment and farm machinery, fertilizer application, grove installation and service, and farm-management services where such activities are off-site but accessory to a nearby general farming operation. Typical off-site Agricultural Support facilities may include, but are not

limited to specialized agricultural service establishments performing storage and maintenance of grove equipment and farm machinery (not to include sales), fertilizer application, grove installation and service, and farm management services. Also included are agricultural bulk products collection, weighing, storage, or transfer facilities, such as citrus scale houses (This does not include manufacturing, processing, canning facilities, or semi-truck parking). Mulching and other forestry specialized activities are considered agricultural support as well. *Note: on site agricultural support uses are considered accessory to the primary agricultural uses that they are intended to serve.*

AGRICULTURE TRANSFER/PACKING (Rev. 01/30/03 - Ord. 03-14): Land and structures used for the collection, exchange, loading/unloading, weighing, storage, washing, packing, and transfer of agricultural products. This term does not include manufacturing, processing, or canning facilities.

AGRITOURISM: An activity carried out on a farm or ranch or in a forest that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historical, cultural, or harvest-your-own. An activity is an Agritourism activity whether or not the participant paid to participate in the activity. *(Revised 6/28/11 – Ord. 11-008)*

AIRPARK OR AIRPORT SUBDIVISION: A residential subdivision designed so that the airfield facilities are accessible to the residential lots.

AIRPORT: A facility licensed, designed, and used for the taking-off and landing of aircraft.

AIRPORT, ACTIVE: A public use or private use airport that has an active and valid airport license from the State of Florida.

AIRPORT OBSTRUCTION: Any structure, object of natural growth, or use of land that would exceed the federal obstruction standards contained in 14 Code of Federal Regulations (CFR) Part 77, ss. 77.21, 77.23, 77.25, 77.28, and 77.29.

AIRPORT, PRIVATE USE: Any airport licensed by the State of Florida as a private airport, used primarily by the airport licensee, but available for use by others upon specific invitation of the licensee.

AIRPORT, PUBLIC USE: Any publicly or privately owned airport licensed by the State of Florida as a public airport, which meets minimum safety and service standards and is open for use to the general flying public.

ALCOHOLIC BEVERAGE SALES: Defined and regulated in Polk County Ordinance 75-04, as amended.

ALCOHOL PACKAGE SALES (Rev. 7/25/01 - Ord. 01-57): The retail sale of alcohol beverages not consumed on-site.

ALLEY: A roadway which provides a secondary or service access to the rear of lots. It is considered a local road, although different design standards apply.

ALTERNATIVE SUPPORT STRUCTURE: Any structure other than a communication tower including, but not limited to, buildings, elevated water storage tanks, light poles, power poles, telephone poles and other structures capable of supporting antennas.

ANCILLARY USE: (See: USE, ACCESSORY/ANCILLARY)

ANIMAL FARMS, INTENSIVE (Rev. 01/30/03 - Ord. 03-14): Establishments engaged in the fattening, raising, or breeding of animals typically for the commercial production of food, where the animals are fed primarily in pens, lots, or buildings (partially or wholly enclosed). Uses include, but are not limited to, hog farms, poultry/egg farms, and cattle feed lots. This term does not include slaughterhouses.

ANIMAL FARMS, SMALL, SPECIALTY (Rev. 01/30/03 - Ord. 03-14): Wholesale farms for raising small animals such as rabbits, birds, bees (honey), worms, or minks.

ANIMAL GRAZING: The foraging or feeding of animals on pastureland. This term includes the boarding and pasturing of horses.

ANNUAL AVERAGE DAILY TRAFFIC VOLUME: Seasonally adjusted (using the Florida Department of Transportation's seasonal adjustment factors) average number of vehicles that pass a point on a roadway segment on a daily basis.

ANNUAL MINE REPORT: Refers to a report submitted annually by an operator of a mine. The report is reviewed by Polk County to determine whether the operator has followed the BoCC-approved Mining Site Plan and is therefore in compliance with the conditions of the Operating Permit for the preceding year and whether the operator's plans for the coming year vary from those approved in the BoCC-approved Mining Site Plan.

ANTENNA: Any device designed for sending or receiving electromagnetic waves. The term includes radio, television and telecommunication antennas.

APPLICANT: Any person who submits an application and complete appropriate supporting documentation for the purpose of obtaining a review for compliance of applicable regulations.

APPURTENANT STRUCTURE: A structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure.

APS: Alcohol package sales.

AQUACULTURE: The cultivation of products associated with, or grown in, water, such as fish farms and fish hatcheries.

AQUIFER: An underground formation, or group of formations, or part of a formation, that is permeable enough to transmit and store usable quantities of water.

AREA OF CONCERN (for counties): All municipalities within the county, adjacent counties, and adjacent municipalities. (Section 9J-5.015, F.A.C.)

AREA OF CONCERN (for municipalities): Adjacent municipalities, the county and counties adjacent to the municipality. (Section 9J-5.015, F.A.C.)

AREA OF SHALLOW FLOODING: (Rev. 06/04/13 – Ord. 13-020) A designated AO or AH, Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: (Rev. 06/04/13 – Ord. 13-020) The land in the flood plain subject to a one percent or greater chance of flooding in any given year and shown as Zones A, AE, AH, AO and A99 on the Flood Insurance Rate Map. This term is synonymous with the phrase "Special Flood Hazard Area."

AVAILABLE, RECLAIMED WATER *(Revised 07/22/09 – Ord. 09-048)*: A municipal, County-franchised, or County-owned reclaimed water system is considered available:

1. For any residential subdivision, and all non-residential uses that have an estimated wastewater flow of 1,000 gallons per day or more, a reclaimed water main shall be considered available and connection shall be required if a reclaimed water main is in an easement or right of way existing under one of the following conditions:

    a. Is within 1/2 mile (2,640 feet) of the property;

    b. Will serve 10 or more Equivalent Residential Connections (ERCs) of wastewater flow and is within 3/4 mile (3,960 feet) of the property;

    c. Will serve 20 or more Equivalent Residential Connections (ERCs) of wastewater flow and is within one (1) mile (5,280 feet) of the property; and

2. The wastewater treatment facility generating the reclaimed water shall have adequate capacity to serve the proposed development with reclaimed water as determined by the utility purveyor.

AVAILABLE, SANITARY SEWER: A municipal, County-franchised, or County-owned sanitary sewer system is considered available when *[Revised by CPA-95A-05 (Ord 95-34); Adopted by BoCC 17 OCT 95]*:

1. The system is not under Florida Department of Environmental Protection (DEP) moratorium;

2. For all single-family residences, and for any establishment that has an estimated sewage flow of 1,000 gallons per day or less, a sanitary sewer shall be considered available if the line abuts the property and gravity flow can be maintained from the building to the sewer line;

3. For any residential subdivision, and all non-residential uses that have an estimated sewage flow of 1,000 gallons per day or more, a sanitary sewer shall be considered available if a gravity line, force main, manhole, or lift station in an easement or right of way is existing under one of the following conditions:

   a. Is within one half of one mile (2,640 feet) of the property;

   b. Will serve ten or more Equivalent Residential Units (ECCS) or more and is within 3/4 mile (3,960 feet) of the property;

   c. Will serve 20 Equivalent Residential Units (ECCS) or more and is within one mile (5,280 feet) of the property; and

4. A sewer system has adequate hydraulic capacity to accept quantity of sewage to be generated by the proposed establishment.

AVAILABILITY, PUBLIC WATER: An approved public water supply with:

1. Sufficient capacity to serve the subject property, and

2. Has an adequately sized distribution system within one mile of the property. (DOH)

AVERAGE ADJACENT GRADE (Rev. 12/27/02 - Ord. 02-88): The mean natural elevation of the ground surface, prior to construction, next to the proposed foundation of the structure.

BACKGROUND TRAFFIC: Existing traffic plus traffic from vested and reserved development that is estimated to travel on segments of the Concurrence Determination Network. This term is for use with Appendix C of this Code.

BACKLOGGED FACILITY: A segment on the Concurrence Determination Network operating below the Adopted Level-of-Service which does not have prohibitive physical, environmental or policy constraints, but which is not scheduled for a major capacity improvement within the first three years of the Florida Department of Transportation's Five-Year Work Program or the County's Five-Year Schedule of Capital Improvements. Backlogged facilities are recognized as such through their adoption as part of the Traffic Circulation Element of the Polk County Comprehensive Plan.

BARS, LOUNGES, AND TAVERNS (Rev. 7/25/01 - Ord. 01-57): An establishment used primarily for the serving of alcoholic beverages to the general public and where food or package alcoholic beverages may be served or sold only as accessory to the primary use.

BASE FLOOD: (Added 06/04/13 – Ord. 13-020) A flood having a 1-percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100 year flood" or the “1-percent-annual chance flood” or the “regulatory flood”

BASE FLOOD ELEVATION (BFE): (Rev. 06/04/13 – Ord. 13-020) The highest elevation of the flood having a one percent chance of being equaled or exceeded in any given year. Commonly referred to as the "one hundred year flood" and the Regulatory Flood.

BASEMENT:(Rev. 06/04/13 – Ord. 13-020) Any portion of a building having its floor subgrade (below ground level) on all sides.

BED & BREAKFAST: A dwelling unit, often of historical significance, operated by its owner or the owner's agent which is made available for lodging of the public and which customarily offers lodging and breakfast for one price. A dwelling unit shall not be considered a bed and breakfast if its owner or the owner's agent is not present on the premises during a majority of the time guests are occupying the unit.

BENEFICIAL FUNCTIONS OF A WETLAND: Those functions, described in the Polk County Comprehensive Plan that justify protection of wetlands.

BEST MANAGEMENT PRACTICE (BMP): Conservation practices or systems of practices and management measures that:

1. control soil loss and reduce water-quality degradation caused by nutrients, animal waste, toxins, and sediment;

2. minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of wetlands; and

3. includes allowing proper use and storage of fertilizers.

BoCC: Referencing the Board of County Commissioners of Polk County, Florida. The Board of County Commissioners is the elected body that represents the chief governing authority over unincorporated Polk County, regarding local matters.

BOARD OF COUNTY COMMISSIONERS or BoCC: The Board of County Commissioners of Polk County, Florida. (See: BoCC)

BOAT DOCK OR DOCKING FACILITY: A fixed or floating structure, including mooring pilings, tie poles, dolphins, boat lift, and other accessory structures, which has as its purpose the berthing of buoyant vessels.

BONA FIDE AGRICULTURAL PURPOSE: Per Section 193.46, FS, good faith commercial agricultural use of the land.

BORROW PIT: **See FILL MATERIAL EXCAVATION**

BREEDING, BOARDING, AND REHABILITATION FACILITY, WILD OR EXOTIC (Rev. 01/30/03 - Ord. 03-14): Non-farm and non-preservation facilities and land used primarily for the breeding, raising and rehabilitation of Exotic or Wild Animals, defined as all wild or non-domestic birds, mammals, reptiles, fish or amphibians which are identified as Class I or Class II Wildlife or poisonous or venomous by the Florida Fish and Wildlife Conservation Commission (FFWCC), and

which require permits for their possession or exhibition as specified in Chapter 372, FS This term also includes alligator farms, but does not include the following:

1. Animals used for food and associated agricultural uses, e.g. ostriches (ostrich farms are considered intensive animal farms).

2. Animals which can be determined to have been domesticated, e.g. Asian elephants (breeding facilities for Asian elephants are considered intensive animal farms).

3. Wild or exotic animals which are personal pets, provided that the owner possesses a valid permit by the FFWCC.

4. However, excludes Class III species as permitted by FFW CC, such are included in General Farming.

BRIDGE: Per Chapter 334, FS, a structure, including supports, erected over a depression or an obstruction, such as water or a highway or railway, and having a track or passageway for carrying traffic as defined in Chapter 316, FS, or other moving loads.

BUFFER: Any structure, earthen berm, or vegetated open space used to minimize the adverse impact of on-site activities and uses to surrounding less intense land uses.

BUILD TO LINE (Rev. 5/18/05 - Ord. 05-18): - A line parallel to the property line along which a building shall be built.

BUILDING: Any structure that encloses a space used for sheltering any occupancy; including a gas or liquid storage tank; and shall include manufactured homes. The term building shall not be deemed to include any Arestricted vehicles.@

BUILDING DIVISION: The Building Division of the Polk County, Department of Community Services.

BUILDING OFFICIAL: The Director in charge of the Polk County Building Department, or his designee, and responsible for the administration of the Polk County Building Code.

BUILDING, FRONT: That area or portion of a building or its facade which faces the street and which determines which street would be named in the building's street address. With regard to a building located on a corner lot or lot which abuts two or more street, that area or portion of the building or its facade which faces the street for which a street address was or is assigned shall be deemed the building front.

BUILDING MATERIAL SALES, RETAIL: Establishments that sell primarily lumber, electrical supplies, heating and plumbing equipment, or a general line of building materials, to the general public.

BUILDING NUMBERING PLAN: A system by which existing buildings and projected lots and other sites for future buildings are assigned a building number to be combined with the street name

for a street address in a uniform and coordinated manner as developed by the Enhanced 911 Addressing Office (E-911) in cooperation with designated enclaves and depicted on the Address Numbering Maps.

BUILDING PERMIT: Any permit, or combination of permits, issued by the Polk County Building Division which allows the construction of vertical construction.

BULK FUEL: Storage of fuel in quantities greater than can generally be consumed by the primary use within a 30 day period.

BUS STOP OR SCHOOL BUS STOP: A designated area, typically covered, used by school children to await pickup by a Polk County School Board operated school bus. This facility or structure must be placed in accordance with School Board standards on a specified route, and accepted by the School Board for such use.

BUSINESS INCUBATOR: An area designated for the cultivation and enhancement of future businesses or business-oriented developments.

CAMOUFLAGED TOWER: A communication tower designed to unobtrusively blend into its existing surroundings so as not to have the appearance of a communication tower.

CANOPY: A cover attached to the principal structure and supported by posts or a free standing cover supported solely by posts or an overhanging cover, or shelter to give limited protection from the elements.

CANOPY TREE: (Added 03/18/09 – Ord. 09-006) Any self supporting woody plant of a species that normally achieves an overall height at maturity of 30 feet or more.

CAPITAL IMPROVEMENT: Physical assets constructed or purchased to provide, improve or replace a public facility and which are large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing. For the purposes of this rule, physical assets which have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements. Capital improvements have a life expectancy of at least five years and costs more than $25,000.

CAPITAL IMPROVEMENT PROGRAM (C.I.P.): A five-year listing of capital improvement projects (including the Capital Improvements Budget), by fiscal year, of capital projects the County intends to provide. The C.I.P. includes project name, location, year of construction, cost, and source of funds.

CAR WASH, FULL SERVICE: Any facility providing complete car washing and cleaning services. Car washing is generally automatic, with the driver leaving the car during the washing procedure. Waxing and detailing may also be provided.

CAR WASH, INCIDENTAL: Any automated car wash which is incidental to the sale of fuel, and characterized by an automatic wash which requires the driver to remain in the vehicle during operation. The facility may be an attached or a free standing structure.

CAR WASH, SELF SERVICE: Any facility providing stalls with water, soap, wax, or other materials for cleaning vehicles by individuals.

CARGO CONTAINERS (ALSO CALLED SHIPPING CONTAINERS): (Rev. 09/02/09 – Ord. 09–058) A reusable vessel that is originally, specifically or formerly designed for or used in the packing, shipping, movement, or transportation of freight, articles, goods or commodities and is also designed for or capable of being mounted or moved on a rail car, truck or trailer or loaded on a ship.

CARL: Conservation and Recreation Lands.

CEMETERIES: Land used or intended to be used for the burial or interment of the dead (humans or pets) and dedicated for cemetery uses, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of such cemetery.

CERTIFICATE OF SCHOOL CONCURRENCY (Added 01/09/08, Ord. 08-001): A confirmation of adequate school capacity to be issued by the County or non–exempt cities based on the School Board's school capacity

CHANGE OF OCCUPANCY: An action taken for which a building or part thereof, changes the use or intended use or occupancy determined by the major occupancy group designations established by this Code or the locally adopted building codes.

CHANGE OF USE: Any change, modification or alteration of the use of any structure, lot, or building from one defined use to another. In instances where the specific use is not defined, the defined use closest to that specific use shall be used.

CHILDCARE CENTER *(Revised 07/22/09 – Ord. 09-047)*: A structure used to provide child care for any part of a day which receives a payment, fee, or grant for any of the children receiving care wherever operated whether or not operated for profit. The following are NOT included: public schools and nonprofit schools and their integral programs; summer camps having children in full-time residence; summer day camps, and Bible schools normally conducted during vacation periods.

CITY-STYLE ADDRESSING: Assignment of house numbers in sequential order using the grid of existing community and the street name by which the structure is accessed.

CLEARING: The removal of trees, brush or any other vegetation from the land, not including the ordinary mowing of grass.

CLERK (Athe Clerk@): The Clerk of the Circuit Court for the Polk County Board of County Commissioners. The Clerk of the Circuit Court for Polk County represents the clerk and accountant for the Board of County Commissioners. The responsibilities of the Clerk include keeping the official minutes and accounts of BoCC meetings, and performing such duties as the Board of County Commissioners may direct. The Clerk has custody of the official County Seal, and may affix the official seal to any document or instrument where it is necessary. Chapter 125, FS

CLINICS & MEDICAL OFFICES: A facility wherein professional services concerning the personal health of humans are administered by medical doctors, chiropractors, osteopaths, optometrists, dentists or any other such profession which may lawfully be practiced in the State of Florida. Persons treated shall not be lodged overnight.

CODE ENFORCEMENT BOARD: The Polk County Code Enforcement Board, as created by Polk County Ordinance 85-06, as amended.

CODE ENFORCEMENT OFFICER: Any designated employee or agent of Polk County whose duty it is to enforce those Polk County ordinances set forth in this Code.

CO-LOCATION: The placement of more than one antenna on a communication tower or alternative support structure.

COMBINATION PARK: A development (park) consisting of a combination of mobile homes and recreational vehicles (R.S.) where no specific percentages are identified or required.

COMMERCIAL: Operated for pecuniary gain, or any establishment which has received an occupational license. For purposes of this ordinance, operation for pecuniary gain shall not depend on actual profit or loss.

COMMERCIAL AMUSEMENTS: A premises, or portion of a premise, occupied by an establishment whose primary function is to provide profit oriented amusements and is engaged in the commercial operation of sports and recreational services normally on payment of a fee or admission charge.

COMMERCIAL ESTABLISHMENT: Any business location, place or business conducting or allowing to be conducted on its premises any commercial activity.

COMMERCIAL MINERAL DEPOSIT: A deposit, naturally occurring in the earth, mineral or otherwise, which has commercial value, including but not limited to limestone, sand, clay, peat, and fill material.

COMMERCIAL SERVICE AIRPORT: An airport which provides scheduled passenger services by an air carrier certified by the Federal Aviation Administration.

COMMERCIAL SITE: Property intended to be developed for commercial purposes, such as apartment complexes with more than four residential units, office facilities, retail and wholesale businesses, mobile home parks, recreational vehicle parks, and camp grounds .

COMMERCIAL VEHICLE: A motor vehicle generally displaying writing, images, lettering, logos, or other advertising, that serves to encourage trade with, or make known the services provided by a vehicle's owner or company. Commercial vehicles include dump trucks; tractor/trailer rigs, or their components; vehicles having more than two axles on the road; or any other similar vehicle not ordinarily used for personal transportation.

COMMERCIAL VEHICLE PARKING (Added 11/12/08 – Ord. 08-056): A building or area used for the parking, storing or keeping of commercial vehicles where no loading or unloading of the commercial vehicles takes place. This does not apply to the commercial vehicles parked and utilized in conjunction with a principal use on the same site where the storage or use of commercial vehicles is incidental and subordinate to the principal use of the property. Additionally, this does not include motor freight terminals or commercial vehicle parking in residential districts.

COMMERCIAL WASTE (Added 03/18/14 – Ord. 14-015): All types of solid waste generated by commercial enterprises, including stores, offices, restaurants, warehouses, and other nonmanufacturing activities.

COMMON FACILITIES (Added 03/19/08 – Ord. 08-004): Land, facilities, or improvements such as parking areas, sidewalks, clubhouses, tennis courts or swimming pools, which are located within a development and in which the owners of the development have an undivided interest and a common responsibility for maintenance and repair.

COMMON OPEN SPACE (Added 03/19/08 – Ord. 08-004): Land, including facilities or improvements meeting the definition of open space, recreation open space and/or public commons open space, which are located within a development and in which the owners of the development have an undivided interest and a common responsibility for maintenance and repair.

COMMONLY OWNED LAND (Added 03/19/08 – Ord. 08-004): Land, or land and improvements held in common ownership by a group of people who individually own dwellings or businesses within the same development, and are responsible for the upkeep and maintenance of the commonly owned land and improvements. See also Common Facilities and Common Open Space.

COMMUNICATION FACILITY: The use of land, buildings or structures for the above ground transmission and reception of television, radio, or wireless telephone communications including all transmitting and receiving towers, dishes and antennae.

COMMUNICATION TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including lattice towers, guyed towers and monopole towers. The term includes, without exclusion, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers and camouflaged towers. The term does not include structures which are utilized solely by amateur radio operators licensed by the FCC. For the purposes of applying the height thresholds and setback requirements of this Section, antennas which add to the height of a communication tower shall be considered a part of the communication tower. Communication towers are further classified as Monopole, Lattice, and Guyed Towers. (See: MONOPOLE TOWER, LATTICE TOWER, GUYED TOWER)

COMMUNITY CENTERS (Rev. 01/03/05 - Ord. 04-80): Structures or buildings used by residents of a community for social, cultural or recreational purposes (the term also includes senior centers). Community centers are typically utilized by civic or non-profit groups, clubs, home owners associations or other such community group. This provision excludes dining facilities, clubhouses and recreation facilities in residential developments pursuant to Section 206.D.

COMMUNITY RESIDENTIAL HOME (Rev. 12/01/09 – Ord. 09-073): A dwelling unit licensed to serve residents as defined in Section 419.001(1)(d), F.S. who are clients of the Department of Children and Family Services, Department of Elderly Affairs, Department of Juvenile Justice, the Agency for Persons with Disabilities or the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents per Section 419.001, F.S. (See: GROUP HOME, SMALL & GROUP HOME, LARGE)

COMMUNITY WATER SYSTEM: A public water system which serves at least 15 service connections used by year round residents or regularly serves at least 25 year round residents.

COMPATIBILITY (Added 03/18/14 – Ord. 14-015): A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

COMPLETION GUARANTEE: Sufficient full performance security guaranteeing the completion and approval of all private and public on-site or off-site improvements.

COMPREHENSIVE PLAN: The Polk County Comprehensive Plan, as amended, adopted by the Board of County Commissioners pursuant to the requirements of Chapter 163, Part II, Florida Statues.

CONCURRENCE: The requirement that new development can only occur where public facilities are available in the necessary quantity, capacity, and quality to maintain the adopted level-of-service standards for public facilities. (Polk County Comprehensive Plan, Capital Improvements Element)

CONCURRENCE DETERMINATION NETWORK: A listing of all existing and planned roadway segments within Polk County that comprise the roadway network to be used when evaluating the traffic impacts of proposed development.

CONCURRENCY SERVICE AREA (Added 01/09/08 by Ord. 01-008): The designation of an area within the level of service will be measured when an application for a residential subdivision or site plan is reviewed.

CONDITIONAL USE (Added 5/6/09 – Ord. 09-019): A use that, because of its characteristics and potential impact upon surrounding properties, may only be allowed in a particular land use district after demonstrating all of the following:

1. the use complies with all the limitations and standards for the location and operation of their use;

2. the use protects the health, safety, and welfare of adjacent properties; and,

3. the use is compatible with other uses permitted in the same area. Compatibility standards are prescribed in either the Land Development Code and/or the Comprehensive Plan. Additional conditions may be prescribed at a public hearing by

the Planning Commission, Board of Adjustment, or Board or County Commissioners.

CONFINED AQUIFER (Added 5/21/13 – Ord. 13-018): A geologic unit that can store and transmit water which is overlain by a confining layer (a geologic unit comprised of reduced permeability strata compared to the aquifer strata) and by nature is more protected from direct recharge than unconfined or water-table aquifers.

CONGREGATE ASSISTED LIVING FACILITY (Rev. 12/01/09 – Ord. 09-073): Any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services exceeding 24 hours to one or more adults who are not relatives to the owner or administrator, per Chapter 429, F.S. (See: GROUP HOME, LAREGE & GROUP LIVING FACILITY)

CONGREGATE CARE FACILITY: **(See: GROUP-LIVING FACILITIES CONGREGATE LIVING)**

CONSERVATION EASEMENT: A right or interest in real property which is appropriate to retaining land or water areas predominately in their natural, scenic, open, or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing land uses; and which prohibits or limits the activities described as in Section 704.06, Florida Statutes.

CONSISTENCY, CONSISTENT: The requirement that a development order be compatible with and further the goals, objectives, policies, land uses, and densities or intensities in the Comprehensive Plan.

CONTIGUOUS SCHOOL SERVICE AREAS (Added 01/09/08 by Ord. 01-008): School Service Areas which have an adjacent (conterminous) boundary.

CONSTRAINED FACILITY: A roadway segment on the Concurrence Determination Network that is currently backlogged or projected to be backlogged because expansion of the facility would cause undue environmental concerns, be prohibitively expensive or would unduly disrupt neighborhood character. Constrained facilities are recognized as such through their adoption as part of the Traffic Circulation Element of the Polk County Comprehensive Plan. This definition is for use with Appendix C of this Code.

CONSTRUCTION: Any on-site activity that will result in the building, assembling, expansion, modification, or alteration of the existing contours of the property; the erection of buildings or other structures, or any part thereof.

CONSTRUCTION AGGREGATE (Added 11/4/14 – Ord. 14-066): Materials consisting of crushed stone, gravel, crushed gravel, pebbles, limestone, dolomite, limerock, shell rock, cemented coquina, sand for use as a component of mortars, concrete, bituminous mixtures, or underdrain

filters, recycled or inorganic mineral material previously used in construction, and other resources providing the basic material for concrete, asphalt, road base.

CONSTRUCTION AGGREGATE PROCESSING(Added 11/4/14 – Ord. 14-066): Any parcel of land and structures thereon, that are used or devoted to processing construction aggregate (see Construction Aggregate definition) through crushing, screening, rolling, vibrating, or other similar process, and includes the transportation of construction aggregate to and from the site.

CONSTRUCTION AGGREGATE STORAGE(Added 11/4/14 – Ord. 14-066): Any parcel of land and structures thereon, that are used or devoted to storing or stockpiling construction aggregate (see Construction Aggregate definition), and includes the transportation of construction aggregate to and from the site.

CONSTRUCTION AND DEMOLITION DEBRIS *(Added 03/18/14 – Ord. 14-015*): Materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project, and including rock, soils, tree remains, trees, and other vegetative matter which normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site.

CONTROL ELEVATION: The lowest point at which water can be released through the control device.

CONVENIENCE STORE: A small retail store which sells convenience goods as its primary sales. A convenience store may include the sale of gasoline and diesel fuel, but such sales shall be accessory to the primary sale of convenience goods. A proposed convenience store must meet commercial site plan requirements.

CONVENIENCE STORE, ISOLATED (IS): A commercial establishment (4,000 square feet or less that support at least 1,500 people within a one mile radius) serving the convenience shopping needs of residents largely outside urban service areas. By definition, these Isolated Convenience Stares are located outside of the normal commercial areas associated with similar retail establishments, and are generally associated with residential land use categories, though commercial zoning is required.

CONVENIENCE STORE, VILLAGE (VCS): A commercial establishment (3,000 square feet or less that support at least 500 people within a one mile radius) serving the convenience shopping needs of residents largely outside urban service areas. By definition, these Village Convenience Stores are located outside of the normal commercial areas associated with similar retail establishments, and are generally associated with the A/RR and RS land use categories, though commercial zoning is required.

COP: Consumption on premises.

COPY (SIGN): The linguistic or graphic content of a sign.

CORNER CLEARANCE: The distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the connection along the traveled way.

CORRECTIONAL FACILITIES: A facility for the housing of persons convicted of, or being held for, a crime. Typical uses include prisons (a facility regulated by the State of Florida Department of Corrections which is designed for maximum security to house persons convicted of a crime), community correctional centers, probation and restitution centers, vocational training centers, and forestry camps (all as defined by the State of Florida Department of Corrections), or local government jails or detention centers.

COTTAGE INDUSTRY. (Added 5/19/15 – Ord. 15-29): A small agricultural processing component accessory to a bona-fide agricultural use that produces products primarily composed of materials grown onsite.

COUNTY: The geographical region known as Polk County, Florida. Generally, used to reference the unincorporated area under the jurisdiction of the Polk County Board of County Commissioners.

COUNTY MANAGER: The chief County administrative official of Polk County, bearing the title of ACounty Manager@; as provided for in the Polk County Charter and appointed by the Polk County Board of County Commissioners.

COUNTY ROAD: Those roads contained in the County Road Inventory listing, as officially adopted by the BoCC.

COUNTY ROAD INVENTORY LISTING: An official record maintained by the Polk County Engineering Department containing the description of all publicly held and maintained roads within the jurisdiction of Polk County.

CRITICAL FACILITIES (Rev. 06/04/13 – Ord. 13-020): Facilities which provide or are used to provide basic necessary services and benefits to the community as a whole. Such facilities include, but not limited to:

1. Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, and reactive materials;
2. Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood;
3. Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before during and after a flood; and
4. Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood, including hurricane shelters.

CRITICAL TRANSPORTATION LOCATION: Any location where the sum of existing plus vested traffic is at or above 90 percent of the generalized planning capacity or other calculated segment capacity as approved by the Transportation Planning Organization (TO).

CROSS ACCESS EASEMENT: A platted internal roadway that crosses an adjacent parcel or parcels which do not meet the commercial road frontage requirements stipulated in the Polk County Comprehensive Plan. The joint use of the private internal roadway shall be limited to small and medium commercial subdivisions or individual commercial or industrial lots of record that can utilize the private internal roadway provision.

CULTURAL FACILITIES: A building or complex of buildings that houses public or private not-for-profit facilities to provide educational and informational services to the general public including, but not limited to, civic centers or theaters predominantly used for live performances, libraries, historical landmarks, museums, art galleries, planetariums, and similar facilities.

CURB: A stone, concrete, or other improved boundary usually marking the edge of the roadway or paved area.

CURB RADIUS: The curved edge of the street at an intersection measured at the inner edge of the parking lane.

dB: (See: DECIBEL)

dB(A): The standard abbreviation for A-weighted sound levels in decibels. A-weighted sound levels are a measurement of sound approximating the sensitivity of the human ear, used to note the intensity or annoyance of sounds.

D.B.H. (DIAMETER AT BREAST HEIGHT): Average diameter of a tree measured four and one-half feet above ground level.

DAIRIES (Rev. 01/30/03 - Ord. 03-14): Land and structures used for the commercial production of milk or other dairy products.

DATUM (Added 06/04/13 – Ord. 13-020): A reference surface used to ensure that all elevation records are properly related. The current national datum is the National Geodetic Vertical Datum (NGVD) of 1929, which is expressed in relation to mean sea level, or the North American Vertical Datum (NAVD) of 1988.

DCA: Abbreviation for the Florida Department of Community Affairs.

DEBRIS, ORGANIC (Rev. 4/4/02 - Ord. 02-18): Any plant or animal waste. Organic debris includes, but is not limited to fallen trees and limbs, leaves, plant trimming and other similar organic debris.

DECIBEL (dB): A unit of sound measurement as measured on a sound level meter or a measure of loudness equal to twenty times the logarithm (to the base of 10) of the ratio of the sound pressure (in excess of the ambient pressure) to a standard pressure of .0002 unbars, (or .002 newton per square meter.)

DECK: Any platform, floor, shelf, suggestive of a ship's deck.

DEDICATIONS: A donation of real property, generally land, from private to public ownership.

DEFICIENT FACILITY: A segment on the Concurrence Determination Network operating below the Adopted Level-of-Service but not yet adopted as a backlogged or constrained facility as part of the Traffic Circulation Element of the Polk County Comprehensive Plan. This definition is for use with Appendix C of this Code.

DEGRADATION: Any adverse or negative modification (from the perspective of the subject species) of the hydrological, biological or climatic characteristics supporting the species, or of plants and animals co-occurring with and significantly affecting the ecology of the species.

DENSITY CREDITS: A value equal to the maximum number or residential dwelling (family) units which may be constructed on a given amount of land under the existing land use classification of that land, usually expressed in dwelling units per acre.

DENSITY, SIGNIFICANTLY DIFFERENT: A density which is 50 percent or greater than the surrounding density.

DEP: Abbreviation for the Florida Department of Environmental Protection.

DEPARTMENT (Revised 5/20/09 – Ord. 09-023): The Department of Growth Management is a department of Polk County government. Divisions under the Department of Growth Management include Long Range Planning, Building and Codes, and Land Development.

DETENTION (or TO DETAIN): The collection and temporary storage of storm water in such a manner as to provide for treatment through physical, chemical, or biological processes with subsequent gradual release of the storm water.

DETENTION STORAGE: The physical location where storm runoff is collected, treated, and held for a period of time, and released . (See: DETENTION)

DEVELOPABLE AREA: For purposes of density, that portion of a parcel exclusive of water bodies and wetlands .

DEVELOPER: Any person who acts in his own behalf or as the agent of the owner of a specific property or properties, and engages in the process of development of said property (either proposed or actual).

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment and other activities as defined by the term Development in Section 380.04, F.S.

1. The term "development" means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

2. The following activities or uses shall be taken for the purposes of this Chapter to involve "development" as defined in this Section.

   a. A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.

   b. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.

   c. Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction" as defined in s.161.021.

   d. Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.

   e. Demolition of a structure.

   f. Clearing of land as an adjunct of construction.

   g. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

3. The following operations or uses shall not be taken for the purpose of this Chapter to involve "development" as defined in this Section:

   a. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.

   b. Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

   c. Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

   d. The use of any structure or land devoted dwelling uses for any purpose customarily incidental enjoyment of the dwelling.

   e. The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forest products; raising livestock; or for other agricultural purposes.

   f. A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.

g. A change in the ownership or form of ownership of any parcel or structure.

h. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

4. "Development," as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the resulting development. Reference to any specific operation is not intended to mean that the operation or activity, part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of subsection (1), as defined by Chapter 380.04, FS

DEVELOPMENT AGREEMENT (Rev. 07/14/08 – Ord 08-037): a contract between the County and a developer or land owner which includes the responsibilities of each party, and is prepared and approved in accordance with Chapter 163, Florida Statutes.

DEVELOPMENT OF REGIONAL IMPACT (DRI): Any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county or municipality.

DEVELOPMENT ORDER: Any approval by the Board of County Commissioners or County Staff of proposed development, which includes a development plan that establishes density and intensity of development or development approvals issued pursuant to Chapter 380, FS

DEVELOPMENT PERMIT: Any building permit, phosphate mining operations permit, plat approval or subdivision plan approval, utility permit, variance or other action having the effect of permitting or authorizing development.

DEVELOPMENT REGULATION: Any comprehensive plan, zoning, subdivision, site plan, official map, flood plain regulation, or other governmental regulation that affects the use and intensity of land development.

DEVELOPMENT REVIEW COMMITTEE (DRC): A committee of Polk County staff persons with the authority to review and coordinate plans for development.

DEVELOPMENT SERVICES DIVISION: (Definition Removed by 5/20/09 – Ord. 09-023)

DEVELOPMENT STANDARDS: An indicator of the extent or degree in which a structure or development is to be built or developed.

DEVIATION, MAJOR: Any deviation from Final Development Plans that is more extensive than what is considered a minor deviation.

DEVIATION, MINOR: A minor deviation shall be defined as one of the following:

1. Any minor adjustment in engineering or construction details which does not affects the approved use or function of the development, or its surrounding uses, owners or properties;

2. A reduction in the number of lots; or

3. Any minor adjustment in road alignment, either horizontal or vertical, which does not affect the function of the development and does not violate any other agency regulations.

DIRECTLY ACCESSED SEGMENT: The first road segment on the Concurrency Determination Network on which traffic from the project's site is expected to travel. If a development has more than one access point, it may be possible for two or more Directly Accessed Segments to exist.

DISCHARGE (DISCHARGE POINT): The outflow of water from a project, site aquifer, drainage basin or facility.

DISCHARGE CONTROL DEVICE: The element of a discharge structure that allows the gradual release of water under controlled conditions.

DISCHARGE STRUCTURE: A structural device through which water is discharged from a project to the receiving system.

DISTRESSED OR ABANDONED VEHICLE: A distressed motor vehicle is one in a state of disrepair that is incapable of being moved under its own power. An abandoned motor vehicle is one which does not have a current license plate or registration and has been parked in an unused state for a period of at least 30 days.

DISTRESSED OR ABANDONED BOAT/TRAILER: A distressed boat or trailer is one in a state of disrepair and incapable of being used. An abandoned boat or trailer is one which does not have a current license plate or registration and has been parked in an unused state for a period of at least 30 days.

DISTRIBUTION LINE: That which delivers a service or flow to a specific customer or point of reception, locally located (i.e. within the jurisdiction of Polk County)

DOH: Abbreviation for the Florida Department of Health.

DONATION BIN (Added 12/17/13 – Ord. 13-65): A receptacle, typically mobile, designed with a door, slot, or other opening that is intended to accept materials such as clothing and other household or office goods donated by the public.

DORMITORY: A residence hall providing rooms for individuals or for groups with or without private baths.

DRC: Abbreviation of the Polk County Development Review Committee.

DRAINAGE BASIN: Geographical area defined by topographic ridges, from which storm water runoff flows down gradient to a receiving water body, including all man-made features added to the basin.

DRAINAGE BASIN, CLOSED: A depressed portion of the earth's surface for which there is no outlet for runoff other than percolation, evaporation, or transpiration, up to and including the 100-year flood level, or any watershed in which the runoff does not have a surface outfall up to and including the 100-year flood level.

DRAINAGE FACILITIES: A system of man-made structures designed to collect, convey, hold, divert, or discharge storm water. It may include, but not be limited to, storm water sewers, canals, detention/retention structures.

DRAINAGE FEATURES: Features of an area which accommodate the flow of storm water, such as streams, rivers, canals, and wetlands.

DRAINAGE PATTERN: The configuration of a drainage system including manmade and natural features within a drainage basin.

DREDGING: Excavation by any means in any water body or wetland. Excavation or creation of a water body which is, or is to be connected to waters, directly or via excavated water bodies or a series of excavated water bodies.

DRAINAGE STRUCTURES: Structure constructed with the purpose of diverting, passing, conveying, storing, or carrying storm water (i.e. culverts and bridges).

DRIP IRRIGATION: (Added 03/18/09 – ord. 09-006) A method of micro-irrigation wherein water is applied to the soil surface as drops or small streams through emitters.

DROUGHT-TOLERANT: (Added 03/18/09 – ord. 09-006) Describes plants that require less water because they are adapted to regions with frequent drought or to soils with low water-holding capacity.

DU: Abbreviation for dwelling unit.

DU/AC: Abbreviation for dwelling unit per acre.

DUPLEX/SINGLE FAMILY ATTACHED (Rev. 05/18/05 - Ord 05-18): A single structure containing two dwelling units connected by a common wall or other integral part of the principal building, such as a breeze way or carport, and situated either on a single lot or parcel (duplex) or two adjacent lots (single-family attached).

DUPLEX/ TWO-FAMILY ATTACHED: A detached building containing two dwelling units connected by a common wall or other integral part of the principal building, such as a breeze way or carport, and situated on a single lot or parcel.

DWELLING UNIT: A unit in which the occupant or occupants live and eat separately from anyone else, and have direct access to the outside (e.g. to a hallway or street) of the unit.

EARTHMOVING: The removal, extraction, excavation, fill or grading for any purpose of soil, sand, shell, limestone, dolomite, gravel, ore, rock, clay, peat or any material by whatever process.

EASEMENTS: Interest in land owned by another that entitles its holder to a specific limited use or enjoyment of said land.

ECONOMIC DEVELOPMENT ACTION PLAN (Rev. 7/14/08 - Ord. 08-037): the Northridge Community Re-development Area Action Plan that identifies the target industries (examples of industries include office, business park, light industrial, and industrial uses), strategies and mechanisms to improve the economic opportunities in the re-development area. The projects associated with these targeted industries are eligible to use the potable water in the Economic Development water allocation category or other non-residential categories.

ELECTRIC-POWER GENERATING FACILITY: Any electrical generating facility using any process or fuel (except nuclear) and includes associated facilities which directly support the construction and operation of the electrical power plant.

ELECTRICAL POWER PLANT SITING ACT: Regulates the review and establishment of new and expanded electrical power plant facilities; as specified in Chapter 403, F.S.

ELECTRICAL TRANSMISSION LINE SITING ACT: Regulates the review and establishment of electrical transmission lines for which the capacity is at least 230 kilovolts (kV) and which are greater than 15 miles in length and which cross a county jurisdictional line; as specified in Chapter 403, F.S.

ELEVATED BUILDING: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

EMERGENCY SHELTER SMALL (Rev. 12/01/09 – Ord. 09-073): Facilities operated by a public or private nonprofit, charitable, or religious organization containing six (6) residents or less and providing boarding and lodging on a day to day basis, and ancillary services on its premises for indigent, needy, runaway, homeless, or transient persons.

EMERGENCY SHELTER, MEDIUM (Rev. 12/01/09 – Ord. 09-073): Facilities operated by a public or private nonprofit, charitable, or religious organization containing 7 to 14 residents and providing boarding and lodging on a day to day basis, and ancillary services on its premises for indigent, needy, runaway, homeless, or transient persons.

EMERGENCY SHELTER, LARGE (Rev. 12/01/09 – Ord. 09-073): Facilities operated by a public or private nonprofit, charitable, or religious organization containing 15 or more residents and providing boarding and lodging on a day to day basis, and ancillary services on its premises for indigent, needy, runaway, homeless, or transient persons.

ENCLAVE: Designated territorial units within Polk County which, subject to the approval of the Enhanced 911 Office, have the authority and responsibility of assigning street addresses within a defined territory or jurisdiction.

ENCROACHMENT: The advance or infringement for use, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity, velocity, or cross-section area of a floodplain.

ENDANGERED AND THREATENED SPECIES: These are plants and animals to be protected per local, state and federal laws. Polk County is to maintain an inventory or areas supporting endangered or threatened plants or wildlife species. This inventory includes data from State and Federal agencies.

> **ENDANGERED SPECIES**: Any plant or wildlife animal naturally occurring in Florida, whose prospects of survival are in jeopardy due to modification or loss of habitat; over-utilization for commercial, sporting, scientific or educational purposes; disease; predation; inadequacy of regulatory mechanisms; or other natural or manmade factors affecting its continued existence.
>
> **THREATENED SPECIES**: Any plant or wildlife naturally occurring in Florida which may not be in immediate danger of extinction, but which exists in such small populations as to become endangered if it is subjected to increased stress as a result of further modification of its environment.

ENGINEER: A professional engineer registered and currently licensed to practice in the State of Florida.

ENHANCED 911 EMERGENCY TELEPHONE SYSTEM: The system maintained and operated by the Enhanced 911 (E-911) Office whereby the Uniform Street Address System created by this Ordinance, the Address Numbering Maps, the telephone numbers associated with given street addresses, and the 911 Office's communications equipment and facilities are used in conjunction with each other to provide an efficient and reliable response to emergencies reported via 911 emergency telephone calls.

ENVIRONMENTAL CONDITIONS: The conditions, circumstances and influences surrounding and affecting the development of a parcel of land.

EPA: Abbreviation for the United States Environmental Protection Agency.

EQUIVALENT RESIDENTIAL CONNECTION (ERC): The average daily flow or consumption ratings for potable water and sanitary sewer utilized by a model single-family dwelling unit as established by the Polk County Comprehensive Plan. The Polk County Comprehensive Plan establishes an equivalent residential connection of 360 gallons per residence for potable water, and 270 gallons per residence for sanitary sewer.

EROSION: The wearing or washing away of soil by the action of wind or water.

EXACTIONS: "Exactions" is the term applied to various dedications, conditions, fees, and charges for off-site improvements to public services and facilities. Typical exactions include the provision of services and supporting-facilities like: water and sewer, recreation and open space, public-resource access, road improvements, and flood control.

EXISTING CONSTRUCTION (FOR FLOODPLAIN MANAGEMENT PURPOSES): (*Added 06/14/13 – Ord. 13-020)* Structures for which "the start of construction" commenced before September 1, 1977. This term may also be referred to as "existing structures".

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION(FOR FLOODPLAIN MANAGEMENT PURPOSES): A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before September 1, 1977.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION (FOR FLOODPLAIN MANAGEMENT PURPOSES) ***(Rev. 06/04/13 – Ord. 13-020)***: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FAA: Abbreviation for the Federal Aviation Administration.

F.A.C.: Abbreviation for the Florida Administrative Code

FAMILY ***(Revised 09/02/09 – Ord. 09-054)*****:** Any of the following groups living together sharing common living, sleeping, cooking, and eating facilities and with at least one person who has attained the legal age of 18:

a) any number of people related by birth, marriage, civil union, adoption, guardianship, or duly-authorized custodial relationship; or

b) no more than six (6) unrelated people.

FAMILY DAY CARE HOME ***(Revised 07/22/09 – Ord. 09-047)*****:** An occupied single-family detached residence in which child care is regularly provided for children under thirteen (13) years of age for a period of less than twenty-four (24) hours per day and which receives payment, fee, or grant for any of the children receiving care, whether or not operated for profit**.**

FAMILY FARM: Land within areas designated as Agricultural/Residential Rural (A/RR) or Residential-Suburban (RS) which may be used by family members of the property owner for use as a permanent residence at densities higher than that permitted by the A/RR or RS land use classification, upon approval by the Board of County Commissioners. However, densities may not exceed one dwelling unit per acre (1 DU/AC) and the minimum lot size shall be one acre. This provision is intended to promote the perpetuation of the family farm by making it possible for family members to both work and reside on the property devoted to agricultural uses.

FAMILY HOMESTEAD: Land subdivided consistent with Section 163.3179, F.S., for the purpose of allowing a parcel of property to be subdivided and used solely as a homestead for a relative (defined as a grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild) of the person who conveyed the parcel to said individual, regardless of the density assigned to the property by the Comprehensive Plan, providing the parcel was in existence prior to May 1, 1992. Subject to minimum lot sizes, as provided for by the this Code.

FARM BUILDINGS, NONRESIDENTIAL ***(Rev. 01/30/03 - Ord. 03-14)*****:** Any building or support structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products used by a farm operation as defined in 823.14 F.S. or is on land classified as agricultural land under 193.461 F.S.

FARM WORKER DORMITORY, APARTMENT STYLE ***(Revised 09/02/09 – Ord. 09-054)*****:** Residential living quarters for unaccompanied adult farm employees housing no greater than eight (8) workers within a walled enclosure accessed through a lockable doorway that contains the following:

a) At least one kitchen facility;

b) At least one toilet and sink for every four (4) or less workers;

c) At least one bathing facility for every four (4) or less workers;

d) At least one closet and one bed for every worker; and

e) Bedrooms shall be separated by either a wall or permanent partition with no more than four occupants per bedroom.

FARM WORKER DORMITORY, BARRACK STYLE ***(Revised 09/02/09 – Ord. 09-054)*****:** Any dormitory structure for unaccompanied adult farm employees that cannot meet the standards of an Apartment Style Farm Worker Dormitory.

FARMING, GENERAL (Rev. 04/19/16 – Ord. 16-022; 01/30/03 - Ord. 03-14): The growing of crops, plants, and trees. The term also includes aquaculture, dairy and the maintaining or breeding of horses, livestock, small specialty animals, fowl or poultry. The sale of agricultural products grown or raised on the premises is permitted, as well as farm buildings and accessory utility structures such as stables (public or private), barns, silos, sheds, etc., necessary to conduct normal farm operations.

FCC: Abbreviation for the Federal Communications Commission.

FDEP: Abbreviation for the Florida Department of Environmental Protection.

FDOT: Abbreviation for the Florida Department of Transportation.

FDOT DESIGN STANDARDS: The "Roadway and Traffic Design standards for Design, Construction, Maintenance, and Utility Operations for Streets and Highways on State Maintained Systems", latest edition.

FDOT GREEN BOOK: The Florida Department of Transportation Manual of AUniform Standards for Design, Construction and Maintenance for Streets and Highways@. Florida Department of Transportation, Office of Design, Tallahassee, Florida - latest edition.

FDOT STANDARD SPECIFICATIONS: The "Florida Department of Transportation Standard Specifications for Road and Bridge Construction", latest edition as amended.

FEMA: Abbreviation for the Federal Emergency Management Agency.

FFWCC: An abbreviation for Florida Fish and Wildlife Conservation Commission.

FGS: Abbreviation for the Florida Geological Survey.

FILL: Sand, gravel, earth, or other materials of any composition whatsoever placed or deposited location other than where it was excavated.

FILLING: Raising the elevation of land by depositing clean fill over the existing land surface, except that the upper two feet of the clean fill shall consist of soil.

FILL MATERIAL EXCAVATION: The removal of earthen material from one location to be used or sold for fill in another location, resulting in an excavation pit colloquially referred to as a "borrow pit."

FINAL DEVELOPMENT APPROVAL: County action granting or granting with conditions, approval of: a subdivision construction plan, a rental mobile home park or RV park construction plan, and a commercial/industrial drainage site plan (with building permit application).

FINAL DEVELOPMENT ORDER: Written authorization by the Polk County Development Services Division for the commencement of horizontal construction. The following permits, if required by the development, must be attached to the Final Development Order:

1. Florida Department of Environmental Protection
2. U.S. Army Corps of Engineers
3. Water Management District
4. Florida Department of Transportation
5. Polk County Engineering Services and Utilities Division
6. Polk County Health Unit

FINANCIAL INSTITUTION: Institutions engaged in deposit banking and closely related functions such as the extension of credit by means of loans and underwriting, purchase, sale or brokerage of securities and other financial investments. Typically, the hours of a financial institution are between 8:00 AM and 5:00 PM Monday through Friday.

FINANCIAL INSTITUTION, DRIVE-THRU: Institutions engaged in banking operations as defined in FINANCIAL INSTITUTION, but with the additional incorporation of an automobile drive up (or through) banking window (or windows), drive through teller or lanes, or a drive up automobile accessible Automatic Teller Machine (ATM), or any combination thereof. A Financial Institution drive through may or may not incorporate extended or weekend hours, but typically generates considerable additional impacts on surrounding land uses due to the increased amount of automotive traffic using the facility.

FISH CAMP: The area adjacent to a water body used for sport fishing and other recreational purposes and opened to the general public on a commercial basis, not including hatchery facilities or operations.

FLEA MARKET/ENCLOSED *(Revised 8/20/13 – Ord 13-039)*: The use of one or more completely enclosed building(s) in which stalls or sales areas are rented or otherwise provided, and which are intended for use by various individuals to sell articles that are homemade, homegrown, handcrafted, or old or antique. This may also include the selling of new or used goods by businesses or individuals who are generally engaged in retail trade. Garage sales in a residence are not considered to be enclosed flea markets.

FLEA MARKET/OPEN *(Revised 8/20/13 – Ord 13-039)*: An open, covered or uncovered outdoor area in which stalls or sales areas are rented or otherwise provided, and which are intended for use by various individuals to sell articles that are homemade, homegrown, handcrafted, or old or antique. This may also include the selling of new or used goods by businesses or individuals who are generally engaged in retail trade. Yard sales at a residence are not considered to be open flea markets.

FLOOD (or FLOODING) *(Rev. 06/04/13 – Ord. 13-020*

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a) (2) of this definition and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along a shore of a lake or other body of water as the result of erosion or undermining caused by waves or currents of water exceeding anticipated

cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) (1) of this definition.

FLOOD INSURANCE RATE MAP (FIRM): The official map issued by the Federal Emergency Management Agency showing both the Area of Special Flood Hazard and the risk premium zones within the County.

FLOOD INSURANCE STUDY: The official hydrology and hydraulics report provided by FEMA. The study contains an examination, evaluation and determination of flood hazards, and, the water surface elevations of the base flood, and supporting technical data. The report contains flood profiles, as well as the Flood Insurance Rate Map and other related data and information.

FLOOD PLAIN *(Rev. 06/04/13 – Ord. 13-020)*: Any land area susceptible to being inundated by water from any source (see definition of "flooding").

FLOOD PLAIN ADMINISTRATOR *(Added 06/04/13 – Ord. 13-020)*: the position responsible for the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

FLOOD PRONE AREA: Any land area susceptible to being inundated by water from any source (see FLOOD).

FLOOD PROOFING: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOOD WAY *(Rev. 06/04/13 – Ord. 13-020)*: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FLOODWAY FRINGE *(Added 06/04/13 – Ord. 13-020)*: The area of the one-percent (base or 100-year) floodplain on either side of the regulatory floodway.

FLOOR: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

FLOOR AREA RATIO (FAR): A non-residential land-use intensity measure analogous to density. It compares the floor area of a building with the total area of the site. Floor area is the sum of all floor areas of a building or structure, not just the ground floor area.

FLORIDA-FRIENDLY LANDSCAPE: (Added 03/18/09 – Ord 09-006) A landscape where the right plants are located in the right place, based on soil conditions and corresponding water needs.

The Florida-friendly principles include appropriate choice of plants, soil analysis, efficient irrigation, appropriate use of mulches, and proper maintenance.

FLORIDA INVENTORY OF SCHOOL HOUSES (FISH) CAPACITY (Added 01/09/08 by Ord. 01-008): The report of the permanent capacity of existing public school facilities. The FISH capacity is the number of students that may be housed in a facility (school) at any given time as determined by the Florida Department of Education's Office of Educational Facilities. In Polk County, permanent capacity does not include temporary classrooms unless they meet the standards for long-term use pursuant to Section 1013.20, Florida Statues.

FLORIDA SAFE DRINKING WATER ACT: Part VI of Chapter 403 of the Florida Statutes.

FLUCFCS: The document: *Florida Land Use, Cover, and Forms Classification System*, published by the Florida Department of Transportation.

FLY-IN COMMUNITIES: A residential subdivision designed around one or more runways in such a manner so that airfield facilities are accessible to some or all of its component residential lots.

FORESTRY OPERATIONS, SPECIALIZED: Specialized forestry-related facilities such as sawmills and mulching operations.

FOWL (Revised 1/10/12 – Ord. 12-001): a flightless and primarily ground-feeding bird kept, raised, or bred for hobby or for its eggs or flesh.

FREEBOARD *(Added 06/04/13 – Ord. 13-0200)*: The additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, blockage of bridge or culvert openings, and hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the heights calculated for a selected frequency flood and floodway conditions.

FREIGHT (Added 11/12/08 – Ord. 08-056): Goods merchandise, substances, materials, and/or commodities of any kind that may be transported or transferred from one place to another by air, rail, motor vehicle or commercial vehicle.

FRONTAGE: The length along the right-of-way line of a single property tract or roadside development area between the edges of the property. Corner property at a highway intersection has a separate frontage along each highway.

FRONTAGE BOUNDARY: The area between lines perpendicular to the highway centerline, at each end of the frontage extending from the right-of-way line to the edge of the through traffic lane.

FRONTAGE ROAD: A road which parallels an arterial or collector road which provides access to abutting properties and separation from through traffic, thereby allowing the major roadway to function as a limited-access facility while providing access to lands adjacent to the roadway. It may be designed as a local road or a collector road as dictated by anticipated traffic volumes.

F.S.: The Florida Statutes, which are the State laws governing the State of Florida.

FUNCTIONALLY DEPENDENT FACILITY: A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

FUNCTIONALLY DEPENDANT USE ***(Added 06/4/13 – Ord. 13/020)***: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

FUNERAL HOME AND RELATED FACILITIES: An establishment engaged in the preparation of human remains for burial or cremation, and ceremonies conducted both on and off site, for the dignified interment of deceased humans.

GASOLINE STATIONS: An establishment where gasoline and diesel fuel is supplied and dispensed at retail and where no servicing or repair of vehicles is permitted. Convenience goods may be sold at such facilities, but the sales shall be accessory to the sale of gasoline or diesel fuel.

GARAGE APARTMENT: A dwelling unit including a bedroom, bathroom and kitchen, having separate electrical or plumbing service from the primary dwelling unit.

GAS PUMPS: Any mechanism used for the dispensing of fuel for motor vehicles. For the purposes of this Code, a gas pump may have up to six dispenser nozzles.

GC: Greenway Corridor as stated in the US 27 Selected Area Plan (SAP).

GENERAL AVIATION AIRPORT: An airport with a service level other than Commercial Service or Reliever.

GENERAL FARMING: (See: FARMING, GENERAL)

GENERALIZED PLANNING CAPACITY: The generalized daily, peak hour or peak hour/peak directional service volumes as identified in the Polk County Concurrency Management System. This term is for use with Appendix C of this Code.

GIS: Geographic Information System.

GLOBAL POSITIONING SYSTEM (GPS): The satellite based geographic locating system operated by the United States Department of Defense.

GOLF COURSE (Revised 10/02/12 – Ord. 12-030; 12/20/11 – Ord. 11-042): A private or public recreation facility of at least nine separate holes of golf consisting of a separate fee, fairway, and green for each of the nine holes, and requiring the use of standard golf clubs in addition to a putter. The minimum length of a golf course shall be 2,000 yards total, measuring from the front of each tee to the middle

of each green. Golf Courses may also provide golf instruction, driving ranges and practice facilities, retail sales of equipment and apparel, as well as food and beverage service.

GOVERNMENTAL FACILITIES: A building or complex of buildings that houses public facilities, offices, or services. Typical uses include government-administration buildings, police, fire and emergency medical facilities.

GRADE: The inclination, to the horizontal, of any line which is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance.

GROSS FLOOR AREA (GFA): The sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls.

GROSS LEASABLE AREA (GLA): The total floor area designed for the tenant's occupancy and exclusive use including basements, mezzanines, or upper floors expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. It is the space for which tenants pay rent, including sales areas and integral stock areas. GLA does not include gas pump islands or areas.

GROUND COVER (Rev. 12-04-03 Ord. 03-82): Plants, other than turf grass, normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.

GROUND WATER: Water beneath the surface of the ground, whether or not flowing through known and definite channels.

GROUP HOME, SMALL (Rev. 12/01/09 – Ord. 09-073): A full time, family type living arrangement, in a private residential home where room, board, and personal care is provided on a 24 hour basis for no more than six (6) unrelated persons along with a maximum of two full-time supervisors or house parents. This category includes, but is not limited to, community residential homes, adult family care homes, foster homes, and other similar group living homes. 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 (Rev. 12/01/09 – Ord. 09-073): A full time living arrangement, in a private residential home, where room, board, and personal care is provided on a 24 hour basis for 7 to 14 unrelated persons along with a maximum of two full-time supervisors or houseparents. This category includes, but is not limited to, congregate/assisted living, community residential homes, foster homes, and other similar group living homes. 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 (Rev. 12/01/09 – Ord. 09-073): Any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, which undertakes through its ownership or management to provide housing, meals, and one or more personal services on a 24 hour basis for 15 or more unrelated persons. This category

includes, but is not limited to, congregate/assisted living facilities, and other similar group living facilities. 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.

GROWTH MANAGEMENT DEPARTMENT: (Revised 5/20/09 – Ord. 09-023) The Polk County Growth Management Department

GRUBBING: The removal or destruction of any living rooted shrubbery; the denuding of a parcel by digging, raking, or dragging; activities which disturb the roots of such vegetation or the soil in which such roots are located in a manner which is calculated to result, or likely to result, in the death, destruction or removal of such vegetation.

GSPA: Green Swamp Protection Area as stated in the US 27 Selected Area Plan (SAP).

GUEST HOUSE: Shall mean a structure which is accessory to a residential use, used for occasional housing of guests of the occupants of the principal structure, and not as a rental unit or for permanent occupancy as a housekeeping unit. Mobile homes, recreational vehicles, or structures built in conformance with Florida Statutes, Section 320.823, as amended, shall not be deemed a guest house.

GUYED TOWER: Any Guyed Tower structure that is designed and constructed primarily for the purpose of supporting one or more antennas. Specifically, a Guyed Tower is a Communication tower which is anchored with guy wires. (See: COMMUNICATION TOWER)

HABITAT: The place or type of site where a species naturally or normally nests, feeds, resides, or migrates, including for example, characteristic topography, soils, and vegetative cover.

HAZARDOUS SUBSTANCES: Hazardous substances listed in Chapter 38F-41 of the Florida Administrative Code, Sections 261 and 302.4 of Title 40 of the Code of Federal Regulations, and Part 355 Appendix A & B of Title 50 of the Code of Federal Regulations. A hazardous substance, as defined herein, includes any solution, mixture, or formulation containing such materials, and also includes any material which, due to its chemical or physical characteristics, as determined by the Director upon the advice of the Polk County Environmental Services Director, which poses a substantial threat to the life, health, or safety of persons or property or to the environment.

HAZARDOUS WASTE: Any hazardous substance which is a by-product of chemical or industrial processes; which is no longer usable for the purpose originally intended; and which may pose a potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. These waste materials include, but shall not be limited to, volatile, chemical, biological, explosive, flammable, radioactive, and toxic waste materials.

HAZARDOUS WASTE TRANSFER AND STORAGE FACILITIES: A building, site, or structure whose principal use is to contain or hold hazardous waste, but not including the disposal of such waste. The term also includes facilities that principally store hazardous waste on a temporary basis for the purpose of transport to an offsite storage, treatment, or disposal facility.

HAZARDOUS WASTE TREATMENT FACILITIES: Any building, site, structure, or equipment used in an activity or process designed to change the physical form or chemical composition of hazardous waste, as regulated by the Resource Conservation and Recovery Act (RCRA), so as to render it nonhazardous.

HEAVY MACHINERY EQUIPMENT SALES AND SERVICES ***(Revised 09/02/09 – Ord. 09-055)*** : Establishments primarily engaged in the retail sale, leasing and service of new or used trucks (greater than 2 ton load capacity) and heavy machinery and equipment. This includes any warranty repair work and other repair service conducted as an accessory use that may require outdoor storage, or have the potential for greater nuisance to adjacent properties due to noise, light, glare, or odor than light repair uses. Heavy machinery equipment includes, but is not limited to earth movers, cranes and similar size vehicles, machinery and equipment.

HEIGHT, STRUCTURE (Rev. 12/27/02 - Ord. 02-88): The vertical distance measured from the average adjacent grade of the building or structure to the extreme high point of the building, exclusive of chimneys, heating units, ventilation ducts, air conditioning units, elevators and similar appurtenances.

HEIGHT, TOWER (Rev. 12/27/02 - Ord. 02-88): The distance measured from the base of a communication tower or structure to the highest point on such tower, including any antenna on the tower.

HELIPORTS: A facility licensed by the State of Florida for the landing and take-off of helicopters including one or more auxiliary facilities such as parking, waiting room, fueling and maintenance buildings or equipment.

HELISTOPS: A heliport, but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HIGHWATER USE ZONE (Rev. 12-04-03 Ord. 03-82): Plants and turf types within this area, are associated with moist soils and require supplemental water in addition to natural rainfall to survive. This zone includes shallow rooted turf grass varieties.

HIGHWAY, STREET, ROAD: A general term denoting a public way for purposes of traffic, including the entire area within a right-of-way. The term street is typically used for urban or suburban areas.

HISTORIC BASIN STORAGE: The depression storage available on the site in the pre-development condition. The volume of storage is that which exists up to the required design storm.

HISTORIC STRUCTURE (FOR FLOODPLAIN MANAGEMENT PURPOSES ***(Rev. 06/04/13 – Ord. 13-020)*** : Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

    a. By an approved state program as determined by the Secretary of the Interior; or

    b. Directly by the Secretary of the Interior in states without approved programs.

HORIZONTAL CONSTRUCTION: Roads, storm water management systems, utilities (water, sewer, electric, gas, cable TV, & phone), clearing and grubbing of the property.

HORSEBACK RIDING STABLES/ACADEMIES: (See: STABLES/RIDING ACADEMIES)

HOSPITALS: An institution providing physical and mental health services; primarily human in-patient medical or surgical care for the sick or injured. Hospitals may also include related facilities such as laboratories, out-patient services, training facilities, central service facilities, emergency services and staff offices.

HOTELS AND MOTELS: A building or group of buildings containing lodging units intended primarily for rental or lease to short-term visitors by the day or week, and which may provide additional services such as restaurants, meeting rooms and recreation facilities.

HYDRIC (Rev. 12-04-03 Ord. 03-82): An environment characterized by an abundance of moisture, including plant types requiring considerable moisture (e.g.-areas within wetlands).

HYDRO GRAPH: A graph or table indicating the level of water in watercourses or aquifer or the rate of flow of water during a period of time.

HYDROLOGY: The science of water distribution.

IMPACT FEE: Fees imposed pursuant to the Comprehensive Impact Fee Ordinance which are intended to support public utilities or services, through fees charged to new users, generally speaking, by assessing new customers on a specific Asystem@ (i.e.: water, sewer, roads) with a monetary share of the impact they have on the capacity of the current system.

IMPACTED SEGMENT: Any segment on the Concurrency Determination Network on which the project traffic consumes five percent or more of the generalized planning capacity for the minimum acceptable level of service standard.

IMPERVIOUS SURFACE: Those surfaces which have been compacted or covered with a layer of material so that they are highly resistant to infiltration by water and include all structures, parking areas, driveways, streets, sidewalks, and other areas of concrete , asphalt, compacted clay or other similar surfaces. In the case of storage yards, areas of stored materials constitute impervious surfaces.

IMPERVIOUS SURFACE RATIO (ISR): Percentage of impervious surface of a subject site in relation to the total area of the site.

INCIDENTAL BENEFITS: Parenthetical benefits in meeting the requirements imposed by an exaction.

INCINERATORS *(Added 03/18/14 – Ord. 14-015)*: A facility, or any part thereof, designed or intended solely for the volume reduction of solid waste, hazardous waste, biohazardous waste, or biological waste by incineration.

INDUSTRIAL WASTE *(Added 03/18/14 – Ord. 14-015)*: Solid waste generated by manufacturing or industrial processes that is not a hazardous waste. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products or byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing or foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment.

INFILL DEVELOPMENT: Development of vacant, Askipped-over@ parcels of land in otherwise built areas. The reuse or change of use of a previously developed parcel or the intensification of use or change of use by remodeling or renovation of a structure.

IN-LIEU-OF FEE: A fee imposed pursuant to this Code, and that is used in place of a donation of land.

INSTITUTIONAL CAMPGROUNDS: Facilities used by a non-profit or religion affiliated organizations for the purpose of providing resource based recreational and educational opportunities for the organization. These places typically provide lodging facilities (e.g. camping sites, cabins, or dormitories), meeting places, and independent kitchen facilities. The following are not religious or institutional campgrounds: commercial campgrounds and RV parks, intended to accommodate individual or family rentals, and commercial fish camps.

INTERLOCAL AGREEMENT (E-911): Agreement between the Board of County Commissioners and municipalities, or postal services, assigning addressing authority over a designated territory to the Enhanced 911 Office.

INTERNAL CAPTURE: Trips generated by a mixed use project which travel to another on-site land use without using the external road network. This term is for use with Appendix C of this Code.

INTERNAL CAPTURE FACTOR: The percentage of the total trips generated by a mixed use project that travel from one on-site land use to another on-site land use without using the external road system. This term is for use with Appendix C of this Code.

INTERSECTION: An at grade connection or crossing of a state, municipal or County road.

INTERSECTION, MAJOR: The location at which two roadway segments located on the Concurrency Determination Network cross or intersect each other.

INTERSECTION ANALYSIS: A mathematical analysis of two intersecting roadways to determine its vehicular capacity and Level-of-Service.

IRRIGATION SYSTEM: (Rev. 12-04-03 Ord. 03-82) A permanent, artificial watering system designed to transport and distribute water to plants as a supplement to natural rainfall.

IRRIGATION SYSTEMS: (Added 03/18/09 – Ord 09-006) Automatic system which operates using a preset program entered into an automatic controller.

IRRIGATION ZONE: (Rev. 12-04-03 Ord. 03-82) A series of irrigation emitters connected to one valve designed to address the specific watering needs of that portion of the site according to the soil characteristics, amount of sunlight, and plant needs.

ISOLATED CONVENIENCE STORE (ICS): (See: CONVENIENCE STORE, ISOLATED)

ISOLATED WETLAND: Any wetland that has no hydrological or vegetative connections with any water of the state as defined in Section 327.02 (28), F.S.

JOINT AIRPORT ZONING BOARD (JAZB): An inter-governmental legislative body created in 1978 pursuant to Chapter 333, F.S., by resolutions of the following governments: the cities of Auburndale, Bartow, Lake Alfred, Lakeland, Lake Wales, Winter Haven and the Hillsborough and Polk County Board of County Commissioners. The JAZB adopts and administers airport zoning regulations relative to the height of structures and objects of natural growth, the uses of land in areas subject to airport noise, the uses of land in areas subject to aircraft overflight potential, the establishment of educational facilities of public and private schools, the uses of land which result in the generation of in-flight visual or electronic interference, and the uses of land which result in aircraft bird strike hazard.

JUNK: Discarded or abandoned material or manufactured objects including wrecked or derelict property which has no value other than nominal salvage value, if any. This may include inoperative or partially dismantled trailers, boats, machinery, appliances, or other similar articles.

KENNEL, BREEDING: Land or structures where any number of animals that are not personal pets of the property owner are kept for the purpose of sale, rental, breeding, hire as guard animals on other property, or other commercial purposes. A breeding kennel shall not include pet stores or commercial kennels used for boarding purposes only.

KENNEL, BOARDING: A commercial establishment where any number of personal pets (typically dogs and cats) are kept for boarding or lodging purposes for a fee. Pet grooming may be provided as an accessory use.

LAKE: Any permanent body of water in excess of ten acres and not wholly under one ownership, with the exception of ownership by the State of Florida.

LAND: The earth, water, air above, below, or on the surface, and includes any vegetation, improvements or structures customarily regarded as land.

LAND DEVELOPMENT DIVISION (Revised 5/20/09 – Ord. 09-023) : That division under the Board of County Commissioners responsible for the administration of the Land Development Code and all succeeding documents which serve to regulate land development within Polk County. The term shall include any division or agency which succeeds the Land Development Division in the performance of this function.

LAND DEVELOPMENT REGULATIONS, POLK COUNTY: Regulations adopted pursuant to Section 163.3202 F.S. And referred to as the POLK COUNTY LAND DEVELOPMENT CODE; adopted March 1, 2000, as amended. The definition shall apply to this Code, generally referred to as the (Polk County) LDCs.

LAND SURVEYING MONUMENTS: Monuments provided by a survey performed under the direction of a registered land surveyor in accordance with Chapter 472, Florida Statutes, and Section, 61G17-6, Florida Administrative Code, for the purpose of locating the permanent improvements constructed in conjunction with the development of a plat.

LAND USE: A designation as described in the Comprehensive Plan or this Code and displayed on the Future Land Use Map Series.

LAND USE DISTRICT MODIFICATION: Changes from one land use district to another on the Future Land Use Map Series. The process is more specifically described in Section 912 of this Code, Land Use District Modifications.

LANDFILLS *(Revised 03/18/14 – Ord. 14-015):* Any solid waste land disposal area for which a permit, other than a general permit, is required by Chapter 403, Florida Statutes or Chapter 62, Florida Administrative Code and which receives solid waste for disposal in or upon land. The term does not include a land-spreading site, an injection well, or a surface impoundment.

LANDING: A platform at the end of a flight of stairs.

LANDSCAPED AREA: (Rev. 12-04-03 Ord. 03-82) The entire parcel less the building, footprint, driveways, non-irrigated portions of parking lots, landscapes such as decks and patios, and other non-porous areas. Water features are included in the calculation of the landscaped area.

LATTICE TOWER: Any lattice tower structure that is designed and constructed primarily for the purpose of supporting one or more antennas. Specifically, a lattice tower is a communication tower which is self-supporting and which has three or more sides of open-framed supports. (See: COMMUNICATION TOWER)

LDC: The Polk County Land Development Code (See: POLK COUNTY LAND DEVELOPMENT REGULATIONS)

LEVEL-OF-SERVICE (LOS): An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on, and related to, the operational characteristics of a facility. When interpreting Appendix C of this Code, use the following definition for interpretation: A qualitative measure describing the operational conditions within a traffic stream, and their perception by motorists and or passengers. This qualitative description describes the roadway operating conditions in terms of such factors as speed, travel time, freedom to maneuver, traffic interruptions, delay, comfort, convenience, and safety. The six levels of service are defined for each type of facility with letter designations A through F. Level-of-Service A represents the best operating conditions and Level-of-Service F the worst operating conditions. These Level-of-Services may be further defined by a specific volume to capacity ratio.

LIFE OF THE MINE: Total length of time from the beginning of mining operations up through DRC approval of the completed reclamation on a site; this includes any temporary halt in mining activity.

LIGHT ASSEMBLY (Rev. 3/6/02 - Ord. 02-13): The combining of parts into items such as but not limited to computers, computer chips, office products and other items that are free of hazardous or objectionable elements, such as noise, odor, dust, smoke or glare. Such uses shall operate entirely within enclosed structures and the premises shall not contain any outdoor or open storage or above ground tank storage of merchandise, products or materials or any outdoor or open storage of equipment, materials or other items utilized by such establishments except for automobile and delivery or service trucks.

LIME STABILIZATION FACILITY: (Revised 12/06/11 – Ord. 11-032) A facility engaged in the treatment method that decreases odors, the levels of disease-causing organisms, and the potential for putrefaction of septage by lime or other alkaline material added to raise the pH to a standard specified by the Florida Administrative Code for land application of domestic septage and sludges.

LINK: A portion of a roadway segment located on the Concurrency Determination Network defined by two intersecting roadways.

LINK IMPROVEMENT: A change in the physical or operating characteristics of a portion of a roadway segment that results in increased capacity and improvements to the general quality, Level-of-Service and safety characteristics of the link.

LIQUIFIED FUEL LINE: A pipeline which carries fuel that was formerly in a gaseous state, and is liquefied for transport under very high pressure conditions.

LIQUIFIED PETROLEUM GAS: Gases at normal room temperature and atmospheric pressure which liquefy under moderate pressure, readily vaporizing upon release of the pressure.

LISTED SPECIES: Any species of animals, flora and fauna listed by a state or federal governmental agency as: endangered, threatened, or species of special concern.

LITTORAL ZONE: The shallow-water region of a water body, natural or man made, where sunlight penetrates to the bottom and which is intended for and capable of supporting aquatic vegetation.

LIVESTOCK (Revised 1/10/12 – Ord. 12-001): any domestic species of cattle, sheep, swine, goats, llamas, or horses, which are normally and have historically, been kept and raised on farms in the United States, and used or intended for use as recreation, food or fiber, or for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber.

LIVESTOCK SALE/AUCTION: Facilities engaged in the selling or marketing of cattle or other livestock for food or ranching purposes. Typically these facilities operate most intensively on weekend or evening hours, though due to the nature of transporting, feeding, and presenting large live animals for sale, impacts are spread over a longer period.

LOADING DOCK OR DOCKING FACILITY: A facility typically associated with commercial trucking or the movement of goods, where goods and materials are loaded and unloaded for subsequent distribution.

LODGES AND RETREATS, PRIVATE: Non-commercial facilities, such as a company retreat or a fraternal lodge, which are not open to the general public and whose use is limited to the membership, and their guests, of the owning organization. These sites are intended to provide a meeting place and resource-based recreational site for the organization, and typically provide lodging and kitchen facilities, as well as meeting rooms. These facilities may be rented to other similar private organizations.

LOT: A single or continuous plot, parcel, or tract of land, all of which is to be used, developed or built upon as a unit under single ownership throughout and defined by boundaries or lot lines ascertainable by recorded deed or plat; and which shall be deemed to be a lot in accordance with this definition, regardless of whether or not the boundaries thereof coincide with the boundaries of lots or parcels as shown on any map of record. This definition shall not include individual units of condominium ownership. ALot@ shall mean a designated tract or area of land established by plat, subdivision, or as otherwise permitted by law to be used, developed, or built upon as a unit; or used for the purpose of property division.

LOT, CORNER: A lot at the point of intersection of and abutting on two or more intersecting street lines, or in the case of a curved street, extended street lines, being not more than one hundred thirty-five degrees.

LOT COVERAGE: The number determined by dividing that area of a lot, which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the lot area.

LOT DEPTH: Horizontal distance between the front and rear lot lines.

LOT, INTENDED FOR RESIDENTIAL PURPOSES: A lot, parcel, or tract is considered intended for residential purposes if it met the residential standards at the time it was created, including but not limited to, paved access, public road frontage, residential zoning, setbacks, lot width, and lot size. Parcels created with access only via easement or with widths less than 50 feet are not considered intended for residential purposes unless further development approval was conveyed.

LOT, INTERIOR: Any lot, including a through lot, other than a corner lot.

LOT LINE: Any legal boundary line of a lot.

LOT LINE, FRONT: The street line of a lot, except:

1. On a through lot, the front lot line shall be deemed the street line which faces the principal entrance of the principal building; or

2. On lots in common or dedicated open space, the front lot line shall be deemed to be the closest lot line which faces the principal entrance to the principal building or structure.

LOT LINE, REAR: The lot line that is most distant from, and is most nearly parallel with, the front lot line. A corner lot shall not have a rear lot line. If a rear lot line is less than ten feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten foot line parallel to the front lot line, lying wholly within the lot.

LOT LINE, SIDE: A lot line which is neither a front lot line, nor a rear lot line.

LOT, NONCONFORMING: Any lot of record lawfully existing on the effective date of this Code, which is not in accordance with all provisions of this Code or any amendment hereto for the zoning district in which it is located.

LOT OF RECORD: A parcel of land, or platted lot zoned for residential purposes, the boundaries of which have been established and which have been assigned a parcel number by the Polk County Property Appraiser or by deed filed with the Clerk of the Circuit Court prior to March 21, 1991, and which as of that date otherwise met the requirements necessary to obtain a residential building permit of mobile home setup permit, including, but not limited to the requirement of frontage on a publicly maintained road.

LOT, REVERSE FRONTAGE: Any through or corner lot, intentionally designed so that the front lot line faces a local street rather than facing a thoroughfare.

LOT, THROUGH: Any lot, other than a corner lot, abutting two or more public streets, but not abutting an alley.

LOT WIDTH: The horizontal distance between the side lot lines of a lot measured at right angles to its depth along a straight line, parallel to the front lot line at the minimum required building setback line.

LOW VOLUME IRRIGATION (MICROIRRIGATION) (Rev. 12-04-03 Ord. 03-82): The application of small quantities of water (30 gallons per hour or less) directly on or below the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the water delivery pipes (laterals). Microirrigation encompasses a number of methods or concepts including drip, subsurface, bubbler, and microspray irrigation, previously referred to as trickle irrigation, low volume, or low flow irrigation

LOW WATER USE ZONE (Rev. 12-04-03 Ord. 03-82): A Zone containing plants which survive on natural rainfall without supplemental water.

LOWEST ADJACENT GRADE *(Added 06/04/13 – Ord. 13-020)*: The lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

LOWEST FLOOR (FOR FLOODPLAIN MANAGEMENT PURPOSES) *(Rev. 06/04/13 – Ord. 13-020)*: The Lowest floor of the lowest enclosed area of a building or structure, including basement. Any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage, in an area other than a basement, is not considered a building or structure's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this section.

MAINTENANCE: That action taken to restore or preserve the functional intent of any facility or system.

MANAGEMENT: A series of techniques applied to maintain the viability of species in a location. These techniques include, but are not limited to controlled burning, planting or removal of vegetation, exotic species control, maintaining hydrologic regimes, and monitoring.

MANAGEMENT COMPANY: Any person, firm, partnership, corporation or other entity which manages or is otherwise responsible for the operation and maintenance of a short-term rental. This definition includes the owner of a short-term rental if the owner does not contract with another for the operation and maintenance of his or her rental.

MANAGEMENT PLAN: A plan prepared to address conservation and management of listed species and their habitat, following recommendations from the Florida Fish and Wildlife Conservation Commission.

MANUFACTURED BUILDING: A closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other

service systems manufactured in manufacturing facilities for installation or erection, with or without other specified components, as a finished building.

MANUFACTURED HOME (FOR FLOODPLAIN MANAGEMENT PURPOSES)*(Added 06/04/13 – Ord. 13-020)*: A structure, transportable in one or more sections, which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer" and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

MANUFACTURED HOME PARK OR SUBDIVISION (FOR FLOODPLAIN MANAGEMENT PURPOSES) *(Added 06/04/13 – Ord. 13-020)*: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MANUFACTURED HOME/MOBILE (HUD HOME): A dwelling unit constructed on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standard Act.

MANUFACTURED OR MODULAR HOME (DCA HOME): A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site bearing a seal certifying that it is built in compliance with the Florida Manufactured Building Act of 1979 (Section 553.35-553.42, F.S.). The Department of Community Affairs (DCA) oversees the administration and enforcement of the Florida Manufactured Building Act.

MANUFACTURING, LIGHT (Revised 5/19/15 – Ord. 15-029): The production, fabrication, processing, or assembling of materials or substances into goods, merchandise and equipment that is conducted within enclosed structures, where the operational characteristics of the manufacturing process limit the extent of the external impacts to the immediate vicinity. Such manufacturing operations shall not produce noise, odor, smoke, dust, glare or vibration detectable beyond the property line. The term also includes accessory storage and wholesaling activities.

MANUFACTURING, GENERAL (Revised 5/19/15 – Ord. 15-029): Manufacturing facilities that have the potential for greater nuisance to adjacent properties than light manufacturing uses due to operational characteristics such as noise, odor, or visual impact. Such manufacturing processes may be conducted outside of enclosed structures or within partially enclosed structures.

MANUFACTURING OF EXPLOSIVES/VOLATILE MATERIALS: The manufacturing and storage of explosive or volatile chemicals or materials, including, but not limited to, the following:

1. The production and assembling of ordnance or military explosives,

2. The production of solvents or industrial chemicals with a highly volatile or reactive nature,

3. The production of basic industrial chemicals, including but not limited to: acids, alkalis, chlorine, and industrial gases (compressed, liquid, and solid forms), and

4. The production of any types of explosives, including fireworks.

MANUFACTURING, SOIL (Added 8/16/16 – Ord. 16-040): A facility that makes soil and soil related products using natural products as the primary ingredients. The manufacturing process utilizes various waste product streams including but not limited to: yard waste, tree trimmings, other plant materials, pre-consumer food waste, post-consumer food waste, septage, bio-solids, and sludge. These materials are then treated and processed using the natural aerobic and anaerobic decomposition process to create a soil product that is sold and removed from the facility.

MARINAS AND RELATED FACILITIES (Added 10/2/12 – Ord. 12-030): Waterfront establishments whose business is offering the sale or rental of boats and marine sporting equipment and the servicing, repair, or storage of same. Such establishments may also provide travelift services, slip rental, gasoline, sanitary pumpout service, boat tours and food, drink and transient lodging accommodations.

MARQUEE: A structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

MATERIALS RECOVERY FACILITY*(Revised 08/16/16 – Ord. 16-040; Added 03/18/14 – Ord. 14-015)*: A solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for re-use, repurposing, use as a fuel or soil amendment, or any combination of such materials. Excluded from this definition are Salvage Yard, Construction Aggregate Processing and Storage, and Soil Manufacturing as defined in this code.

MAY: A permissive condition. Where the word Amay@ is used, it is considered to denote permissive usage. (See: SHALL and SHOULD)

MEAN SEA LEVEL (MSL): The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain.

MEETING PLACES: Tents, temporary arenas, bleachers, and similar types of facilities designed or intended for use by congregations of people.

MESIC (Rev. 12-04-03 Ord. 03-82): An environment characterized by intermittent flooding tolerant of short drought periods; often containing moderately moist soils (e.g.-prairies, flatwood, drier areas within flood plains).

MICRO-IRRIGATION (Added 03/18/09 – Ord. 09-006): The application of small quantities of water as drops, tiny streams, or miniature spray through low-flow-rate emitters or applicators placed along a water delivery line. Micro-irrigation encompasses a number of methods or concepts such as micro-bubbler, drip, trickle, mist or spray, also known as low volume irrigation

MINE: An area of land upon which operations to extract valuable mineral deposits or other materials; typically, but not limited to phosphate or sand, have been conducted, are being conducted, or are planned to be conducted.

MINI-WAREHOUSE: (See SELF STORAGE)

MINING: The removal of overburden where necessary and the breaking up and excavation of a commercial deposit, including fill material excavation where no approved development plan exists.

MINING, NON-PHOSPHATE: Extraction of limerock, sand, peat, clay, and soil from the earth for commercial purposes. The term also includes the reclamation of previously mined land; accessory transporting, washing, storage, drying, grinding, and shipping of mined materials; and all other accessory activities reasonably related to the mining process, but not chemical processing.

MINING, PHOSPHATE: Extraction of phosphate ore from the earth, including the removal of overburden for the purpose of reaching underlying ore. The term also includes the reclamation of previously mined land; accessory transporting, washing, storage, drying, grinding, and shipping of mined materials; and all other accessory activities reasonably related to the mining process, but not chemical processing.

MINING HAUL ROUTE: The roads upon which vehicles transporting materials related to the mining operation shall travel.

MINING OPERATIONS: Any activity, other than prospecting, necessary for the extraction and sale of a deposit of natural resources, including site preparation, removal and storage of overburden, extraction, waste disposal, and storage of any deposit material.

MINING OPERATOR: An entity or person engaged in mining and responsible for reclamation of the mined lands.

MINING SITE: The entire area, including land and water, encompassed in the mining site plan.

MINING SITE PLAN: A plan which delineates the mining site by showing the location of all mining operations and related activities and facilities.

MINING WASTE: Any byproduct of mining operations which consists of some leachate zone or other soil/rock material encountered during mining which has no practical use or which may be hazardous, and which is to be discarded or left on site.

MINOR COMMERCIAL SITE: Any land development project, which has received either:

1. an exemption or letter from the appropriate Water Management District indicating a permit will not be required; or

2. a Notice General Permit for Minor Activity from the appropriate Water Management District, may be considered for an exemption from the Stormwater Run-off Policies of the Polk County Comprehensive Plan provided all the following criteria are met:

    a. The parcel or parcels of land within the development do not contain flood hazard areas;

b. The proposed activity will not intrude or otherwise impact wetlands by rim ditching, dredging, draining, filling, or excavating;

c. The total impervious surface area of the site does not exceed 25 percent of the parcel or parcels;

d. The increase in run-off rate does not exceed 0.25 cubic feet per second (cfs); and,

e. The applicant provides sufficient detail to demonstrate the improvement will not cause an adverse impact to the adjacent property owner.

Minor commercial sites are not exempt from meeting Level-of-Service Standards for stormwater management.

MINOR LAND DISTURBANCE (Revised 3-17-10 – Ord. 10-010): Non-residential development approved through a shortened review process.

MINOR RE-PLAT: **(Revised 3-17-10 – Ord. 10-010)**

MINOR REVISION (Revised 3-17-10 – Ord. 10-010): An adjustment in engineering or construction details on approved Level 2 Review Plans that is approved through a shortened review process than other revisions.

MIXED-USE DEVELOPMENT (Rev. 07/14/08 – Ord 08-037; Added 5/21/08 – Ord 08-016): three or more revenue-producing uses (such as retail/entertainment, office, residential, hotel, and /or civic/cultural/recreation) that in planned projects are mutually supporting; significant physical and functional integration of project components (and thus a relatively close-knit and intensive use of land), including uninterrupted pedestrian connections; and development in conformance with a coordinated plan (that frequently stipulates the type and scale of uses, permitted densities, and related items). Source: Urban Land Institute, Mixed –Use Development Handbook, 2003.

MOBILE HOME: Per Section 320.01, F.S., a structure, transportable in one or more sections, which is eight body feet or more in width, and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

MOBILE HOME (FOR FLOODPLAIN MANAGEMENT PURPOSES)(*Added 06/04/2013 – Ord. 13-020)*: See Manufactured Home.

MOBILE HOME PARK: A single tract of land under a single ownership where lots are offered for lease or rent for placement of three or more mobile homes or where mobile homes are offered for lease or rent, and which is developed with all necessary facilities and services for park residents in accordance with an approved site development plan.

MOBILE HOME SUBDIVISIONS: A platted residential subdivision in which the dwelling units consist of mobile homes.

MOBILE HOME PARK OR SUBDIVISION (FOR FLOODPLAIN MANAGEMENT PURPOSES)*(Added 06/04/2013, Ord. 13-020)*: See Manufactured Home Park or Subdivision

MODERATE WATER USE ZONE: (Rev. 12-04-03 Ord. 03-82) A zone containing plants which survive on natural rainfall with supplemental water applied during seasonal dry periods.

MODIFICATION, MAJOR: A major deviation is a deviation other than a Minor Deviation, from a Final Development Plan. A major modification includes a change in the approved land use or imposed conditions.

MODIFICATION, MINOR: A minor deviation is a deviation from a Final Development Plan that falls within the following limits and that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process:

1. Alteration of the location of any road, walkway, landscaping or structure by generally not more than ten feet.

2. Reduction of the total amount of open space by not generally more than ten percent, or reduction of the yard area or open space associated with any single structure by not more than five percent; provided that such reduction does not permit the required yard area or open space to be less than that required by this Code.

3. Not determined to be a substantial deviation from the approved plan.

MODIFIED LAND-USE CATEGORIES: Due to the specific characteristics of Selected Area Plans or the Green Swamp Area of Critical State Concern (ACSC), development limitations are more specifically defined, and generally vary from those allowed under the general provisions (or AStandard Land Use Categories@) of that specific land-use category within the Comprehensive Plan. Typically, these categories are indicated by the addition of an AX@ suffix to the Land Use Category, which is specific to each individual Land Use Category within each specific SAP or the Green Swamp.

MONOPOLE TOWER: Any monopole structure that is designed and constructed primarily for the purpose of supporting one or more antennas. Specifically, a monopole tower is a single, self-supporting Communication tower of spin-cast concrete, concrete, steel or similar materials having a solid appearance and containing no guy wires. (See: COMMUNICATION TOWER)

MOTHER-IN-LAW SUITE: A dwelling unit attached to the principle structure that uses the same electrical service and plumbing as the primary dwelling unit. Access to the suite shall be a subordinate entrance on the rear or side of the principal structure. A mother-in-law suite is considered part of a single-family home as long as the home does not exceed five bedrooms.

MOTOR FREIGHT TERMINAL (Revised 11/12/08 – Ord. 08-056): A building or area where freight brought by truck is loaded, unloaded, assembled and/or stored for routing and reshipment.

MULCH: (Rev. 12-04-03 Ord. 03-82) Non-living, organic or synthetic materials customarily used in landscape design to retard erosion and retain moisture.

MULTI -FAMILY (Rev. 03/19/08 - Ord. 08-004): A building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and other spaces. Each unit is an independent housekeeping unit (room or suite of rooms used exclusively for permanent or seasonal residential occupancy as a home or residence of one (1) individual, family or household, and not including hotel rooms. Individual units may be owned as single-family attached dwellings (duplex), townhouses, condominiums, or offered for rent (apartment).

MULTIPLE BUILDING COMPLEX: Two or more detached principal buildings situated on a single lot to which access is gained by a common driveway or internal access road.

MULTIPLE OCCUPANCY COMPLEX: A commercial use, i.e. any use other than residential or agricultural, consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP)*(Rev. 06/04/2013, Ord. 13-020)*: The program of flood insurance coverage and floodplain management administered under the National Flood Insurance Act of 1968, as amended, and applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations, Subchapter B.

NATIVE VEGETATION: (Rev. 12-04-03 Ord. 03-82) See Vegetation, Native.

NATURAL GAS LINE: A transmission line which carries natural gas under pressure.

NATURAL GAS LINE SITING ACT: Regulates the review and establishment of natural gas lines 15 or more miles in length and which cross a county line. (See: Florida Statutes Sections 403.9401-403.9425).

NATURAL WATERCOURSE: (See: **WATERCOURSE, NATURAL**)

NEIGHBORHOOD (Rev. 04/01/03 - Ord. 03-25): A geographically defined, contiguous, self-selected community where residents generally understand the extent of the neighborhood. A neighborhood has interconnection local streets which link property within the area and may be bound by major barriers or edges, such as railroad tracks, highways, parks, lakes, or similar physical features.

NEIGHBORHOOD SIGN (Rev. 04/01/03 - Ord. 03-25): Sign designed and located to identify the location and entrance or access point(s) into a defined neighborhood.

NEO-TRADITIONAL DESIGN (Rev. 3/6/02 - Ord. 02-13) : See Village

NEW CONSTRUCTION (FOR FLOODPLAIN MANAGEMENT PURPOSES)*(Rev. 06/04/2013, Ord. 13-020)*: Any structure for which the "start of construction" commenced on or after September 1, 1977. The term also includes any subsequent improvements to such structure.

NEW MANUFACTURED HOME PARK OR SUBDIVISION (FOR FLOODPLAIN MANAGEMENT PURPOSES)*(Added 06/04/2013, Ord. 13-020)*: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 1, 1977.

NEW SURFACE WATER MANAGEMENT SYSTEM: Any surface water management system which is not in existence or authorized to be constructed on the effective date of this Code.

NEW TRIPS: Net external vehicle trips to be generated by a proposed development or project. The total trip generation minus the passerby capture of adjacent street traffic and minus the internal capture of project trips.

NIGHTCLUBS AND DANCE HALLS (Rev. 7/25/01 - Ord. 01-57): Any establishment dispensing alcoholic beverages for on-site consumption and where a room, place, or space is designated for music, dancing, or live entertainment. Alcohol consumption and entertainment are the primary use.

NOISE: Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

NOISE DISTURBANCE: Any sound which (a) endangers or injures the safety or health of humans or animals; (b) annoys or disturbs a reasonable person of normal sensitivities; or (c) endangers or injures personal or real property.

NON-AGRICULTURAL BUILDING/STRUCTURE (Revised 6/28/11 – Ord. 11-008): Any non-residential building or structure that does not meet the definition of a non-residential farm building as defined in this Code and per Section 604.50, F.S., although the building or structure may be part of or located on agricultural classified land pursuant to Section 193.46 F.S. This primarily applies to buildings utilized as part of an Agritourism use.

NON-CONFORMING DEVELOPMENT: Development that does not conform to the Polk County Comprehensive Plan (Article I) and the development design and improvement standards in this Code (Article III).

NPDES: An abbreviation for National Pollutant Discharge Elimination System.

NURSERIES, RETAIL: Land or structures used to display flowers, shrubs, trees, plants, and garden accessories, such as tools, pots, garden ornaments, fertilizers, mulch, and similar accessories, primarily for retail sale to the public.

NURSERIES AND GREENHOUSES (Rev. 01/30/03 - Ord. 03-14): Land or greenhouse engaged in the production and non-retail sale/lease of ornamental plants and nursery products, such as bulbs, flowers, shrubbery, and trees, which are grown on the premises.

NURSING HOMES: Including extended or intermediate care facilities licensed or approved to provide full time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

OCCUPANT: Any person, firm, partnership, corporation, trust, association, or other entity or organization which is occupying or leasing a building or other real property for a period exceeding 30 days.

OFFICE: A place in which business, professional, or clerical business is conducted. This term shall not include a financial institution.

OFFICE, INDIVIDUAL: Any room, studio, suite, or building with only one room, studio, or suite in which business, professional, or clerical business is conducted.

OFFICE & PROFESSIONAL SERVICES: A building or portion of a building in which the principal use is the conduct of a business where services involving administrative, clerical, or professional duties are performed.

OFFICE PARK: A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

ON-CENTER (LANDSCAPING): The measure from the center of the base of one plant to the center of the base of the next plant to be placed in a row (abbreviation: O.C.).

ON SITE SEWAGE DISPOSAL SYSTEM: Any domestic sewage treatment and disposal facility, including standard subsurface systems, gray water systems, laundry wastewater systems, alternative systems or experimental systems, installed or proposed to be installed on land of the owner or on other land to which the owner has the legal right to install a system.

OPACITY: Imperviousness to light.

OPEN GRADE MIX (OGM): A large stone asphalt bound surface used to stabilize unpaved roads to improve the riding surface leaving the run-off characteristics of the road unchanged. A road stabilized with open grade mix does not satisfy the criteria of a paved road but is considered a stabilized, unpaved road.

OPEN SPACE (Rev. 11/27/02 - Ord. 02-84): Area for outdoor use, features, or natural systems. These areas may be described as lots, parcels, tracts, or portions of a development. The four types of open space required within sections of this code are Recreation Open Space, Habitat Protection Open Space, Conservation Open Space, and Public Commons Open Space.

OPEN SPACE, CONSERVATION (Rev. 11/27/02 - Ord. 02-84): Lands set aside for the purpose of farm land preservation, greenbelt transitions between differing intensities, or protection of environmentally sensitive lands. Conservation open space may consist of storm water retention areas (both wet and dry), active and passive farming (including cultivation, livestock, and incidental agricultural structures), wetlands (existing and manmade), floodplains, green ways, and low intensity recreational structures.

OPEN SPACE, HABITAT PROTECTION (Rev. 11/27/02 - Ord. 02-84) : Lands that remain in their natural state or modified to resemble a natural state for the primary purpose of a habitat for native plant and animal species. Habitat prote4ction open space shall be linked via green way, wetland, floodplain or water body to other natural communities. Protection and management plans are encouraged but not required for all habitat protection open space.

OPEN SPACE, PUBLIC COMMONS (Rev 11/27/02 - Ord 02-84) : Land areas that are within a non-residential or mixed-use parcel that provide for outdoor gathering places that incorporate landscaping areas, hard scape and pedestrian amenities. These areas may or may not be impervious. These areas shall include but are not limited to plazas, courtyards, gardens and squares. Storm water retention, sidewalks, and parking areas shall not be considered examples of this open space

OPEN SPACE RECREATION (Rev 11/27/02 - Ord. 02-84) : Lands that are intended for outdoor amusement that are of reasonable size and shape to serve their apparent function and are specifically exclusive of other open space. These areas shall be unique to any given neighborhood or district and used by a larger population than typical single-owner parcels.

ORDINARY HIGH WATER LINE (OHWL): A line determined by examining the bed and banks, and ascertaining where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed a character distinct from that of the banks, in respect to vegetation, as well as respects the nature of the soil itself.

ORIGIN/DESTINATION SURVEY: The collection of data at a land use resulting from an on-site interview to determine characteristics about travel to and from the land use.

OUTBUILDING (Revised 2/3/10 – Ord. 10-007)**:** A separate accessory building or structure not physically connected to the principal building.

OUTDOOR LOADING(Added 6/21/2016): An activity typically associated with commercial trucking or the movement of goods, where goods and materials are loaded and unloaded in an open yard rather than from truck to warehouse entry.

OUTDOOR STORAGE (Revised 11/4/14 – Ord. 14-066; 2/3/10 – Ord. 10-007)**:** The keeping of personal or business property or motor vehicles in any area outside of a building as an accessory or subordinate use to a principal or primary use of property.

OVERBURDEN: The natural covering of earth or soil which must be removed to gain access to a commercial deposit during the process of mining, including but not limited to soil, rock, shell, gravel, clay, or sand.

OVERFLOW ELEVATION: The design elevation of a discharge structure at or below which water is contained behind the structure, except for that which leaks or bleeds out, through a control device down to the control elevation.

OWNER: Any person, firm, partnership, corporation, trust, association, or other entity or organization which owns the fee title to, or has an interest in a building or other real property.

PARCEL: An area with fixed boundaries (property lines) which has been legally established, but which is not divided by any public road or alley. (See: LOT)

PARK TRAILER: For the purposes of this Code, Park Trailers are considered to be manufactured homes. Park Trailer shall mean units designated as such by the State of Florida which include the following:

Type I: Units under four hundred (400) square feet, constructed to the standards set by ANSI A 119.5.

Type II: Units under five hundred (500) square feet, constructed to the United States Department of Housing and Urban Development Standards.

PASSERBY TRIPS: Trips that enter and exit a site that would have been traveling on the street adjacent to the site regardless of whether they enter or exit the site.

PEAK HOUR/PEAK DIRECTION VOLUME: The number of vehicles that pass a point on a roadway segment during the estimated design hour in the direction of travel with the highest traffic volume.

PEAK SEASON/PEAK HOUR: The 100th highest design hour for a given roadway.

PERCENT NEW TRIPS FACTOR: A factor by which the trip rate is multiplied in order to calculate only those new trips that are added to the roadway by new development. This factor is calculated by the formula [1 - (passerby trips/total trips generated by the land use)]. Factors for each land use are contained in the Polk County Trip Rate and Percent New Trips Data Table, available from Transportation Planning Organization (TPO) staff.

PERMANENT CONTROL POINT (PCP): A secondary horizontal control monument consisting of a metal marker of a four by four inch concrete monument and a minimum of 24 inches long, marked with the point of reference and bearing the registration number of the surveyor filing the plat of record.

PERMANENT: Designed, constructed and intended for more than short term use.

PERSON(S): Individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, governments, their agencies and subdivisions and all other groups or combinations.

PERSONAL SERVICE: Any establishment that primarily provides services generally involving the care of a person or a person's apparel which shall include but shall not be limited to barber shops, beauty salons, seamstress shops, shoe repair and shining shops, coin operated laundry, optician shops, tanning salons, health clubs, diet centers, nail salons and pet grooming shops.

PETROLEUM PRODUCT PIPELINE: A (generally) underground conduit which carries liquid petroleum products, under pressure.

PD: A Planned Development which has been established subsequent to the adoption of this Code. (See: PLANNED DEVELOPMENT)

PILING: Vertical poles, concrete bars or other materials forming the structural support of a water access structure or other structures.

PLANNED DEVELOPMENT: A land use or uses prepared, constructed, and maintained according to a binding plan as a single entity containing one or more structures and accessory uses. Strict adherence to land use district standards may be relaxed for the purpose of accomplishing a greater objective such as increased internal vehicle trip capture, resource protection, further compatibility with adjacent uses, and more efficient use of public infrastructure. Multiple land uses contained within Planned Development shall have a functional relationship with each other as well as consistency with the land use district.

PLANNING DIVISION: The Polk County Planning Division

PLANTINGS: (Rev. 12-04-03 Ord. 03-82) Organisms of the kingdom Plantae; trees, shrubs, and turf used as ground cover, decoration, buffering or shade.

PLAT: A map or drawing depicting the division of land into lots, blocks, parcels, tracts, sites or other divisions, as specified in Chapter 177, F.S.

PLATTED LOTS OR TRACTS DEVELOPMENT (Rev. 07/14/08 – Ord 08-037): residential, commercial or industrial development that have been approved by the County, with a plat that depicts the division of land into lots or tracts. These lots or tracts are situated within a County-approved plat that has been recorded. For the purposes of this Ordinance, a Lot of Record is also included in this definition as it pertains to water allocation.

POLLUTANT: Any substance, contaminant, noise, or manmade or man induced alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

PORCH: A covered entrance to a building, usually projecting from the wall and having a separate roof; an open or enclosed gallery or room on the outside of a building, as a veranda for sun porch.

POTABLE WATER: Water that is satisfactory for human consumption, dermal contact, culinary purposes, or dishwashing, pursuant to Section 381.0062(i) F.S.

POWER GENERATION FACILITIES, ELECTRIC (POWER PLANTS):

1. **CERTIFIED**: Electric power generating facilities that are required to be certified pursuant to Sections 403.501 thru 403.518, F.S.

2. **NON-CERTIFIED**: Non-certified Electric Power Generating Facilities consist of two types:

   a. **LOW IMPACT NON-CERTIFIED ELECTRIC POWER GENERATING FACILITY** meet the definition of a co-generation facility pursuant to Section 210 of the Public Utility Regulation Policy Act of 1978 (PURPA) and are certified as "Qualifying Facilities" from the Federal Energy Regulatory Commission;

   b. **HIGH IMPACT NON-CERTIFIED ELECTRIC POWER GENERATING FACILITY** include both small power producers defined pursuant to Section 210 of PURPA and independent power producers which do not meet the "qualifying facility" standards of PURPA.

PREMISES: The lot or lots, plots, portions or parcels of land considered as a single development or activity.

PRESERVATION AREA: Areas designated on Future Land Use Map Series of the Polk County Comprehensive Plan as "Preservation (PRESV or PRESVX)@; defined by the County Plan as lands designated by the owner for the protection of environmentally sensitive land, including lands owned by federal, state, regional, local or private agencies or organizations.

PRINCIPAL BUILDING: Any building which is not an accessory building as defined herein. Agricultural buildings such as barns and sheds shall be considered principal buildings on working farms.

PRINCIPALLY ABOVE GROUND ***(Added 06/04/2013, Ord. 13-020)***: at least 51 percent of the actual cash value of the structure is above ground.

PRINTING & PUBLISHING: Establishments primarily engaged in preparing, publishing, printing, and distributing newspapers, periodicals, books and pamphlets.

PRIVATE LODGES AND RETREATS: (See: LODGES AND RETREATS, PRIVATE)

PRIVATE ROAD: Those roads which are not maintained by any public entity; but rather are maintained by those property owners who own the property underlying or abutting the road. Those roads, excluding a parking lot, providing access to two or more principal buildings and subject to the street naming requirements of this Code.

PRIVATE WATER SYSTEM: A water system that provides piped potable water for no more than four nonresidential uses pursuant to Section 381.0062(j) F.S.

PRODUCE STANDS: Temporary facilities retailing flowers, firewood, fruits, and vegetables, boiled peanuts, and other perishable goods. This does not include food stands where food is cooked or prepared.

PROFESSIONAL LEVEL SUBORDINATE: Any employee determined by the Department Director to be a professional member of his or her staff.

PROJECT AREA: The area within the total land area, as defined, which is or will be served by a surface water management system to be permitted.

PUBLIC FACILITIES (Rev. 07/14/08 – Ord. 08-037): improvements which include, but are not limited to, facilities for transportation, wastewater, solid waste, drainage, potable water, education (including elementary, middle and high schools, vocational/technical schools, colleges and universities), parks and recreational, and public health facilities and services, and police, fire and emergency service.

RAILROAD YARDS: Areas that contain multiple railroad tracks used for rail car switching, assembling of trains, and the transfer of goods from other transportation modes to or from trains.

RAIN SENSOR: (Rev. 12-04-03 Ord. 03-82) A low voltage electrical or mechanical component placed in the circuitry of an irrigation system which is designed to turn off a sprinkler controller when precipitation has reached a pre-set quantity.

RECEIVING BODIES OF WATER: Any water bodies, watercourses, or wetlands into which surface waters flow.

RECHARGE: The inflow of water into an aquifer.

RECLAMATION: The reshaping of mined lands and lands disturbed by mining operations in a manner which meets all applicable reclamation standards, including re-vegetation, and which leaves the land in a condition suitable for a viable use allowed in the Future Land Use Element of the Comprehensive Plan.

RECREATION, PASSIVE (Revised 10/2/12 – Ord. 12-030): Non-competitive recreation facilities such as picnic pavilions, tot-lots, public beaches, hiking /jogging trails, walking tracks, dog parks, and public gardens. At these facilities there are no bleachers, theaters, or grand stands or any other structures intended to accommodate large crowds or sports competitions.

RECREATION, VEHICLE ORIENTED (Added 10/02/12 – Ord. 12-030): Any type of recreation, competition, or facility designed to accommodate motorized vehicle use as part of the activity including, but not limited to, off-road vehicles, watercraft, and remote control vehicles.

RECREATION & AMUSEMENT – GENERAL (Revised 10/02/12 – Ord. 12-030): A commercial facility providing recreational activities that include retail sales and service components as accessory or additional primary uses. Also, general recreation facilities may be approved for food service and alcohol sales upon meeting state and local standards and requirements for those uses. In

addition to sporting facilities and game rooms, general recreation facilities include movie theaters, fitness centers and health clubs, as well as small theme attractions. Thresholds distinguishing intensive from general recreational and amusement are addressed in Section 303 of this code.

RECREATION & AMUSEMENT – INTENSIVE (Revised 10/02/12 – Ord. 12-030): A commercial facility providing recreational activities and uses included in general recreational amusement that may have higher trip generations than general recreation and amusement uses, or have the potential for greater nuisance to adjacent properties due to noise, light, glare, or odor. Thresholds distinguishing intensive from general recreational and amusement are addressed in Section 303 of this code.

RECREATION, RESOURCE-BASED: (Revised 8/23/11 – Ord. 11-018) Outdoor recreation activities that are directly associated with environmental or natural resources and can include both active and passive recreation activities.

RECREATIONAL FACILITIES, HIGH INTENSITY: (Rev. 10/2/12 – Ord. 12-030; 11/27/02 - Ord. 02-83; Rev. 06/08/04 Ord. 03-95) All types of ball fields, courts, amphitheaters and tournament grounds with attendance that may exceed 250 for any event, allow for the discharge of firearms, or with lighting for night-time use by the public. Limited concessions may be permitted, but no permanent alcohol sales.

RECREATIONAL FACILITIES, LOW INTENSITY (Rev. 10/2/12 – Ord. 12-030): All types of ball fields, courts, amphitheaters and tournament grounds with attendance below 250 persons at any event and without lighting for night-time use by the public. . Limited concessions may be permitted, but no alcohol sales.

RECREATIONAL VEHICLE: Per Section 320.01 F.S., a type of unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle type units, when traveling on the public roadways of this state, must comply with the length and width provisions of Section 316.515 F.S., as that Section may hereafter be amended. For the purpose of this Code, park trailers shall not be classified as recreational vehicles.

RECREATIONAL VEHICLE (FOR FLOODPLAIN MANAGEMENT PURPOSES)(Added 06/04/2013, Ord. 13-020): A vehicle that is

a) Built on a single chassis;

b) 400 square feet or less when measured at the largest horizontal projection;

c) Designed to be self-propelled or permanently towable by a light duty truck; and

d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

RECREATIONAL VEHICLE (RV) PARK: Land divided into lots for sale, lease or rent for the placement of recreational vehicles. RV parks are not intended to accommodate year round residential use.

REFUNDS: Payment, or reimbursement, of an amount proven to exceed the value of the "fairly" apportioned benefit.

REGULATORY FLOOD WAY *(Rev. 06/04/2013, Ord. 13-020)* : The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height..

RELIGIOUS INSTITUTIONS: Tax exempt buildings used for non-profit purposes by a recognized and legally established group for purpose of religious worship, including educational (but not including schools), social, and recreational buildings. Examples of religious institutions include churches, temples, synagogues, and mosques.

REPAIR, LIGHT: Activities conducted within enclosed structures that involve the repair typically small or medium sized items, which have little or no discernable impacts on the adjacent properties.

REPEAT VIOLATION: A violation of a Polk County ordinance set forth in this Code by a person whom the Code Enforcement Board has previously found to have violated the same provision within five years prior to the violation.

RESEARCH & DEVELOPMENT CENTERS: Activities typically involving processes or operations of an industrial nature, including establishments performing research and development on a contract basis as well as facilities performing proprietary research and development. Also permitted are testing centers, laboratories (including medical, dental, and other health service laboratories not accessory to a clinic or medical office), and business/industry training schools.

RESERVED DEVELOPMENT: All development projects approved after the effective date of the Polk County Concurrency Management Ordinance for which a Certificate of Concurrency has been issued.

RESIDENTIAL SUPPORT USES: The use of land, buildings or structures for uses which include but are not limited to child care centers, schools, and religious institutions.

RESIDENTIAL TREATMENT FACILITY (Rev. 12/01/09 – Ord. 09-073): A facility providing residential care and treatment to individuals exhibiting symptoms of mental illness, as defined by Florida Statutes, who are in need of a 24-hour-per-day, 7-day-a-week structured living environment, respite care, or long-term community placement.

RESIDENTIAL WASTE *(Added 03/18/14 – Ord. 14-015)*: Any solid waste, including garbage, and trash, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

RESIDENTIALLY BASED MIXED-USE DEVELOPMENT: The placement of mixed-use development in all residential land use categories (except A/RR), subject to County approval. The use of mixed-use development land use districts, typically implemented through the use of Planned Developments (PD), can result in more desirable development patterns by providing a functional mix of commercial, office, retail, recreation, and housing uses.

RESIDENTIALLY BASED MIXED-USE STRUCTURE (Added 5/21/08 – Ord 08-016): A structure or building consisting of a minimum of two floors containing both non-residential and residential dwelling units and functionally integrated to the use of shared vehicular and pedestrian access and parking areas. The non-residential uses are intended to provide complementary or supportive services and activities for the residential component of the building. Space for non-residential use is designed as an integral component of the building and provides a distinct separation of the non-residential entrances from the residential access and a clear identity for each use.

RESTAURANT, DRIVE-THRU/DRIVE-IN: An establishment whose principal business is the sale of food and beverages in a ready to consume state for consumption either on or off-site, and which includes a drive-through or drive up window, where the patron does not have to leave their automobile to purchase said food items.

RESTAURANT, SIT-DOWN/TAKE-OUT: An establishment whose principal business is the sale of food and beverages and where foods are: 1) served to customers at individual booths or tables, or 2) received by customers at a counter or bar. The customer may or may not consume the food on-site.

RETAIL, CONVENIENCE GOODS: Commercial establishments that generally serve day to day commercial needs of a residential neighborhood. All sales are conducted from within enclosed structures, except for occasional "sidewalk sales", the sale of fruits and vegetables from produce stands, or other limited outside sales.

RETAIL, HOME SALES OFFSITE (Revised 2/3/10 – Ord. 10-007): A facility where site built, mobile, manufactured, or modular homes are displayed and sold. The occupancy of homes for permanent or transient residential purposes is prohibited in these facilities.

RETAIL, LESS THAN < 5000 SQUARE FEET: Retail establishments having a total sales or gross leasable area of less than 5,000 square feet.

RETAIL, MORE THAN > 5000 SQUARE FEET (Revised 2/3/10 – Ord. 10-007): Individual retail or service establishments having a total sales or gross leasable area of more than 5,000 square feet.

RETAIL, OUTDOOR SALES/DISPLAY (Revised 2/3/10 – Ord. 10-007): Commercial establishments in which the sales and display of merchandise is conducted outside of enclosed structures. These establishments may include monument sales, outdoor farmers markets, and any use where outside sales or display is the principal use.

RETENTION: The prevention of, or to prevent the discharge of, a given volume of storm water runoff into surface waters by complete on-site storage where the capacity to store the given volume

must be provided by a decrease of stored water caused only by percolation through soil, evaporation, or evapotranspiration.

RETROFITTED IRRIGATION SYSTEM (added 03/18/09 – Ord. 09-006): An irrigation system that has been modified or upgraded by installing or reconstructing irrigation lines. The replacement of heads or emitters and the minor mending of irrigation lines are not considered a retrofitted irrigation system.

REVOCATION: Rescind, or cancel, an accepted or approved exaction.

RIDING ACADEMIES (Rev. 01/30/03 - Ord. 03-14): Commercial businesses engaged in the instruction of horsemanship or horseback riding, horse racing, jumping, or other equestrian competition, or engaged in the boarding of horses.

RIGHT-OF-WAY: A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes. More specifically, land in which the State of Florida, a county, or a municipality owns the fee or has an easement devoted to or required for use as a public road. Right of way typically consists of a strip of publicly owned land occupied or intended to be occupied by a public road and its appurtenances.

RIVERINE: On or near the banks of a river; of, like or produced by a river or rivers.

ROAD: A general term used to describe a facility which provides for vehicular movement. Polk County roads are classified by function as follows:

> **ARTERIAL ROAD**: This category primarily serves through traffic and provides access to abutting properties as a secondary function. Arterial roads provide the highest degree of mobility and serve the largest proportion of total travel. This system is composed of interstate highways, other principal arterials, and minor arterials. Arterials have two categories: Principal Arterials and Minor Arterials.
>
> **PRINCIPAL ARTERIAL**: An arterial road interconnecting the large activity centers within an urban area as well as important rural routes. Principal arterial roads generally have greater than 25,000 average daily trips.
>
> **MINOR ARTERIAL**: An arterial road which interconnects with and augments the principal arterial system, distributes travel to smaller activity centers and geographic areas with the urban area, and connects to major collector roads. Minor arterial roads generally have between 10,000 and 25,000 average daily trips.
>
> **COLLECTOR ROAD**: This category provides land access and traffic circulation within residential neighborhoods, commercial, and industrial areas. These roads provide a mix of mobility and land access functions; however, the main function of collectors is to conduct traffic from residential streets to arterials. Collectors do not serve long through trips, and are not continuous for any great length. Collectors have three categories: Urban Collectors, Rural Major Collectors, and Rural Minor Collectors.

URBAN COLLECTOR: A collector road serving internal traffic movements within an area of the city, such as a subdivision, and connect this area with the arterial system. Urban collector roads generally have between 1,500 and 10,000 average daily trips.

RURAL MAJOR COLLECTOR: A collector road serving as a generator of intracounty importance, e.g. important to mining and agricultural areas, and link these places with nearby larger towns and cities. Rural major collector roads generally have between 1,500 and 10,000 average daily trips.

RURAL MINOR COLLECTOR: A collector road which provides service to the remaining small communities and links locally important generators with remote rural areas. Rural minor collector roads generally have less 1,500 average daily trips.

LOCAL ROAD: This category contains all roadways not on the arterial or collector system. Local streets primarily provide direct access to abutting land uses, such as homes, and through traffic movement is generally discouraged. These streets make up a large percentage of the total street mileage but carry a small proportion of vehicle miles in travel. Local roads have two sub-categories: Local Residential and Local Commercial.

LOCAL RESIDENTIAL: A local road that connects residences to roads serving longer trips, e.g., roads within a residential subdivision. Local residential roads generally have less than 1,500 average daily trips.

LOCAL COMMERCIAL: A local road that connects clusters of commercial, industrial, agricultural or mixed residential land uses to the roads serving longer trips, e.g., roads within an industrial park. Local commercial roads generally have less than 1,500 average daily trips.

ROAD, PAVED (Rev. 4/4/02 - Ord. 02-18): The portion of any dedicated width of access or right-of-way, either public or private, with an improved surface built to pavement standards either in Appendix A of this Code or meeting County standards at the time of construction if built before September 1, 2000. Open grade mix (OGM) surfacing does not constitute a paved surface.

ROADWAY: The portion of the right-of-way which contains the road pavement, curb and gutter and shoulders.

RURAL MIXED-USE DEVELOPMENT (RMD): A higher intensity "permitted use" within the A/RR land use category. RMDs contain at least 160 acres, must be served by public sewer and water, have access to a paved collector or arterial road, submit a binding site plan, reserve no less than 50 percent of the development site, provide for increased transportation internal capture, restrict vehicular access, and meet the conditions of a "Residentially Based, Mixed-Use Development" as specified in the Polk County Comprehensive Plan.

RURAL RESIDENTIAL USE: The land use category which is typically associated with the more rural areas of Polk County, which recognizes the importance of agriculture and provides for its protection and future continuance through the establishment of a base residential density of one dwelling unit per five acres (1 DU/5 AC).

SALVAGE YARDS (Revised 11/4/14 – Ord. 14-066): Any parcel of land and structures thereon, that are used or devoted to storing, dismantling, reconditioning, collecting, purchasing, or processing of wastepaper, rags, scrap metal, other scrap or discarded goods, materials, machinery, operable and inoperable vehicles, or other types of goods, for sale or storage where such activities are conducted outside the confines of a fully enclosed building. This term shall specifically include the customary terms "Disposal Yard," "Junk Yard," "Scrap Yard," "Auto Salvage", and "Auto Grave Yards." This term shall specifically exclude Construction Aggregate Processing and Construction Aggregate Storage as defined by this Code.

SCHOOL BUS: A vehicle used for transporting children to or from school or on activities connected with a private, public or charter school for grades pre K through 12.

SCHOOL BUS STOP: (See: BUS STOP)

SCHOOL, CHARTER (Rev. 12/28/01 -Ord. 01-92): Those schools organized as a nonprofit organization that have applied for and received authorization from the Polk County School District to operate as a charter school for kindergarten, elementary and/or secondary school grades in accordance with Chapter 228, Florida Statutes.

SCHOOL, COLLEGE/UNIVERSITY (Rev. 12/28/01 -Ord. 01-92): A degree-granting establishment, accredited or qualified for accreditation by the Southern Association of Colleges and Schools, providing formal academic education and generally requiring for admission at least a high school diploma or equivalent academic training, including colleges, community colleges, universities, technical institutes, seminaries and professional schools (architectural, dental, engineering, law, medical, etc.) Accessory uses under this definition include but are not limited to dormitories, cafeterias, bookstores, libraries, classrooms, administrative offices, research facilities, sports arenas and auditoriums.

SCHOOL, ELEMENTARY (Rev. 12/28/01 -Ord. 01-92): A facility which is in compliance with all the applicable Chapters of Title XVI, Florida Statutes, and provides a curriculum, including, but not limited to grades kindergarten through fifth.

SCHOOL, MIDDLE (Rev. 12/28/01 -Ord. 01-92): A facility which is in compliance with all the applicable Chapters of Title XVI, Florida Statutes, and provides a curriculum, including, but not limited to grades sixth through eighth.

SCHOOL, HIGH (Rev. 12/28/01 -Ord. 01-92): A facility which is in compliance with all the applicable Chapters of Title XVI, Florida Statutes, and provides a curriculum, including, but not limited to grades ninth through twelfth.

SCHOOL, LEISURE/SPECIAL INTEREST (Rev. 12/28/01 -Ord. 01-92): A facility engaged in the instruction of a particular leisure or special interest activity including but not limited to dance, karate, and crafts and arts schools. This provision excludes water ski schools.

SCHOOL, MONTESSORI (Rev. 12/28/01 -Ord. 01-92): An establishment engaged in a method of teaching children, 3-6 years old, based upon individual activity, free expression, individual attention, and an early introduction to writing and drawing.

SCHOOL, PRIVATE (Rev. 12/28/01 -Ord. 01-92): A facility which is in compliance with Chapter 553, Florida Statues, and owned, run, and funded by private individuals, not by the local School Board District, and usually charging a fee for tuition.

SCHOOL, RELIGIOUS INSTITUTION (Rev. 12/28/01 -Ord. 01-92): Tax exempt buildings used for non-profit purposes by a recognized group for purposes of religious worship which includes an additional primary use with associated facilities that provides a curriculum of pre-school, kindergarten or elementary.

SCHOOL, TECHNICAL (Rev. 12/28/01 -Ord. 01-92): The use of land, structures or buildings for the provision of training in various skills and may include but not be limited to business schools, trade schools and vocational schools.

SCHOOL, TRADE (Rev. 12/28/01 -Ord. 01-92): An establishment which is offered, for compensation, instruction in a trade or craft, including but not limited to, carpentry, masonry, metal working, machinery repair and operation, welding, fabrication and the like.

SCHOOL, TRAINING (Rev. 12/28/01 -Ord. 01-92): A facility engaged in the instruction of a particular discipline or skill including but not limited to auto driving instruction, aviation instruction, policeman instruction and firefighter instruction. This provision excludes water ski schools.

SCHOOL, VOCATIONAL (Rev. 12/28/01 -Ord. 01-92): An establishment which is offered, for compensation, instruction in a vocation such as but not limited to barbering, cosmetology, hair styling, bartending and interior decorating.

SCREENING: Visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

SEAPLANE BASE: A designated area on a water surface where docking or ramping facilities are available for use by seaplanes or amphibious aircraft.

SEARCH RING: The geographic area defined by a Telecommunication Service Provider as the area in which the applicant's antenna must be located to reasonably serve the applicant's coverage area. (See: TELECOMMUNICATION SERVICE PROVIDER)

SEASONAL AGRITOURISM USES (Revised 6/28/11 – Ord. 11-008): The limited sales or offering to the general public of a crop, such as vegetables, fresh produce, seasonal fruits, and fresh flowers that are corresponding with the season for the farm product being sold. Related activities, such as the sale of food and beverages, festivals or harvest festivals, are permitted.

SEDIMENT: Solid material, whether mineral or organic, that is in suspension, is being transported, or has moved from its site of origin by air, water or gravity.

SEGMENT: A series of sequential links identified on the Concurrency Determination Network in which the beginning and ending points are defined by the Transportation Planning Organization (TPO) using criteria that includes changes in roadway operating characteristics, locations of signalized intersections and municipal boundaries.

SELECTED AREA PLAN (SAP): A detailed, integrated land use plan for an area of the County that includes a future land use map overlay with objectives and policies establishing a mix of land uses, the densities and intensities of the land uses, a capital improvements plan for roads, potable water, sanitary sewer and parks and recreation facilities. The purposes of the SAP are to incorporate features that discourage the proliferation of urban sprawl, promote urban design criteria, establish landscaping requirements, identify the hierarchy of road networks, protect natural, historical and archaeological resources, and preserve useable open space.

SELF STORAGE FACILITIES: A building or group of buildings that contain individual, compartmentalized and controlled separate storage spaces leased or rented on an individual basis and accessible to the lessees through individual doors (also known as mini warehouses).

SEPTAGE (Revised 12/06/11 – Ord. 11-032) The liquid and solid material pumped from a septic tank, cesspool, or any other primary wastewater treatment source.

SHALL: A mandatory condition. Where certain requirements are described with the Ashall@ stipulation, it is mandatory that these requirements be met. (See: SHOULD and MAY)

SHORELINE VEGETATION: Vegetation which grows within the shoreline area; included are terrestrial and aquatic plants associated with wetlands and both emergent (plants growing above the water surface) and non-emergent (vegetation below the water surface).

SHORT-TERM RENTAL UNITS: 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, regardless of the form of ownership of the unit. Dwelling units commonly referred to as Atimeshares,@ Avacation rentals,@ and Aholiday rentals@ which possess the above characteristics are included within this definition. Bed and breakfast establishments are excluded from the definition. Also excluded from the definition are multiple family dwellings, the individual units of which are offered exclusively for rent. The exemption of multiple family dwellings from the definition of Ashort-term rental@ shall not be construed as authorizing multiple family dwellings to be operated as hotels, motels or other transient lodging establishments.

SHOULD: An advisory condition. Where the term should is used, it is considered to be advisable usage, recommended but not mandatory. (See: SHALL and MAY)

SIGN: Any writing, pictorial presentation, number, illustration, or decoration, flag, banner or pennant, or other device including the sign's area, face and structure, which is used to announce,

direct attention to, identify, advertise or otherwise make anything known. The term sign shall not be deemed to include the terms "building" or "landscaping," or any architectural embellishment of a building not intended to communicate information. Types of signs are identified as:

ABANDONED SIGN: A sign shall be considered abandoned when the business activity or firm, which such sign advertises, is no longer in operation for a period of at least 60 days, or does not have a current occupation tax certificate in effect. In the alternative, a sign which is non-commercial in nature and the content of the sign pertains to a time, event or purpose which has elapsed or expired in the preceding 60 days.

AGGREGATE SIGN AREA: The total available sign area of all sides or portions of a sign.

ANIMATED SIGN: Any sign using actual motion or the illusion of motion.

BANNER: A sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. “Banner” does not include ground signs or pole signs, regardless of whether said signs are on-premises or off-premises.

BILLBOARD: A permanently constructed sign structure composed of one or more large surfaces for permanent or changeable messages, supported by vertical post and generally used off-premises.

BUILDING SIGN: Sign displayed upon or attached to any part of the exterior of a building, and including wall signs, projected signs, and roof signs.

CANOPY SIGN: A building sign upon, attached to, or hanging from a marquee; said marquee to mean a canopy or covered structure projecting from and supported by a building when such canopy or covered structure extends beyond the building line or property line.

CHANGEABLE COPY SIGN: A sign with a fixed or changing display/copy composed of: 1) manual placement of letters or symbols on a panel mounted in or on a track system, or 2) a series of lights that may be changed through electronic means not more than once every six seconds.

CONSTRUCTION SIGN: A sign located on the premises of a construction site.

DIRECTIONAL SIGN: Sign whose sole purpose is to provide direction to pedestrian and vehicular traffic.

DOUBLE-FACE SIGN: A sign with back-to-back parallel-faces provided that the faces are joined on the same support or separated by not more than three feet. (See: “V”-TYPE SIGN)

EMBELLISHMENT: Letters, figures, characters or representations in cut-out or irregular forms or similar ornaments attached to or superimposed upon a wall or sign.

FLAG: A sign, usually square- or rectangular-shaped, made of paper, plastic or fabric of any kind and intended to be hung from a flagpole by being tethered along one side.

FLAGPOLE: A freestanding ground mounted structure, or a structure mounted to a building, wall, or roof and used for the sole purpose of displaying a flag.

GROUND SIGN: A sign that is supported by structures or supports in or upon the ground and independent of support from any building.

HOME OCCUPATION SIGN: A building sign displayed where there is a licensed home occupation.

MONUMENT SIGN: Any sign, other than a Pole sign, which is placed upon or supported by structures or supports in or upon the ground and independent of support from any building.

NEIGHBORHOOD IDENTIFICATION SIGN: A sign displayed at the entrance to a neighborhood or subdivision identifying the neighborhood and is visible from road rights-of-way. This definition includes SUBDIVISION SIGN.

NEWLY PLATTED RESIDENTIAL SUBDIVISION SIGN: See REAL ESTATE SIGN.

NON-CONFORMING SIGN: A sign legally existing within Polk County on September 1, 2000, or any date thereafter, which does not conform to the requirements of this Section.

OFF-PREMISES SIGN: Any sign relating to an activity or place not on the premises on which the sign is located. A sign bearing a non-commercial message is deemed to be on-premises.

ON-PREMISES SIGN: Any sign relating to an activity or place on the same premises on which the sign is located.

PAINTED WALL SIGN: Any sign painted directly on any wall or roof material of any building.

PARASITE SIGN: Any sign attached to another sign, for which no permit has been issued.

PENNANT: Any triangular shaped flag-like, feather-like or streamer-like piece of cloth, plastic, foil, or paper attached to any staff, cord, building, or other structure, usually in a series, at only one (1) or two (2) edges with the remainder hanging loosely.

PLAZA SIGN: (Rev. 9/1/15 – Ord. 15-056; 09/02/09 – Ord. 09-057) A freestanding sign used to advertise businesses that occupy a shopping center or complex with multiple tenants.

POLE SIGN: A ground sign mounted on free standing poles or other supports such that the bottom edge of the sign face is eight feet or more above grade.

PORTABLE SIGN: Any sign other than a sandwich sign that is not permanently erected upon the ground, or on the roof of any building or affixed to the wall of any building and which may be readily moved from place to place. This definition does not apply to signs painted directly on vehicles or signs displayed through, but not on, windows.

PROJECTED SIGN: A sign attached to a building or other structure and extending beyond the surface of the building or structure to which it is attached.

REAL ESTATE SIGN: A temporary sign generally erected on-premises pertaining to the sale, lease or rental of land, structure or building and identifying the owner or selling agent. This definition includes NEWLY PLATTED RESIDENTIAL SUBDIVISION SIGN.

ROOF SIGN: Any sign created, constructed, and maintained wholly upon or over the roof of any building.

SANDWICH SIGN: An unsecured temporary sign, double or single faced which is portable, most often forming the cross-sectional shape of the letter "A" when viewed from the side and may readily be moved from place to place.

SNIPE SIGN: Any sign which is attached in any way to a utility pole, tree, fence post, or any other object located on public or private property. Any sign designed to provide warning to the public shall not be construed to be a snipe sign.

SUBDIVISION SIGN: See NEIGHBORHOOD IDENTIFICATION SIGN.

TABLET SIGN: Any sign located on the permanent part of a building which denotes nameplates, the name of the building, date of erection, historical significance, dedication, or other similar information.

TEMPORARY SIGN: A sign designed, constructed, and intended to be used on a limited basis.

TIME AND TEMPERATURE SIGN: A sign conveying a lighted message of time, temperature, barometric pressure or similar information by means of electrical impulse or changing intervals.

V-TYPE SIGN: A double-faced sign with two sign faces not more than 8 feet apart when measured at the widest point and erected back-to-back at a 45 degree angle to form a "V". (See: DOUBLE-FACE SIGN).

VEHICLE SIGN: Any sign displayed upon a vehicle where the principal purpose of the vehicle is not general transportation, but the display of the sign itself.

WALL SIGN: A sign applied or attached directly to the face of a building and becoming or appearing to become, a part of the building.

WINDOW SIGN: A sign which is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of a door. The display of merchandise is not a window sign.

SIGN AREA: The aggregate area of a sign within the periphery of a regular geometric form such as a square, rectangle, triangle, or circle, or combinations of regular geometric forms including the sign face.

SIGN FACE: The entire area of the sign on which copy could be placed, including any border or frame which forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed.

SIGN HEIGHT: The vertical distance from the top of the sign to crown of the adjacent road right-of-way to which the sign is oriented.

SIGN PERMIT: The document required in order to alter, expand, install or replace a sign not otherwise exempted from these Sign Regulations.

SIGN SETBACK: The shortest horizontal distance from the property line to the nearest point (leading edge) of the sign or its supporting member whichever is nearest to the property line.

SIGN SITE: The space of ground occupied by the sign structure.

SIGN SITE SPACING: The shortest distance between signs or a line projected from the sign, perpendicular to the right-of-way on the same side of the road, facing the same direction.

SIGN STRUCTURE: Any construction used or designed to support a sign, including all supports, braces, guys and anchors, electrical parts, wires and lighting fixtures, and all painted and display areas attached to or placed around the sign structure.

SIGNIFICANT ADVERSE EFFECT: Any modification, alteration, or effect upon a Primary Protection or Secondary Protection Zone which measurably reduces the Area's beneficial functions as delineated in the Conservation Element of the Polk Comprehensive Plan.

SILVICULTURE: The branch of forestry dealing with the development and care of forests and forest products.

SINGLE-FAMILY ATTACHED/DUPLEX (Rev. 5/18/05 - Ord. 05-18): A single structure containing two dwelling units connected by a common wal or other integral part of the principal building, such as a breeze way or carport, and situated either on a single lot or parcel (duplex) or two adjacent lots (single-family attached).

SINGLE-FAMILY DETACHED HOME: A structure containing one dwelling unit, and not attached to any other dwelling unit by any means.

SITE: Any tract, lot, or parcel of land or combination of tracts, lots, or parcels of land which are in one ownership, or are contiguous and in diverse ownership where development is to be performed as a part of a unit, subdivision, or project.

SITE ALTERATION: Any activity resulting in substantial expansion or change of a surface water management system that will increase or decrease the design discharge of the system, increase pollutant loading, change the point of discharge, or intrude into or otherwise adversely impact wetlands by rim ditching, dredging, draining, filling or excavation. Routine custodial maintenance and repairs shall not constitute alterations.

SITE PLAN: The plan required to acquire a development, construction, building, or storm water permit which shows the means by which the applicant will conform with applicable ordinances.

SJRWMD: An abbreviation for the St. Johns River Water Management District.

SOIL MOISTURE SENSOR (Added 03/18/09 – Ord. 09-006): A device to indicate soil moisture in the root zone for the purpose of controlling an irrigation system based on the actual needs of the plant.

SOIL SURVEY, POLK COUNTY: The soil surveys and interpretations provided in the "Soil Survey of Polk County, Florida", prepared by the United States Department of Agriculture, Natural Resources Conservation Service, Issued October 1990, and subsequent revisions thereto.

SOLAR ARRAY: (Rev 12/6/11 – Ord. 11-033) A packaged interconnected assembly of solar panels.

SOLAR ENERGY SYSTEM: (Rev 12/6/11 – Ord. 11-033) Equipment whose primary purpose is to collect, store, and distribute solar or radiant energy received from the sun to be used for the generation of electricity. Devices could include solar collector panels, films, shingles, or other solar components. The equipment could be used for water heating, space heating or cooling, or other applications which normally require or would require a conventional source of energy such as petroleum products, natural gas, or electricity**.**

SOLAR ELECTRIC-POWER GENERATION FACILITY: (Rev 12/6/11 – Ord. 11-033) A type of electric power generation facility that includes a collection of solar arrays mounted on the ground that are utilized in the production of solar electric power as the primary or principal use of the property and whereby the power being produced is being sold to an electric utility provider or being produced directly by an electric utility provider.

SOLAR PANEL: (Rev 12/6/11 – Ord. 11-033) A device comprised of solar cells, also known as photovoltaic cells, whereby the device converts sunlight into electricity.

SOLID WASTE *(Added 03/18/14 – Ord. 14-015)*: Commercial waste, industrial waste, residential waste, construction and demolition debris, Class III waste as defined by the Florida Administrative Code, or sludge that is not regulated under the federal Clean Water Act or Clean Air Act, as well as sludge from a waste treatment works, water supply treatment plant, or air pollution control facility; or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from domestic, industrial, commercial, or governmental operations. This term does not include phosphogypsum.

SOLID WASTE DISPOSAL FACILITY *(Added 03/18/14 – Ord. 14-015)*: Any solid waste management facility which is the final resting place for solid waste, including landfills and incinerators that produce ash from the process of incinerating solid waste.

SOLID WASTE MANAGEMENT FACILITY *(Revised 8/16/16 – Ord. 16-040; 11/4/14 – Ord. 14-066; Added 03/18/14 – Ord. 14-015)*: Any solid waste disposal facility, solid waste transfer station, materials recovery facility, volume reduction facility, other facility, or combination thereof, the purpose of which is resource recovery or the disposal, recycling, processing or storage of solid waste. Salvage Yards, Construction Aggregate Processing, Construction Aggregate Storage, and Soil Manufacturing are excluded from this definition but may be accessory uses to a Solid waste management facility.

SOLID WASTE TRANSFER STATION *(Added 03/18/14 – Ord. 14-015* : Facilities where solid waste is unloaded from collection vehicles and is reloaded onto larger transport vehicles for shipment to other solid waste management facilities.

SOUND: An oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal or interval forces that cause compression and rarefaction of that medium, and which propagates at finite speed to distant points. The description of sound may include any characteristic of sound, including duration, intensity, and frequency.

SOUND LEVEL METER: A device for measuring sound levels in decibels for specific frequencies or for the "A" scale, providing the meter meets the requirements of the American National Standards Institute Incorporated (ANSI), or its successor bodies. The "A" scale sound pressure level shall be designated as decibel (A) or dB(A).

SPECIAL FLOOD HAZARD AREA (SFHA)*(Added 06/04/2013, Ord. 13-020)*: See Area of Special Flood Hazard.

SPECIAL RESIDENTIAL: A residential category which allows residential development from a minimum of 15 dwelling units per acre (DU/AC) up to 25 DU/AC within Regional Activity Centers and Community Activity Centers.

SPECIALIZED FORESTRY OPERATIONS: (See: **FORESTRY OPERATIONS, SPECIALIZED)**

SPECIFIED ANATOMICAL AREAS: **(Rev. 09/02/09 – Ord. 09-057)** The less than completely and opaquely covered:

1. Human genitals or pubic region;

2. Human buttocks or the cleavage of human buttocks; or

3. That portion of the human female breast below a point immediately above the top of the areola; this definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast

exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, providing the areola is not so exposed; or

4. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES (Rev. 09/02/09 – Ord. 09-057):

1. Human genitals in a state of sexual stimulation or arousal;

2. Acts of human masturbation, sexual intercourse, or sodomy, whether actual or simulated;

3. Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast;

4. Excretory functions as part of or in connection with any of the activities set forth in subsections 1 through 3 of this definition.

SPOT ZONE (Added 01/09/08 by Ord. 01-008): An area zoned to a particular school that is not in the immediate neighborhood of that school facility in order to facilitate desegregation and balance socio-economic diversity.

SPRAY IRRIGATION (OVERHEAD IRRIGATION): (Rev. 12-04-03 Ord. 03-82) An irrigation method that delivers water to the landscape in a spray or stream-like manner from above-ground irrigation nozzles or pop-up spray heads with output expressed in gallons per minute (includes micro-misters).

STABLE, PRIVATE (Rev. 01/30/03 - Ord. 03-14): Any boarding facility for horses or livestock in which use is limited to the property owner, occupants, or guests.

STABLE, PUBLIC (Rev. 01/30/03 - Ord. 03-14): Any boarding facility for horses or other livestock with space available for rental to the public.

STABLES, RECREATION (Rev. 01/30/03 - Ord. 03-14): Horse stables provided only for the residents of a residential community. Recreation stables may be an accessory use with rental if located in an approved Planned Development (PD).

STANDARD LAND USE DISTRICTS: Land use categories allowed under the general provisions of the Comprehensive Plan which are less definitive (or less strict) than those within Special Area Plans, or the Green Swamp.

START OF CONSTRUCTION (STRUCTURE OR BUILDING): The first placement of permanent construction of a structure (other than a manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers or

foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a manufactured home) without a basement or poured footings, the Astart of construction@ includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured homes not within a manufactured home park or manufactured home subdivision, Astart of construction@ means the affixing of the manufactured home to its permanent site. For manufactured homes within manufactured home parks or manufactured home subdivisions, Astart of construction@ is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

START OF CONSTRUCTION (FOR FLOODPLAIN MANAGEMENT PURPOSES)*(Added 06/04/2013, Ord. 13-020)*: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date.

1) The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation.
2) Permanent construction does not include
   a. land preparation, such as clearing, grading and filling
   b. the installation of streets and/or walkways
   c. excavation for a basement, footings, piers or foundations or the erection of temporary forms
   d. the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building.
3) For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STATE PLANE COORDINATE SYSTEM: The system of plane coordinates which has been established by the National Ocean Survey for the purpose of defining and stating the positions of locations or points within the State of Florida.

STORM WATER: Any water on the surface of the earth, whether contained in bounds created naturally or artificially or diffused.

STORM WATER MANAGEMENT PERMIT: A Surface Water Management (SWM) Construction Permit or SWM Operation Permit.

STORM WATER MANAGEMENT SYSTEM: The collection of facilities, improvements, or natural systems whereby surface waters are collected, controlled, conveyed, impounded, or obstructed. The term includes dams, impoundments, reservoirs, appurtenant works and works as defined in Sections 373.403(1) thru (5), F.S.

STORM WATER MANAGEMENT SYSTEM: The designed features of the property which collect, convey, channel, hold, inhibit, or divert the movement of storm water.

STORM WATER MANAGEMENT SYSTEM ALTERATION: Any activity that will increase the design discharge or the pollutant loading of the storm water management system. Routine custodial maintenance and repairs of the storm water management system to the original design specifications shall not constitute alterations.

STORM WATER RUNOFF: The flow of water which results from, and which occurs immediately following, a rainfall event.

STREET: (See: **ROAD**)

STREET (E 911): All thoroughfares, ways, or places of whatever nature located in the unincorporated areas of Polk County, both paved and unpaved, including but not limited to roads, highways, and all open rights-of-way, when any part thereof is designed for or open to the use of the public for purposes of vehicular transportation or traffic, excluding parking lots, bicycle paths, alleys, sidewalks, service entrances, driveways, and privately owned roads which do not meet the definition of a private road or private street as set forth in this Code.

STREET LINE: The dividing line between a street and a lot. For public streets, the street line shall be the existing right of way line. For private streets, the street line shall be the street parcel boundary or the easement boundary that legally describes the street.

STREET NAMING SYSTEM: A system by which the names of all streets assigned before the effective date of this Ordinance are retained and included on the Address Numbering Maps and by which the names of all other existing and projected streets shall be reviewed for compliance with the Polk County Subdivision Regulations and this Ordinance before being assigned to those streets and shown on any plats or other public records and, if in compliance, shall be included on the Address Numbering Maps.

STRUCTURE: Any building, sign, wall, fence, or similar physical obstruction placed or erected with or without footers or foundation including all other man-made facilities or infrastructures placed upon a piece of property for any purpose.

STRUCTURE (FOR FLOODPLAIN MANAGEMENT PURPOSES)*(Rev. 06/04/2013, Ord. 13-020)*: A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "Structure" for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

STRUCTURE (for surface water protection purposes): A walled and roofed building that is principally above ground, as well as a mobile home, or similar physical obstruction placed or erected

with or without footers or foundation including all other man-made facilities or infrastructures placed upon a piece of property for any purpose.; but not including gazebos, boat houses and docks and stormwater systems.

STRUCTURE, ACCESSORY: A structure which is customarily associated with, subordinate in size and incidental in use to the principal structure and located on the same site. Examples are tool sheds and garages.

STUDENT CAPACITY (Added 01/09/08 by Ord. 01-008): The estimated number of students (in full-time equivalency) that can be satisfactorily housed in a facility at any given time based upon a percentage of the total number of satisfactory student stations.

STUDIOS, PRODUCTION: Land, buildings, or structures used as a media production facility. Typically, structures involved in or with the production of (but not limited to): motion pictures; radio and television shows or movies; recording or broadcasting facilities; and other motion picture production and distribution service offices.

SUBDIVISION (Rev. 9-26-01 - Ord. 01-71): Any division of a lot, parcel, or tract of land.

SUBDIVISION, MAJOR (Revised 3-17-10 – Ord. 10-01): Any division of a lot, parcel, or tract of land or re-platting of land that does involve the construction of new roadway, drainage facilities or wetland or Flood plain impact or mitigation, or reconstruction of these facilities. The major subdivision process shall consist of construction plan and plat approvals.

SUBDIVISION, MINOR (Revised 3-17-10 – Ord. 10-01): Any division of a lot, parcel, or tract of land not involving the construction of new roadway or drainage facilities, wetland or flood plain impact or mitigation, or reconstruction of these facilities.

SUBDIVISION PLAT RECORDED (Rev. 12-03-03 - Ord. 03-38): Subdivision plats that were recorded with plat book and page number by the County Clerk of Courts.

SUBDIVISION WALL (Rev. 9/26/01 - Ord. 01-71): Any contiguous structure (ex. brick, block, chain link, wood, etc...) that encompasses the entire subdivision frontage along one or more public rights-of-way. Signs may be placed upon a subdivision wall at a height no greater than the maximum sign height allowed per the Future Land Use district.

SUBSTANTIAL DAMAGE (FOR FLOODPLAIN MANAGEMENT PURPOSES)*(Rev. 06/04/2013, Ord. 13-020)*: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT (FOR FLOODPLAIN MANAGEMENT PURPOSES)*(Rev. 06/04/2013, Ord. 13-020)*: Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during ten year period, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial

improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

SUBSTANTIALLY IMPROVED MANUFACTURED HOME PARKS OR SUBDIVISIONS (FOR FLOODPLAIN MANAGEMENT PURPOSES)*(Rev. 06/04/2013, Ord. 13-020)*: Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

SURFACE MINING (Added 5/21/13 – Ord. 13-018): The removal of surface soil deposits which does not compromise the confining nature of the strata separating and protecting the confined potable aquifer from the surface deposits.

SURFACE WATER: Includes, but not limited to, rivers, lakes, streams, springs, impoundments and all other waters upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. On site stormwater, wastewater, or process water retention or treatment facilities which are not connected to other surface waters shall not be included in the definition of surface waters. Also, refer to Section 363.0065(2)(m), Florida Statutes.

SURFACE WATER MANAGEMENT (SWM) CONSTRUCTION PERMIT: A surface water management permit issued by Polk County authorizing construction, alteration or abandonment of a surface water management system in accordance with the terms and conditions of this Code and of the permit.

SURFACE WATER MANAGEMENT (SWM) OPERATION PERMIT: A surface water management permit issued by the County authorizing the operation and maintenance of a surface water management system in accordance with the terms and conditions of the permit.

SURVEYOR: A professional land surveyor duly registered and licensed by the State of Florida.

SWALE: Man-made trench which exhibits the following characteristics:

1. Has a top width to depth ratio the cross section of which is equal to or greater than 6:1, or side slopes equal to or greater than three feet horizontal to one foot vertical; and

2. Contains contiguous areas of standing or flowing water only during or following a rainfall event; and

3. Is planted with or has stabilized vegetation suitable for soil stabilization, storm water treatment, and nutrient uptake; and

4. Is designed to take into account the soil erodibility, soil percolation, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

SWAMP: A piece of wet, spongy land that is permanently or periodically covered with water, characterized by growths of shrubs and trees indigenous to hydric soil conditions.

SWFWMD: An abbreviation for the Southwest Florida Water Management District.

TAVERNS & LOUNGES: A facility where a major activity or purpose is the sale of alcoholic beverages for on-premises consumption. If a facility also sells food, and the sale of food products represent more than fifty percent of the facility's total sales, the facility shall be considered a restaurant.

TELECOMMUNICATION SERVICE PROVIDER: Any provider of personal wireless services, commercial mobile radio services, unlicensed wireless services, common carrier wireless exchange services or radio and television broadcasting services. The term does not include amateur radio operators licensed by the Federal Communications Commission (FCC).

TEMPORARY: Designed, constructed, and intended to be used less than one year.

TEMPORARY CLASSROOM (Added 01/09/08 by Ord. 01-008): A movable or portable classroom facility

TIME SHARE (Rev. 3/6/02 - Ord. 02-13): A dwelling unit with multiple owners with each owner having a proprietary interest in the dwelling unit for a distinct, separate, and limited time period during each calendar year. Each separate owner is entitled to the use, possession, and occupancy of the dwelling unit during their respective time period. The characteristic of time share units are more non-residential and similar to the operation of a hotel or motel, except the occupant has ownership of the property for the limited period.

TOPOGRAPHY: Maps depicting the surface features of a region, including hills, valleys, rivers, lakes, canals, bridges, roads and similar geographic and physical features.

TOTAL LAND AREA: Land holdings under common ownership or control which are contiguous, or land holdings which are served by a common surface water management system.

TOWER: An engineered structure designed to be placed on foundations or on another structure, constructed to a given height, fabricated to withstand the minimum wind loads and for the purpose of communication, TV transmission, micro wave, radar or any other useful purpose.

TOWNHOUSE (ADDED 03/19/08 – ORD 08-004): A single-family dwelling unit not exceeding three stories in height which is constructed in a series or group of attached units with property lines separating such units. Each townhouse shall be considered a separate building and shall be separated

from adjoining townhouses by the use of separate exterior walls meeting the requirements for zero clearance from property lines as required by the type of construction and fire protection requirements; or shall be separated by a party wall; or may be separated by a single wall meeting the following requirements:

1. Such wall shall provide not less than 2 hours of fire resistance. Plumbing, piping, ducts, or electrical or other building services shall not be installed within or through the 2-hour wall unless such material and methods of penetration have been tested in accordance with the Standard Building Code.

2. Such wall shall extended from the foundation to the underside of the roof sheathing, and the underside of the roof shall have at least 1 hour of fire resistance for a width not less than 4 feet on each side of the wall.

3. Each dwelling unit sharing such wall shall be designed and constructed to maintain its structural integrity independent of the unit on the opposite side of the wall.

4. Platted lots for townhouses shall extend a minimum of 2 feet beyond all exterior walls of the unit.

TPO: An abbreviation for the Polk Transportation Planning Organization.

TPO PRE-APPLICATION CONFERENCE: A meeting between the applicant and his engineer and the TPO that occurs prior to conducting a traffic impact study for the purposes of identifying key issues, unique considerations, review of assumptions and procedures to be used in a traffic impact study. This definition is to be used with Appendix C of this Code.

TRAFFIC ANALYSIS ZONE: A geographic sub-area of the County used to tabulate socio-economic and trip characteristic information used in transportation modeling and traffic impact studies.

TRAFFIC ASSIGNMENT: The procedure of estimating the extent to which vehicle trips will use a specific segment on the Concurrency Determination Network as travel occurs to/from a proposed development to other locations.

TRAFFIC COUNT STATION: A location established by the TPO where periodic traffic counts are recorded by the Florida Department of Transportation, Polk County, or local jurisdiction; and where additional traffic counts may be required as part of the submission requirements of a traffic impact study.

TRANSIT, COMMERCIAL: A business engaged in the provision of servicing, maintenance, and secure storage of busses and other high occupancy vehicles for commercial purposes. Said vehicles are not necessarily owned by the operator of the facility, as services may be provided to other commercial operations which do not have adequate means or facilities to service, maintain, or store their rolling stock.

TRANSIT FACILITIES: Transportation uses by a government or a governmental entity or franchise, which provides facilities such as bus terminals or other related facilities, that primarily involve collective or mass transportation of people. Typically, this transportation of persons involves routes from higher density residential areas to the higher density employment or business centers.

TRANSITIONAL AREAS DEVELOPMENT (TAD): Non-mapped areas which provide for the lessening of impacts between dissimilar uses by proving for transitional or "step-down" uses between intensive use activities and lower density residential uses.

TRANSMISSION LINE: That which delivers a service or flow from or to a non-locally located customer or point of reception, usually a line of large or significant magnitude, at minimum connecting two or more counties

TREE: Any deciduous or evergreen perennial plant (excluding citrus) having at least one well defined stem. Such plant will normally grow to a minimum overall height of 25 feet and develop a mature crown of at least 15 feet. At planting a tree must be at least eight feet in height and have a diameter breast height (DBH) of one and one half inches.

TREE CANOPY: Tree canopy refers to the area shaded by the crown of a mature tree., Appendix B of this Code lists tree species and canopy coverage.

TRIP GENERATION RATE: The number of vehicular trips generated by a unit of land use as defined in the Polk County Trip Rate and Percent New Trips Data Table, available from TPO staff.

TRUCK STOP: A commercial facility used for fueling, parking, and basic maintenance of truck tractors & trailers, but not including motor freight companies. Accessory uses may also include restaurants, maintenance, and lodging facilities.

TURF/TURFGRASS: (Rev. 12-04-03 Ord. 03-82) A mat layer of monocotyledonous plants such as Bahia, Bermuda, Centipede Pasapalum, St. Augustine and Zoysia mowed to maintain an established height.

TURNING MOVEMENT COUNT: The collection of data at an intersection which depicts the volumes of traffic that turn or go straight through the intersection during specified hourly periods.

UNDERSTORY TREE (Added 03/18/09 – Ord. 09-006): Any self supporting woody plant of a species that does not typically achieve an overall height at maturity of more than 30 feet.

UNIFORM STREET ADDRESS SYSTEM: The system created by Polk County Ordinance 90-38, which incorporated the Street Naming System, the Building Numbering Plan, and the Address Numbering Maps.

UNIT: That part of a building housing one or more occupant.

USE, ACCESSORY/ANCILLARY: A use which:

1. Is clearly incidental to, customarily found in association with, and serves a principal use;

2. Is subordinate in purpose, area, and extent to the principal use served;

3. Is located on the same lot as the principal use, or on an adjoining lot in the same ownership as that of the principal use; and

4. Is not the principal use.

UTILITIES, CLASS I: Transmission lines, whether subterranean or overhead; including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drain fields; effluent disposal systems; cable television and telephone transmission lines; or similar utility lines.

UTILITIES, CLASS II: Booster stations, pumping stations, switching facilities, substations, lift stations, or other similarly required facilities in connection with telephone, electric, steam, water, sewer, and other similar utilities.

UTILITIES, CLASS III: **(Revised 9/27/11 – Ord. 11-020)** Production or treatment facilities such as sewage treatment plants, elevated water storage towers, non accessory ground storage tanks, or similar facilities. This definition does not include electric power plants and lime stabilization facilities.

UTILITY TRAILER: A transport vehicle designed to be hauled by a motorized vehicle for one or more purposes.

VACATION: To release, or give up authority over an imposed dedication imposed by an exaction.

VARIANCE: Is a grant of relief from the requirements of this ordinance where specific enforcement would result in unnecessary hardship to the property.

VEGETATION NATIVE:(Rev. 12-04-03 Ord. 03-82) Any plant species with a geographic distribution indigenous to all, or part, of the State of Florida.

VEHICLE: Every device, in, upon, or by which any person or property is or may be transported or drawn upon a travel way, excepting devices used exclusively upon stationary rails or tracks.

VEHICLE RECOVERY SERVICE/AGENCY ***(Revised 09/16/09 – Ord. 09-060)***: A licensed establishment with licensed vehicle recovery agents pursuant to Chapter 493, F.S. engaged in the business of performing vehicle repossessions and temporary storage of vehicles for banks and/or other financial institutions and other lending businesses.

VEHICLE REPAIR, AUTO BODY: Repairs to vehicles where physical damage has taken place to the structure or appearance of said vehicle, whether through traffic accident or other circumstances, also including the customizing or painting of vehicles. Generally, a substantial effort

is involved in auto body repairs, typically, but are not limited to, repairs which may take more than a working day to complete.

VEHICLE SALES/LEASING: Establishments primarily engaged in the retail sale, leasing, and service of new or used automobiles, vans, boats, motorcycles, recreational vehicles, and light trucks (less than 2 ton capacity), including any warranty repair work and other repair service conducted as an accessory use.

VEHICLE SERVICE, MECHANICAL: Vehicle repair and servicing activities which are typically conducted within enclosed, or partially enclosed, structures. Automotive services provided by this type of facility are generally characterized as routine maintenance, though more substantial mechanical work may be offered by these businesses.

VERTICAL CONSTRUCTION: Construction of residential and non-residential buildings, including but not limited to, conventional housing, mobile homes, awnings, outbuildings, and all non-residential buildings.

VEST, VESTING, VESTED: An immediate fixed right of development not subject to concurrency or consistency or land development regulations as further provided herein.

VETERINARY SERVICES (Rev. 01/30/03 - Ord. 03-14): Medical services, associated with a Doctor of Veterinary Medicine (D.V.M.), for animals kept as pets, or livestock.

VILLAGE CONVENIENCE STORE (VCS): (See: CONVENIENCE STORE, VILLAGE)

VILLAGE OR NEO-TRADITIONAL DESIGN: (Rev. 3/6/02 - Ord. 02-13; Rev. 01/03/05 - Ord. 04-80*)* A predominantly residential area with supporting commercial and public activities lying near its center. A village typically includes a post office, Religious Institution, meeting places, public open space, central commercial area that is convenient to all residents, and cultural uses. It is compact relative to traditional suburban tract development, and is easily distinguishable from the surrounding undeveloped land. The density mix and arrangement of land uses encourages pedestrian movement among local origins and destinations, and between residential and non-residential development. Village or Neo-Traditional designs include ranges of housing types and lot sizes, emphasis on aesthetics and creating a sense of place.

VIOLATION (FOR FLOODPLAIN MANAGEMENT PURPOSES)*(Added 06/04/2013, Ord. 13-020)*: The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

VOLUME: Occupied three dimensional space, measured in cubic units.

VOLUME REDUCTION FACILITY *(Added 03/18/14 – Ord. 14-015)*: A facility using incinerators, pulverizers, compactors, shredding, demanufacturing, and baling plants, and other plants that accept and process solid waste for recycling and disposal.

WAREHOUSING/DISTRIBUTION (Revised 04/19/16 – Ord. 16-022): A building or group of buildings used for the storage and distribution of goods belonging either to the owner of the facility or to one or more lessees of space in the facility or both including are enclosed wholesale, but not including self-storage facilities. Outdoor storage or distribution of goods is only permitted in districts that allow for outdoor storage or outdoor activity.

WATER OR WATERS: Includes, but is not limited to, water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, streams, rivers, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground.

WATER BODY: Any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernable shoreline.

WATER DEPENDENT STRUCTURE OR USE: Any facility which cannot be used for its intended purposes unless it is located or carried out in close proximity to water. The term shall include only docking facilities and port facilities that are necessary for the loading and unloading of cargo or passengers, or ship building, repair facilities or seafood processing facilities, but shall not include long term storage or related manufacturing facilities.

WATER SKI SCHOOLS: A commercial enterprise, whether the principal or accessory use, where water skiing instruction is provided. This may or may not include actual activity on a body of water. This includes instruction for water skis, wake boards, knee boards, and any other water sports device towed by a boat.

WATERCOURSE *(added 06/04/2013, Ord. 13-020)*: . A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

WATERCOURSE, NATURAL: A natural channel, having defined banks, which is formed by the erosion from running water through turf, soil, rock, or other material and over the bottom of which water flows for substantial periods of the year. The term Awatercourse@ shall include both the upstream and downstream portions of a watercourse which is lost in a swamp (excluding the swamp) or a lake, if it emerges from such swamp or lake in a well defined channel.

WATER SURFACE ELEVATION*(added 06/04/2013, Ord. 13-020)*: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATER USE ZONE: (Rev. 12-04-03 Ord. 03-82) A grouping of sprays, sprinklers, or microirrigation emitters so that they can be operated simultaneously by the control of one valve according to the water requirements of the plants used.

WATER-WISE LANDSCAPING: (Rev. 12-04-03 Ord. 03-82) See Xeriscaping.

WELL: Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is to conduct ground water from a source bed to the surface, by pumping or natural flow, when ground water from such excavation is used or is to be used for a public water supply system.

WELLFIELD: Land area containing two or more interconnected potable water wells of an aggregate capacity of 100,000 G.P.D. or greater, under the ownership or control of a public or private utility whose principle purpose is to provide potable water for domestic use as defined in Rule 17-550.200, F.A.C.

WELLHEAD RESOURCE PROTECTION AREAS: The areas around public potable water supply wells which were established to give some degree of protection from identified sources of potential ground water contamination.

WELLHEAD RESOURCE PROTECTION AREA MAP: Official Map of Wellhead Resource Protection Areas which is adopted by the Board of County Commissioners, showing boundaries of Wellhead Resource Protection Areas based on time of travel or drawdown methodologies and other available technical information for public potable water supply wells in conformance with Comprehensive Plan Act requirements.

WET DETENTION: A water quality treatment system that utilizes water tolerant vegetation and which removes pollutants through settling, absorption by soils, and nutrient uptake by vegetation, and in which a permanent water pool is maintained which has a capacity to provide extended detention for the required storm water treatment volume.

WETLANDS*(Rev. 06/04/2013, Ord. 13-020)*: Lands which are identified by being inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The definition includes all contiguous and noncontiguous or isolated wetlands to waters, water bodies, and watercourses. Wetlands include, but are not limited to swamp hammocks, hardwood hybrid hammocks, riverine cypress, cypress ponds, bayheads, bogs, wet prairies and freshwater marshes. Dominant wetland vegetation shall be determined as provided in Rule 17-301.400, Florida Administrative Code.

Further, wetlands shall include such areas identified under the jurisdiction of:

1. The U.S. Army Corps of Engineers,

2. The Florida Department of Environmental Protection,

3. The Southwest Florida Water Management District,

4. The South Florida Water Management District, and

WHOLESALE, ENCLOSED: An enclosed building or structure used primarily for selling merchandise in bulk quantities to retailers, wholesalers, or commercial, industrial, institutional, or professional business users. Wholesale establishments may also perform related accessory functions such as maintaining inventories, however, this category does not include retail sales (except as an accessory use), manufacturing, or any commercial use.

XERIC: (Rev. 12-04-03 Ord. 03-82) An environment having a low supply of moisture for plant life; plants tolerating or adapted to arid conditions; often containing well drained, droughty soils.

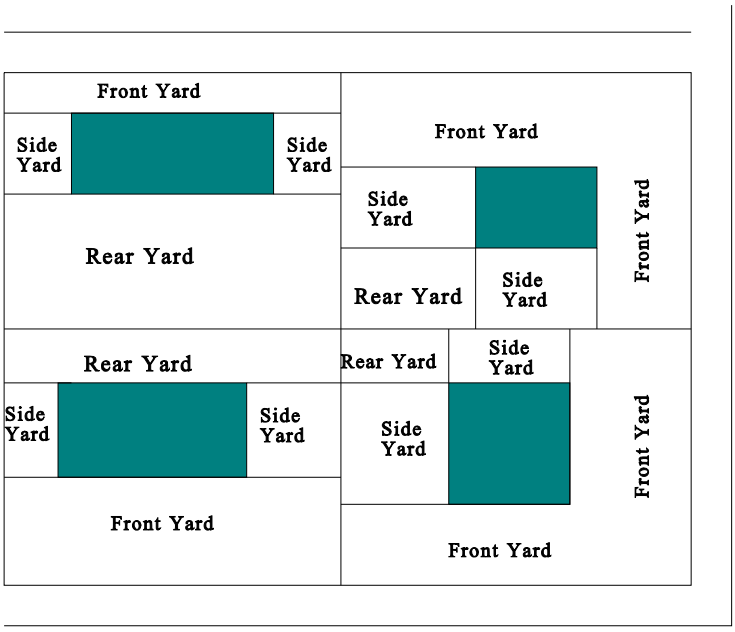
XERISCAPE/XERISCAPING (Rev. 12-04-03 Ord. 03-82) : Originally coined in Denver, Colorado, this is a type of landscaping that conserves water and protects the environment by using site appropriate plants, an efficient watering system, proper planning and design, soil analysis, practical use of turf, the use of mulches, and proper maintenance.

XERISCAPE (Rev. 3/6/02 - Ord. 02-13): Set of landscape design and maintenance principles which promote good horticultural practice and the economic and efficient use of water. The term Xeriscape is the registered trademark of the National Xeriscape Council and means water-conserving, drought-tolerant landscaping, or simply the use of appropriate plant materials that do not required special attention and which require little supplemental water to grow properly. Xeriscape design does not resemble desert landscape, but reflects the lush appearance of Florida gardens.

XERISCAPING: A method of landscaping that groups plants according to their water and sunlight requirements. The three main plant groups associated with xeriscaping are: oasis, drought tolerant, and natural (native).

YARD: An open space between a building and adjoining lot lines or road rights of way, unoccupied and unobstructed by any portion of a structure from the ground upward.

YARD, FRONT: A space extending the full length or width of a lot between any building and rights of way and measured perpendicular to the building at its closest point to the rights of way. **(Rev. 12/1/10 - Ord. 10-082)**



YARD, REAR: A space extending the full length of width of a lot between the principal structure and an interior lot line and measured perpendicular to the principle structure at its closest point to an interior lot line excluding the space defined as the side yard. **(Rev. 12/1/10 - Ord. 10-082)**

YARD, SIDE: A space extending from the front yard to the terminus of the principle structure and an interior side lot line and measured perpendicular from the interior side lot line to the closest point of the principle structure. **(Rev. 12/1/10 - Ord. 10-082)**

ZONING ORDINANCE, POLK COUNTY: Polk County Ordinance 83-02, as amended. The term shall also be referred to as the Zoning Ordinance.

APPENDIX A

POLK COUNTY TECHNICAL STANDARDS MANUAL

APPENDIX A

This Appendix is provided to establish minimum standards to be used by engineers and contractors in constructing development projects throughout the unincorporated areas of Polk County.

Section A101 Purpose and Intent (Rev. 10/07/09 - Ord. 09-061)

This Section establishes the minimum engineering design standards applicable to all developments exclusive of private parking lots and drive aisles. The standards are intended to promote the public health, safety and welfare by insuring the improvements are designed to adequately provide for transportation and drainage features of the development.

Section A102 Drainage Design Requirements (Rev. 10/07/09 - Ord. 09-061)

A. ***Storm Sewer Design***

1. Manning's equation will be used for storm sewer design with coefficient of roughness (n) of 0.012 for concrete pipes and 0.012 for smooth lined corrugated metal pipes. Coefficient of roughness (n) for all other pipes shall be as shown in Table A1.

Table A1 Values of Coefficient of Roughness (n) for Standard Corrugated Steel (Manning's Formula)

Corrugations	Annular 2-2/3" x ½"	Helical 1-1/2" x 1/4"	Helical 2-2/3" x ½"				
	All Diameters	Diameter 8" 10"	Pipe Diameter				
			15"	18"	24"	36"	48"
Unpaved	.024	.013 .016	.013	.014	.017	.019	.020
25% Paved	.021				.015	.017	.020
Fully Paved	.012				.012	.012	.012

Corrugations	Annular 3" x 1"	Helical 3" x 1"					
	All Diameters	Pipe Diameter					
		36"	48"	54"	60"	66"	72"
Unpaved	.027	.020	.020	.021	. .021	.021	.021
25% Paved	.023	.018	.018	.019	.019	.019	.019
Fully Paved	.012	.012	.012	.012	.012	.012	.012

2. When pipe is sized using full flow conditions, the hydraulic gradient shall be at least one foot below the gutter profile. Sufficient head should be allowed at inlet entrances to force the flow to the velocity required at full flow conditions. When the design is based on partial depth flows, the depth of flow shall not be over 2/3 pipe diameter at velocities exceeding 15 f.p.s. Pipes will have a physical slope sufficient for a minimum flow velocity of two and one-half feet per second.

3. Inlets not in sump position shall be spaced to receive 80 percent of the runoff (See Table A2) in curb and gutter or urban sections. Inlets shall be carefully placed near intersection returns to avoid flooding adjacent properties and intersections.

4. Capacity of inlets in sump position shall not exceed 12 cubic feet per second (cfs). FDOT Standard Index Inlet Types "P" and "J," with inlet throats Type 1, 2, 5 and 6 shall be used on curbed sections. Grates shall be parallel to centerline profile grade.

5. FDOT Standard Index ditch bottom inlets "C," "D," "E" and "H" shall be used in ditches or low areas where water would be collected. Where debris is a problem and there is no safety hazard, slots will be used.

6. The Rational Method of analysis shall be used in the design of storm sewer systems and small culverts.

   Q = CIA
   Q = runoff in cubic feet per second (CFS)
   I = rainfall intensity in inches per hour
   A = drainage areas, in acres
   C = coefficient of runoff (See Tables A3 and A4)
   "I" will be determined by using the intensity-duration-frequency zones and curves shown in Figure A1 and Figure A2.

7. Time of Concentration will be determined by using Figures A3 and A4. The minimum Time of Concentration used in computations will be ten minutes.

Table A2 Maximum Capacity (Q cfs) for 80% Efficiency Total

Cross Slopes	Longitudinal Slopes							
in/ft	0.20%	0.50%	1.0%	2.0%	3.0%	4.0%	5.0%	6.0%
Type 1 Inlet								
1/4	6.5	5.0	4.0	3.2	2.5	2.3	2.0	1.5
3/8	*7.3/85	6.8	5.5	4.7	4.2	3.5	3.0	2.3
½	*5.5/95	7.7	6.6	4.9	4.5	4.0	3.5	2.8
5/8	*3.9/100	8.5	7.9	6.5	5.3	4.5	4.0	3.5
3/4	*2.7/100	6.7/95	8.6	7.7	8.7	5.9	4.9	4.0
Type 3 Inlet								
1/4	3.0	2.3	1.8	1.6	1.3	1.1	0.9	0.8
3/8	4.3	3.8	3.2	2.7	2.4	2.1	1.8	1.5
½	5.1	4.1	3.3	2.6	1.8	1.6	1.4	1.2
5/8	*7.0/75	5.0	3.9	3.2	2.7	2.3	1.9	1.6
3/4	*6.0/85	5.8	4.5	3.7	3.0	2.7	2.4	2.0
Type 5 Inlet								
1/4	4.8	4.3	3.7	3.2	2.8	2.7	2.6	2.5
3/8	6.4	5.7	5.2	4.6	4.2	3.8	3.6	3.3
½	7.7	7.2	6.7	6.1	5.7	5.3	4.9	4.6
5/8	*5.6/95	*8.0/80	7.5	6.9	6.2	5.5	5.2	5.0
3/4	*4.9/100	*7.0/90	*7.6/85	8.2	7.5	7.0	6.5	6.2
Type Y Inlet								
3/4	9.3/82.5	----	8.0/75	6.0	8.0/72.5	8.5/75	----	----

* = Road Flooded @ cfs/% efficiency - = No data

Table A3 Runoff Coefficients ("C" Factor)

RUNOFF COEFFICIENTS FOR A DESIGN STORM RETURN PERIOD OF 10 YEARS OR LESS					
Slope	**Land Use**	**Sandy Soils**		**Clay Soils**	
		Minimum	**Maximum**	**Minimum**	**Maximum**
Flat (0 - 2%)	Woodlands	0.10	0.15	0.15	0.20
	Pasture, grass, and farmland [(a)]	0.15	0.20	0.20	0.25
	Rooftops and pavement	0.95	0.95	0.95	0.95
	Pervious pavements [(b)]	0.75	0.95	0.90	0.95
	SFR: ½-acre lots and larger	0.30	0.35	0.35	0.45
	Smaller lots	0.35	0.45	0.40	0.50
	Duplexes	0.35	0.45	0.40	0.50
	MFR: Apartments, townhouses and condominium	0.45	0.60	0.50	0.70
	Commercial and Industrial	0.50	0.95	0.50	0.95
Rolling (2 - 7%)	Woodlands	0.15	0.20	0.20	0.25
	Pasture, grass, and farmland [(a)]	0.20	0.25	0.25	0.30
	Rooftops and pavement	0.95	0.95	0.95	0.95
	Pervious pavements [(b)]	0.80	0.95	0.90	0.95
	SFR: ½-acre lots and larger	0.35	0.50	0.40	0.55
	Smaller lots	0.40	0.55	0.45	0.60
	Duplexes	0.40	0.55	0.45	0.60
	MFR: Apartments, townhouses and condominium	0.50	0.70	0.60	0.80
	Commercial and Industrial	0.50	0.95	0.60	0.95
Steep (7% +)	Woodlands	0.20	0..25	0.25	0.30
	Pasture, grass, and farmland [(a)]	0.25	0.35	0.30	0.40
	Rooftops and pavement	0.95	0.95	0.95	0.95
	Pervious pavements [(b)]	0.85	0.95	0.90	0.95
	SFR: ½-acre lots and larger	0.40	0.55	0.50	0.65
	Smaller lots	0.45	0.60	0.55	0.70
	Duplexes	0.45	0.60	0.55	0.70
	MFR: Apartments, townhouses and condominium	0.60	0.75	0.65	0.85
	Commercial and Industrial	0.60	0.95	0.65	0.95

[(a)] Coefficients assume good ground cover and conservation treatment.
[(b)] Depends on depth and degree of permeability of underlying strata.

Note: SFR = Single Family Residential MFR = Multi-Family Residential

Table A4 Design Storm Frequency Factors

DESIGN STORM FREQUENCY FACTORS FOR PERVIOUS AREA RUNOFF COEFFICIENTS	
Return Period (years)	Design Storm Frequency Factor, X_T
2 to 10	1.00
25	1.10
50	1.20
100	1.25

Reference: Wright-McLaughlin Engineers (1969).

Figure A1 Zones for Precipitation Intensity Duration Frequency

Zones for Precipitation Intensity Duration Frequency (IDF) Curves
Source: Volume 2 _ Procedures, Florida Department of Transportation Drainage Manual

Figure A2 Rainfall Intensity Duration Curves

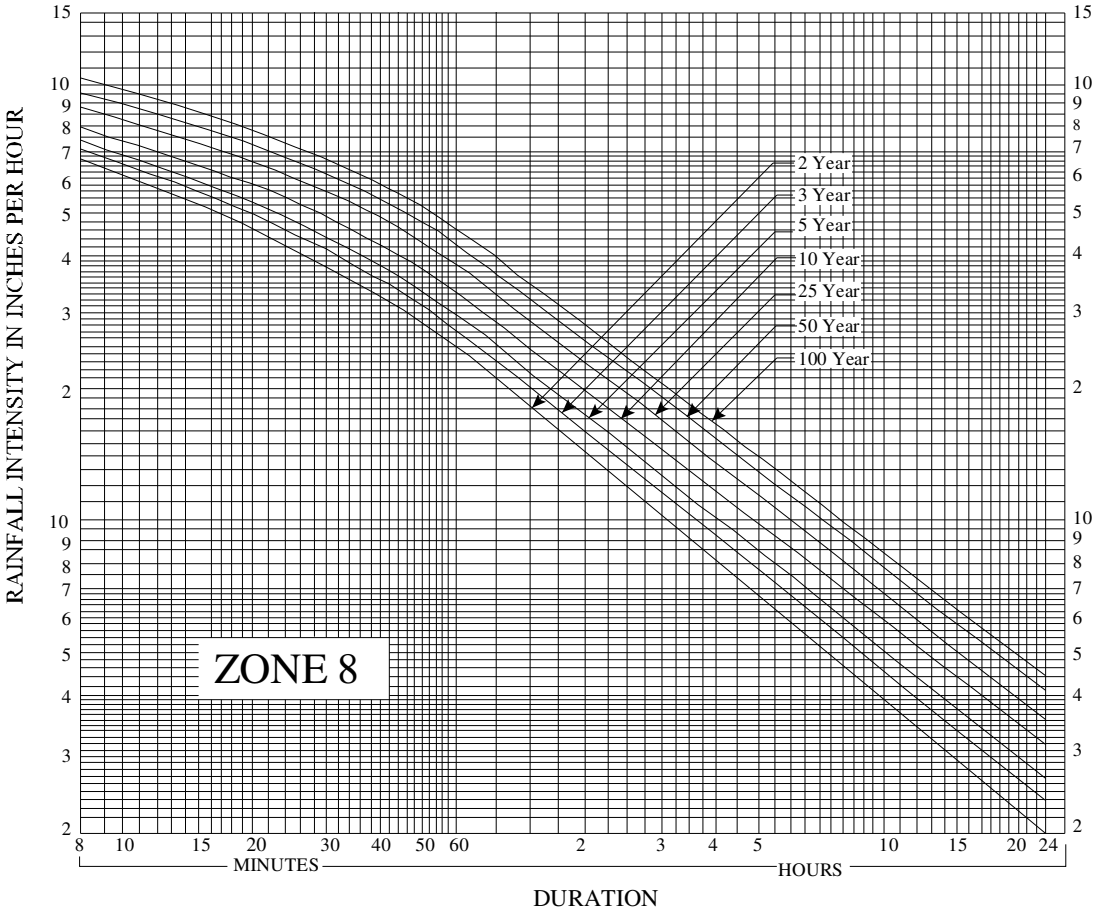
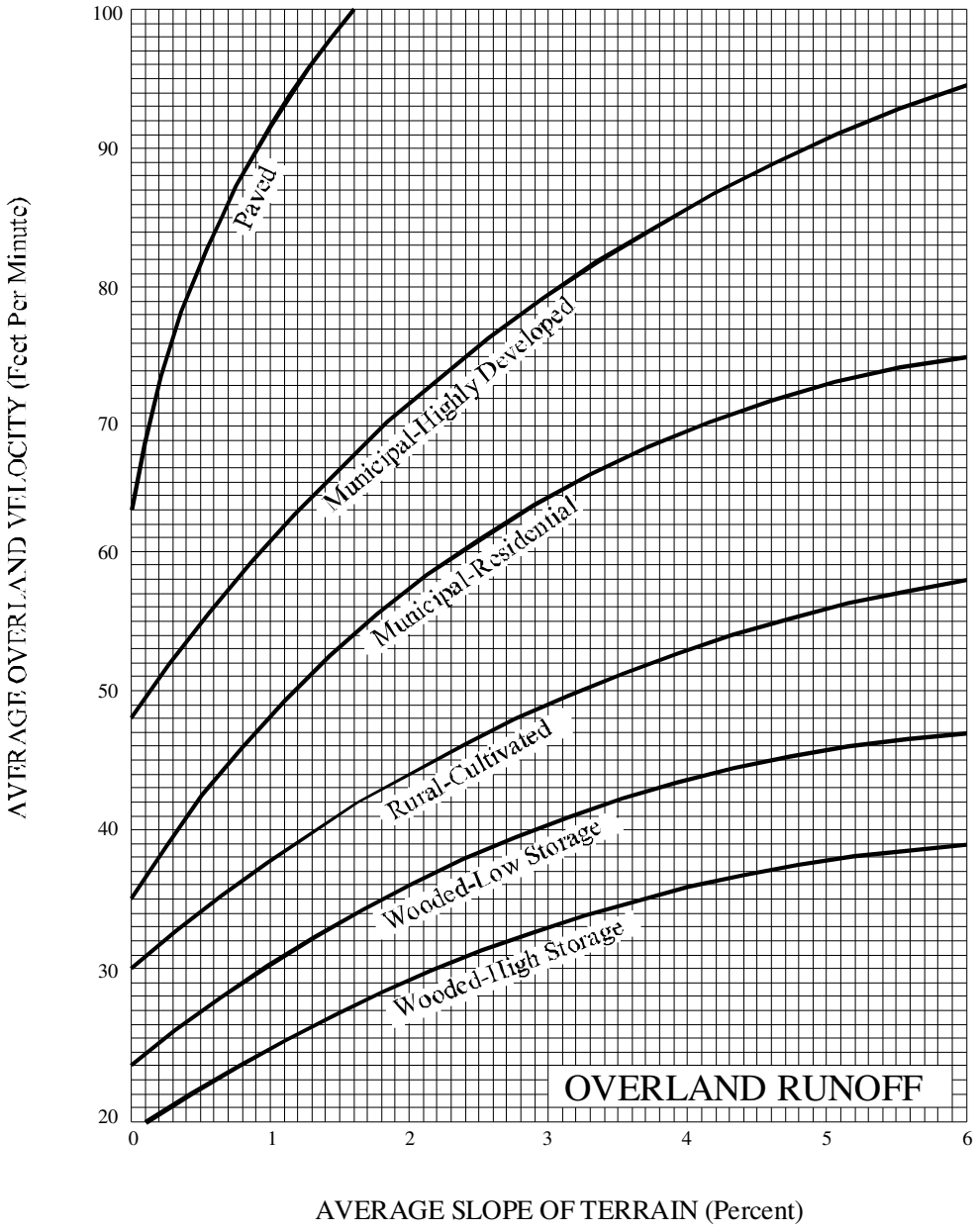
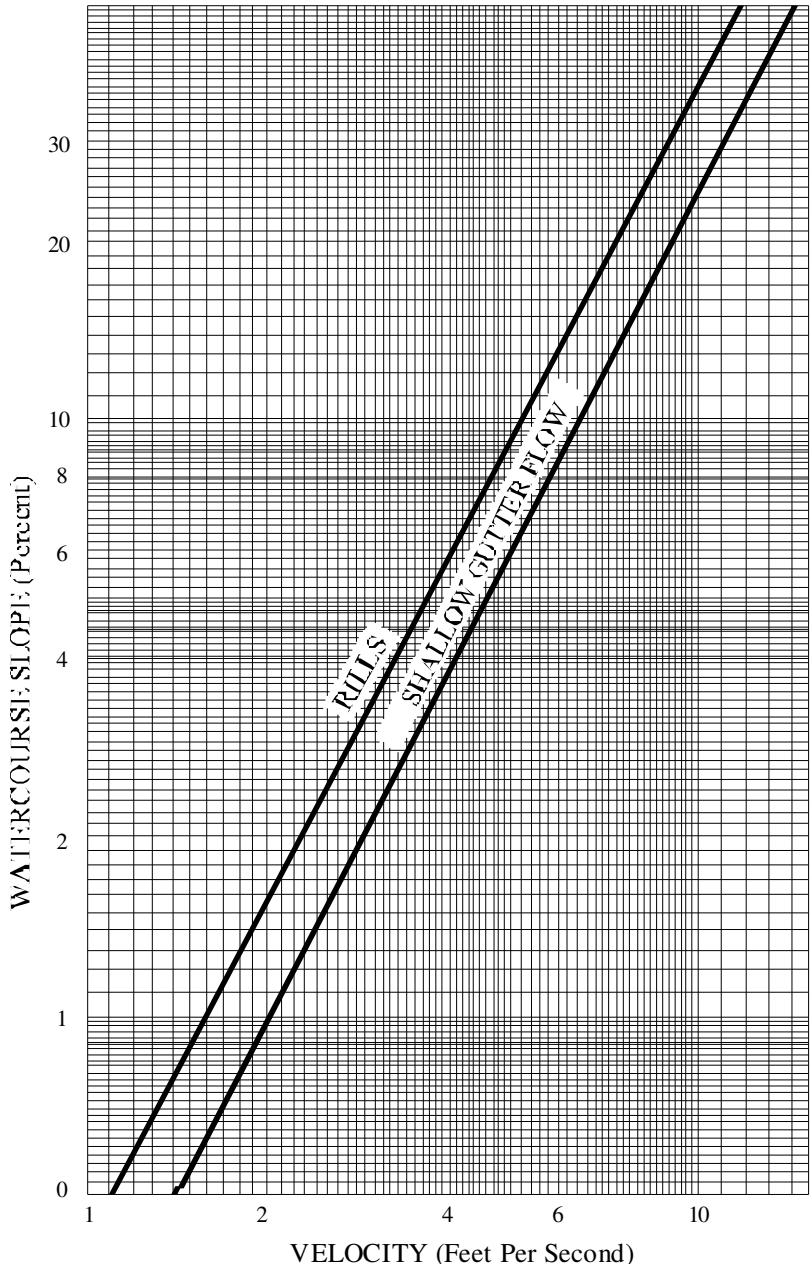


Figure A3 Overland Flow Velocities for Various Land Use Types



Overland Flow Velocities for Various Land Use Types
Source: Volume 2 - Procedures, Florida Department of Transportation Drainage Manual

Figure A4 Average Velocities for Estimating Travel Time for Small Channel Flow



B. ***Ditches*** ***(Rev. 7/29/02 - Ord. 02-52)***

1. The maximum ditch velocity allowed, without erosion protection, shall be governed by the following table:

Table A5 Maximum Ditch Velocity

Type of Soil	Maximum Allowable Velocity (Feet Per Second)
Fine Sand	1.5
Silt Loam	2.0
Fine Gravel	2.5
Clay	3.0

2. Ditch protection shall be determined by the following table:

Table A6 Ditch Protection

DITCH PROTECTION		
Grade	**Flow**	**Protection**
Less Than 2%	Less Than Allowable Velocities Shown Above	Grass and Mulch
Less Than 2%	More Than Allowable	*Sod
Up to 3%	Less Than 15 cfs	*Sod
Exceeds 3%	Exceeds 15 cfs	Paved

* Where watering, either natural or artificial, is available

3. Outfall ditches and ditches not adjacent to a road shall be situated within a drainage easement of sufficient width to allow a 15 feet wide maintenance berm on one side and a five feet stability berm on the opposite side. The bottom width of an outfall ditch should be two feet wider than any culvert it serves. Side slopes of outfall ditches shall be 2:1 or flatter, unless ditches are paved. Drainage easements located on platted lots will be noted on the plat to be maintained by the property owner or other specified entity. Drainage easements will not serve as utility easements unless specifically approved by the County Engineer.

4. Highway section ditches shall be a minimum of two feet below shoulder point elevation. Roadway centerline grades shall be higher than surrounding natural ground where wet conditions are encountered to prevent damage to base material. Ditch bottom width shall not be less than four feet.

5. Roadside "V" or swale ditches may require storm sewer protection. Roadside "V" or swale ditches will be permitted only where soil conditions and grades are favorable.

C. ***Culverts, Bridges and Pipes*** ***(Rev. 12-08-03 Ord. 03-69)***

Pipe culverts under roads shall be reinforced concrete or pipe material approved by the County Engineer. The minimum diameter shall be 18 inches. When hydraulic conditions indicate the need for a head wall, a FDOT standard head wall will be required. Mitered pipe end sections shall be used in all locations where head walls create traffic hazards and may be substituted for standard end walls in other locations. Bridges and box culverts shall be designed to the FDOT Design Index.

D. ***Side Drains***

Side drains may be bituminous coated corrugated metal pipe, reinforced concrete pipe, aluminum pipe, or any other pipe material approved for the same use by FDOT. The minimum pipe size for local residential roads shall be 15 inches in diameter. For all other roads, the minimum pipe size shall be 18 inches in diameter.

E. ***Seasonal High Water Table***

1. Soil borings will be taken and analyzed to a depth of six feet below natural ground or profile grade, whichever is the lower. Sufficient borings will be taken to determine the soil conditions and seasonal high water elevation evident throughout the proposed development. The depth to the high water table as shown in the Soil Survey of Polk County, Florida published by the Soil Conservation Service shall be taken into consideration in determining the seasonal high water elevation.

2. Where the seasonal high ground water table or high water elevation of any detention/retention area adjacent to or in close proximity to the road is less than one and one-half feet below the proposed base, soil cement or cemented coquina base will be required in sections without highway ditch protection. In some areas, underdrains may be required in conjunction with the soil cement or cemented coquina base to protect the roadway from premature deterioration.

3. Underdrains will be placed on the uphill side of the road (or on both sides, where needed) with the crown of the underdrain pipe four feet below natural ground or one-half feet below the base, whichever is the lower. The underdrain systems shall be designed by the engineer using the guideline specified below. Cleanouts, where required, shall be designed in accordance with Figure A5. Alternate underdrain designs shall be reviewed by the County Engineer.

F. ***Underdrains***

1. The materials used shall conform to the following requirements:

   a. Filter fabric for use in underdrains shall conform to the following minimum properties:

Fabric Property	Test Method	Unit	Typical Value
Grab Tensile Strength	ASTM D-1682	lb.	120
Grab Tensile Elongation	ASTM D-1682	%	55
Trapezoildal Tear Strength	ASTM D-1117	lb.	50
Mullen Burst Strength	ASTM D-3786	psi	210
Puncture Strength	ASTM D-3787	lb.	70
Water Flow Rate	CFMC-GET-2	gal/min/sf	285

b. The filter fabric pipe wrap shall be an approved strong, tough, porous nylon, polyester, polypropylene, or other approved fabric which completely covers and is secured to the perforated plastic tubing pipe underdrain in such a way as to prevent infiltration of trench backfill material. The filter envelope shall weigh a minimum of four ounces (4 oz.) per square yard and shall retain soil particles larger than 212 microns (No. 70 sieve), when tested in accordance with ASTM D-1682, the grab strength (wet) of the filter wrap shall not be less than 100 lbs. and the grab elongation shall not be less than 60 percent. Storage and handling of filter envelope shall be in accordance with the manufacturer's recommendations. Torn or punctured filter wrap shall not be used.

c. An example of a filter aggregate (fine aggregate) would be sand. Sand used for backfilling trenches under, around and over underdrain pipe shall consist of hard, durable, clean quartz sand and shall be reasonably well graded from coarse to fine and when tested by means of laboratory sieves, it shall meet the following requirements in percent of total weight.

Total Retained on:

Sieve	Percent	Sieve	Percent
No. 4	0 to 5	No. 30	30 to 75
No. 8	0 to 15	No. 50	65 to 95
No. 16	3 to 35	No. 50	93 to 100

d. Examples of a filter aggregate (other) would be:

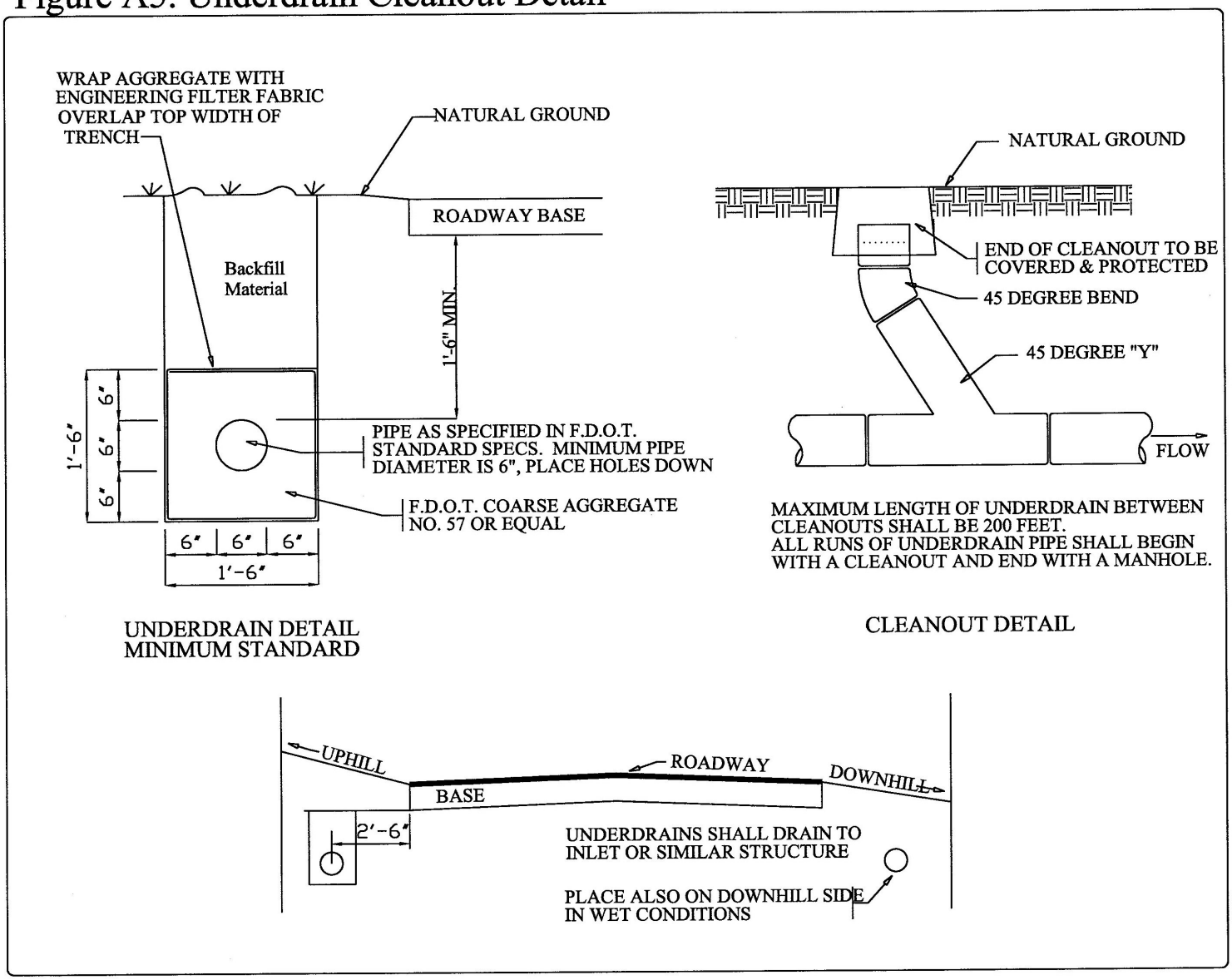
i. When stone is used for filter aggregate it shall be composed clean, durable rock that is noncementous when exposed to water for extended periods and shall be so certified by a geotechnical engineer.

ii. Slag shall be clean, tough and durable. It may be either air-cooled, blast-furnace slag or phosphate slag. It shall be reasonably uniform in density and quality and shall be so certified by a geotechnical engineer.

iii. The gradations of stone and slag filter aggregates shall be designed and certified by a geotechnical engineer and approved by the County Engineer.

e. Corrugated polyethylene tubing for use as underdrain shall conform to the requirements of AASHTO M-252. Polyethylene Tubing shall be delivered in lengths of 20 feet (minimum) and shall be fitted, prior to installation, with a filter fabric wrap (filter sock).

Figure A5. Underdrain Cleanout Detail



Section A103 Road Design Requirements (Rev. 10/07/09 - Ord. 09-061)

A. ***Stabilized Subgrade***

1. All road subgrade, where applicable, shall be stabilized to the required depth and required Florida bearing value, six inches outside the edge of base on each side of the road, and shoulders shall be stabilized six inches deep to Florida bearing value of 75. Where existing soils to be used in the road subgrade have the required bearing value, no additional stabilizing material need be added. Mixing shall be done to insure uniformity whether or not additional material is added.

2. The stabilizing material, if required, shall be high bearing value soil, clay-sand, limerock, shell or other material conforming to FDOT Standard Specifications.

B. ***Base Course*** ***(Rev. 10/07/09 - Ord. 09-061)***

The materials permitted as base course for flexible pavement are indicated in Table A-7 and shall meet the requirements of FDOT Standard Specifications for Road and Bridge Construction, 2000 Edition.

C. ***Surface Course*** ***(Rev. 10/07/09 - Ord. 09-06; 10/12/05 - Ord. 05-062)***

Any asphaltic concrete Type-S or Friction Course (FC) approved by the County (Marshall Mixes) or FDOT approved Superpave Mixes will be permitted. All asphalt mix designs submitted to the County for approval must be prepared by a certified materials testing laboratory, or by a Construction Training Qualification Program (CTQP) certified Asphalt Mix Designer. In either case all asphalt mix designs submitted to the County for approval shall be signed and sealed by a Professional Engineer (with the exception of Superpave Mixes). Only one type surface course will be permitted in each development or phase of a development. The allowable layer thickness for Type-S and friction courses asphalt mixes shall be as follows:

Type S-III = 1 inch
Type S-I = 1 ½ inches
FC– 3 = 1 inch

Recycled asphalt pavement (RAP) may be allowed for all layers, including the surface course except the friction course where only virgin material is permitted. The maximum percentage of RAP allowed for structural layers is 30 percent by weight of total aggregate. For each RAP stockpile, a stockpile number and composition data sheet, which includes the average gradation, asphalt content, and viscosity shall be provided.

D. ***Flexible Pavement Road Design*** ***(Rev. 10/07/09 - Ord. 09-061; 2/22/06 - Ord. 06-11; Rev. 10/12/05 - Ord. 05-062)***

1. For collector and arterial roads, the method of determining road stabilized sub-grade, base and pavement thickness for standard typical sections are shown in Figures A6-A8. Typical road sections shall be designed using the structural number criterion,

as set forth in Table . The minimum structure number shall be 3.0 as determined by layer coefficients. The typical road sections shall be used unless permitted otherwise by the County Engineer. The layer thickness for stabilized sub-grade shall be between 8 and 12 inches.

2. For local roads, the minimum structural number shall be 2.29 as determined by the layer coefficients shown in Table A7. The layer thickness for stabilized sub-grade shall be between 8 -12 inches.

3. The total layer coefficient allowed for the subgrade designed for local residential traffic shall not exceed the value assigned for eight inch thickness. The base material specified in Table A7 , shall be used. The proposed typical section shall be shown on the plans and the structural number computation included under the typical section.

4. Proposed local roads which are to accommodate commercial or industrial traffic shall be designed to a minimum structural number of 3.00 as determined by the layer of coefficients shown in Table A7.

5. Table A7 is a suggested starting place for determining pavement layer type and material use based on previous general experience. Pavement sections differing from these guidelines are feasible when justified by local experience, construction procedure or appropriate supporting data. For cost comparison purposes, it may be desirable to use the thicknesses of ABC Types I, II, and III in increments of one inch.

E. ***Rigid Pavement Design***

Portland cement concrete pavement designed in accordance with the requirements of the American Concrete Paving Association Guide Specifications and Design Standards, contained in the "Municipal Concrete Paving Manual," or an equivalent specificationmay be approved by the County Engineer for construction.

F. ***Access and Intersection Improvement*** ***(Rev. 10/07/09 - Ord. 09-061)***

Access to residential or non-residential development shall be evaluated and improvements required as necessary. A Traffic Impact Study shall be required in accordance with Appendix C. Other factors shall be considered for access and or intersection improvements, such as existing traffic volume, traffic speed, vertical and horizontal alignments for sight clearance, bona fide future roadway improvements (e.g. C.I.P.), and other safety considerations. At a minimum, intersection improvement shall be required for residential development according to the number of dwellings indicated in Figures A9 through A17.

Table A7 Flexible Pavement Road Design Guidelines (Rev. 10/07/09 - Ord. 09-061)			
FDOT Spec. Section No.	**Layer Coeff.**	**Layer**	**Remarks**
160-3	0.10	Stabilized Subbase Type B	As shown in the plans
160-2	08	Type B, C Stabilization	FBV 75 or LBR 40 8" Min.
204-	0.15	Crushed Concrete	LBR 125
230	0.18	Limerock Base	(LBR =70)
250	0.12	Shell Base	(LBR =70)
250	0.18	Coquina Shell	(LBR = 100)
270	0.22	Soil Cement Base	(MR = 300 psi)
See Section A207 (1)	0.21	ABC Type 1	
See Section A207 (1)	0.25	ABC Type 2	
See Section A207 (1)	0.30	ABC Type 3	
See Section A207 (1)	0.44	Type S I Type S III	See Section A104
See Section A207 (1)	0.44	Superpave 9.5 Superpave 12.5 Superpave 19.0	
337	0.20	FDOT Friction Course(FC)	(FC-3)
(1) Section A207 is contained within this Appendix			

Section A201 Site Construction Standards

This Section establishes the minimum requirements for acceptable construction practices to be used on development projects throughout the County. The standards of the following sections are intended to promote the health, safety and welfare by providing a level of workmanship which is safe and durable.

Section A202 Clearing and Grubbing

Clearing and grubbing shall consist of the removal and disposal of all timber, brush, stumps, roots, grass, weeds, sawdust, rubbish, and all other deleterious material resting on or protruding through the surface of the areas to be cleared.

A. ***Road Construction and Embankment***

In all areas of road construction and embankment, roots, and other deleterious materials shall be removed to a depth of not less than one foot below the subgrade.

B. ***Stumps***

Stumps shall be completely removed and plowed.

Section A203 Excavation

This Section applies to excavation and embankment required for roads, ditches, channel changes and other works. Unless otherwise provided, this Section shall include all excavation, shaping, filling, sloping and finishing necessary for the construction, preparation, and the completion of all embankments, subgrades, shoulders, ditches, slopes, gutters, intersections, approaches, private entrances and other works, all in accordance with the required alignment, grade, and cross sections shown on the plans.

A. ***Requirements*** ***(Rev. 10/07/09 - Ord. 09-061)***

1. While the excavation is being done and until the work is finally accepted, the contractor shall take the necessary steps to protect the work to prevent loss of material from the construction area due to the action of wind or water. During construction, the area shall be maintained in such condition that it will not constitute a hazard and will be well drained at all times.

    a. Where muck, rock, clay, phosphate slimes or other material is encountered within the limits of the construction area, the engineer of record shall direct that the material be excavated completely and backfilled with suitable materials. Other unsuitable plastic materials, identified as A-2-6, A-2-7, A-5, A-6, A-7 (AASHTO Designation), will be removed.

    b. The placing of embankments shall conform to the following:

        i. Embankments shall be constructed true to lines, grades and cross sections shown on the plans, within a 0.1 foot tolerance, unless otherwise specified on the approved plans.

        ii. Embankments shall be constructed of suitable materials placed in successive level layers not more than 12 inches in thickness, loose measure, for the full width and length of the embankment to the bottom of the stabilized subgrade and 98 percent of AASHTO T-180 Method "D" for the stabilized subgrade and base, and compacted to a minimum density of 100 percent of the maximum density value as determined by AASHTO T-99 Method "C."

    c. Shoulders, ditches and slopes shall conform to the following:

i. When the work includes surfacing or paving, the earthwork, including the slopes and all drainage structures shall be substantially completed before the construction of the base course and pavement is started.

ii. Where a stabilized shoulder is required, the earth shoulders, slopes, and side ditches shall be completed and shaped to a surface which is within 0.1 foot above or below the true surface shown on the plans, except that, adjacent to pavement, curb, or sidewalk, the shoulders shall be shaped to match the edge of the pavement, curb or sidewalk. The shoulder lines shall not vary more than 0.3 foot horizontally from the true lines shown on the plans.

2. Subgrade shall be defined as that portion of the roadbed immediately below the base course or pavement including below the curb and gutter, the limits of which will ordinarily include those portions of the roadbed shown in the plans. The limits of the subgrade shall be considered to extend outward to six inches beyond the base. On roads where curbs are constructed, the subgrade shall extend to six inches beyond the back of curb as follows:

a. The subgrade of limerock/clay shall:

i. Stabilize to 75 psi Florida Bearing Value

ii. Compact to 98 percent of AASHTO T-180 Method "D"

b. The subgrade of soil cement shall Compact to 95 percent of AASHTO T-134.

c. The subgrade of curbs shall:

i. Stabilize to 75 psi Florida Bearing Value or LBR 40

ii. Compact to 98 percent of AASHTO T-180 Method "D" to include both sides of road.

d. The stabilization material shall be high bearing value soil, sand-clay, limerock, shell, or other material approved by the engineer of record and shall meet the physical requirements of FDOT Standard Specifications Section 914-2.

e. The surface of the subgrade shall conform to the lines and grades as defined on the construction plans to a tolerance of 0.05 feet.

f. Tests for the subgrade bearing capacity, thickness and compaction shall be spaced at a maximum of 300 feet apart. Locations for the tests shall be chosen by the engineer of record at locations where weakness is suspected and shall be staggered to the left, right, and on the centerline of the road. Testing results shall be submitted by the testing engineer of record to the

County Engineer. When, in the judgment of the County Engineer conditions warrant additional testing to assure compliance with specifications, the engineer of record will be advised and arrangements will be made by the engineer of record for the additional testing. All tests shall be the responsibility of the engineer of record. A minimum of three tests per road is required. Testing for stabilized shoulders shall include both sides of the road.

g. After the subgrade has been completed as specified above, the contractor shall maintain it free from ruts, depressions and any damage resulting from the hauling or handling of materials, equipment, and tools. It shall be the contractor's responsibility to maintain the required density until the subsequent base or pavement is in place. Such responsibility shall include any repairs, or replacement, of curb, gutter, or sidewalk, which might become necessary in order to recompact the subgrade/subbase in the event of underwash or other damage occurring to the previously compacted subgrade/subbase. Ditches and drains shall be constructed and maintained along the completed subgrade section.

Section A204 Soil Cement Standards

Soil Cement shall consist of soil and Portland Cement uniformly mixed, moistened, compacted, finished and cured in accordance with these specifications, and shall conform to the lines, grades, thicknesses and typical cross-section shown on the plans.

A. ***Testing***

1. Processing of the base shall not be started until the soil-cement design mix, which has been prepared by a registered engineer for the particular soil, has been submitted to and approved by the engineer of record. A modified PCA Short Cut Procedure for sandy soil test method may be used. However, a minimum seven day laboratory compressive strength of 300 psi shall be required. Locations for the tests shall be chosen by the engineer of record at locations where weakness is suspected and shall be staggered to the left, right, and on the centerline of the road. Testing results shall be submitted by the engineer of record to the County Engineer. When, in the judgment of the County Engineer conditions warrant additional testing to assure compliance with specifications, the engineer of record will be advised and arrangements will be made by the engineer of record for the additional testing. Sampling of soil cement pills shall be spaced at a maximum of 300 feet apart. All tests shall be the responsibility of the engineer of record. A minimum of two sets of pills will be required per road.

2. Construction of the soil cement base shall not proceed without 24 hour notice to the County. The following is the minimum information/test data required to be obtained during construction:

   a. Area and date of construction

   b. Average cement spread

c. Uniformity of mix

d. Moisture content at time of compaction

e. Percent compaction (95 percent of T-134)

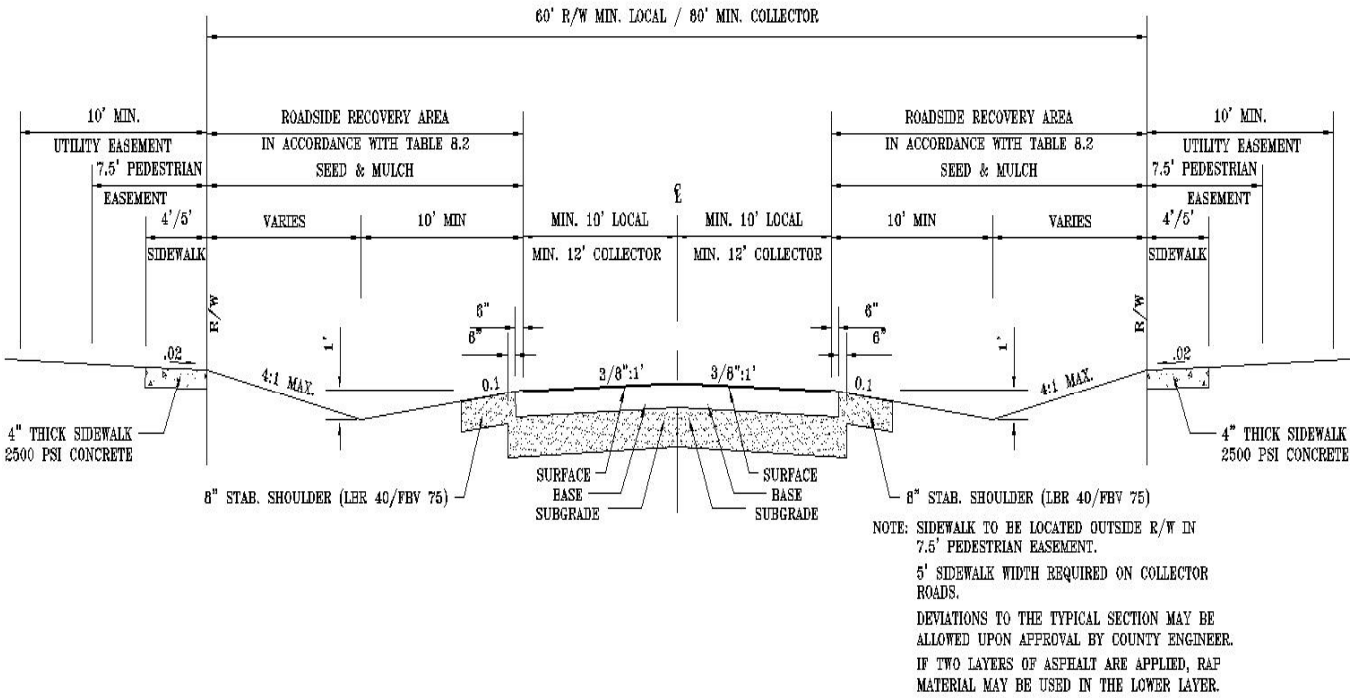
f. Compacted thickness

g. Seven day compressive strength tests be required

3. In addition to the above data, the engineer of record, the County Engineer and the contractor shall perform a detailed engineering inspection of the hardened soil-cement base prior to approval for paving to assure that the soil-cement base has set-up satisfactorily and that no soft areas or surface scabs exist which may need repair. All deficiencies shall be corrected and approved by the County prior to paving.

4. The engineer of record shall prepare and submit to the County a signed report documenting the mix design and all field tests and observations.

Figure A6
SWALE SECTION



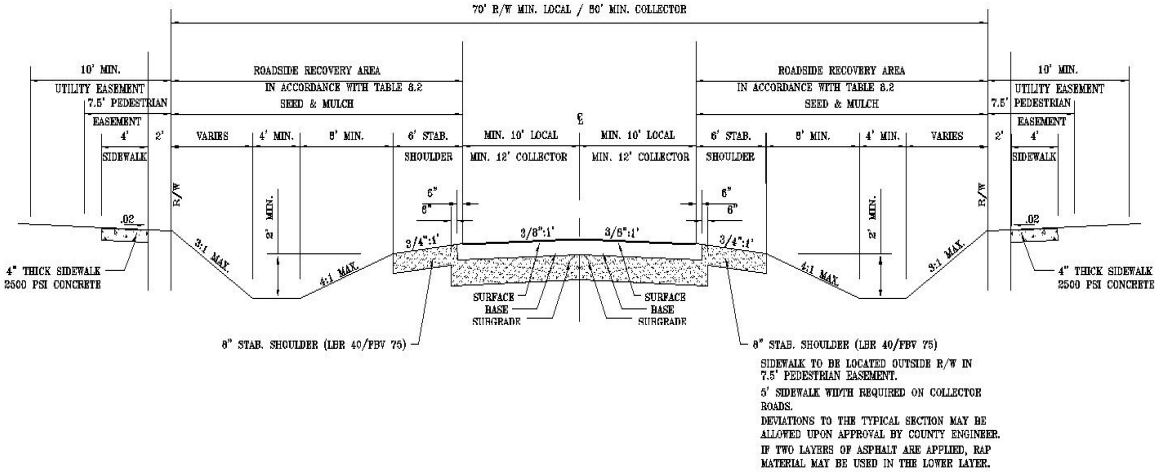
LOCAL ROAD PAVEMENT OPTIONS

SURFACE	1.5" ASPHALTIC CONC.	1.5" ASPHALTIC CONC.	1.5" ASPHALTIC CONC.
BASE	8" LIMEROCK BASE (LBR 100)	6" COQUINA SHELL BASE (LBR 100)	7" CRUSHED CONCRETE (LBR 120)
SUBGRADE	8" TYPE B STABILIZATION (LBR 40/FBV 75)	6" TYPE B STABILIZATION (LBR 40/FBV 75)	6" TYPE B STABILIZATION (LBR 40/FBV 75)

COLLECTOR ROAD PAVEMENT OPTIONS

SURFACE	2" ASPHALTIC CONC.	2" ASPHALTIC CONC.	2" ASPHALTIC CONC.
BASE	8" LIMEROCK BASE (LBR 100)	8" COQUINA SHELL BASE (LBR 100)	8" CRUSHED CONCRETE (LBR 120)
SUBGRADE	12" TYPE B STABILIZATION (LBR 40/FBV 75)	12" TYPE B STABILIZATION (LBR 40/FBV 75)	12" TYPE B STABILIZATION (LBR 40/FBV 75)

Figure A7
DITCH SECTION



SIDEWALK TO BE LOCATED OUTSIDE R/W IN 7.5' PEDESTRIAN EASEMENT.

5' SIDEWALK WIDTH REQUIRED ON COLLECTOR ROADS.

DEVIATIONS TO THE TYPICAL SECTION MAY BE ALLOWED UPON APPROVAL BY COUNTY ENGINEER.

IF TWO LAYERS OF ASPHALT ARE APPLIED, RAP MATERIAL MAY BE USED IN THE LOWER LAYER.

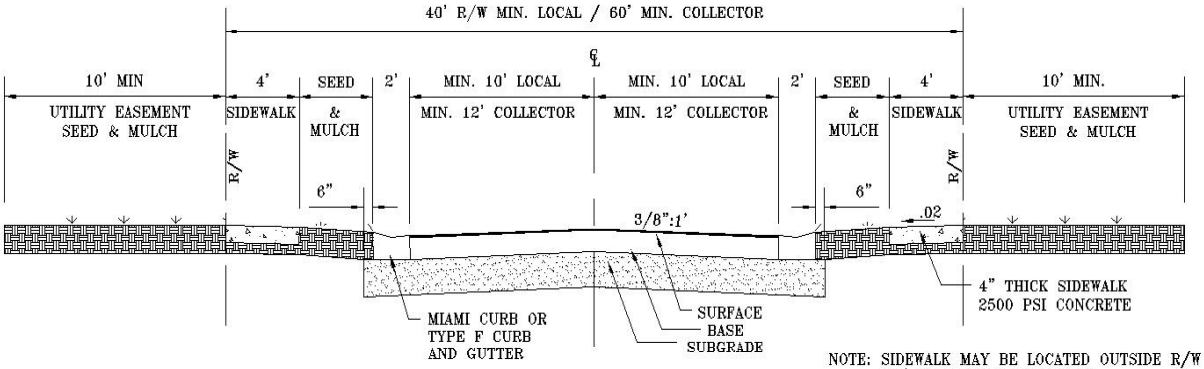
LOCAL ROAD PAVEMENT OPTIONS

SURFACE	1.5" ASPHALTIC CONC.	1.5" ASPHALTIC CONC.	1.5" ASPHALTIC CONC.
BASE	6" LIMEROCK BASE (LBR 100)	6" COQUINA SHELL BASE (LBR 100)	7" CRUSHED CONCRETE (LBR 120)
SUBGRADE	8" TYPE B STABILIZATION (LBR 40/FBV 75)	8" TYPE B STABILIZATION (LBR 40/FBV 75)	8" TYPE B STABILIZATION (LBR 40/FBV 75)

COLLECTOR ROAD PAVEMENT OPTIONS

SURFACE	2" ASPHALTIC CONC.	2" ASPHALTIC CONC.	2" ASPHALTIC CONC.
BASE	8" LIMEROCK BASE (LBR 100)	8" COQUINA SHELL BASE (LBR 100)	8" CRUSHED CONCRETE (LBR 120)
SUBGRADE	12" TYPE B STABILIZATION (LBR 40/FBV 75)	12" TYPE B STABILIZATION (LBR 40/FBV 75)	12" TYPE B STABILIZATION (LBR 40/FBV 75)

Figure A8
CURB SECTION



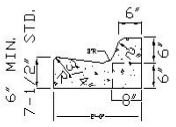
NOTE: SIDEWALK MAY BE LOCATED OUTSIDE R/W IN 7.5' PEDESTRIAN EASEMENT.

5' SIDEWALK WIDTH REQUIRED ON COLLECTOR ROADS.

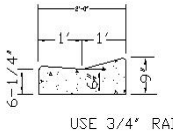
6' SIDEWALK WIDTH REQUIRED ADJACENT TO TYPE F CURB.

DEVIATIONS TO THE TYPICAL SECTION MAY BE ALLOWED UPON APPROVAL BY COUNTY ENGINEER.

IF TWO LAYERS OF ASPHALT ARE APPLIED, RAP MATERIAL MAY BE USED IN THE LOWER LAYER.



BARRIER CURB & GUTTER
F. D. O. T. TYPE "F"



DEPRESSED
(MIAMI) GUTTER

CURB & GUTTER SECTION

LOCAL ROAD PAVEMENT OPTIONS

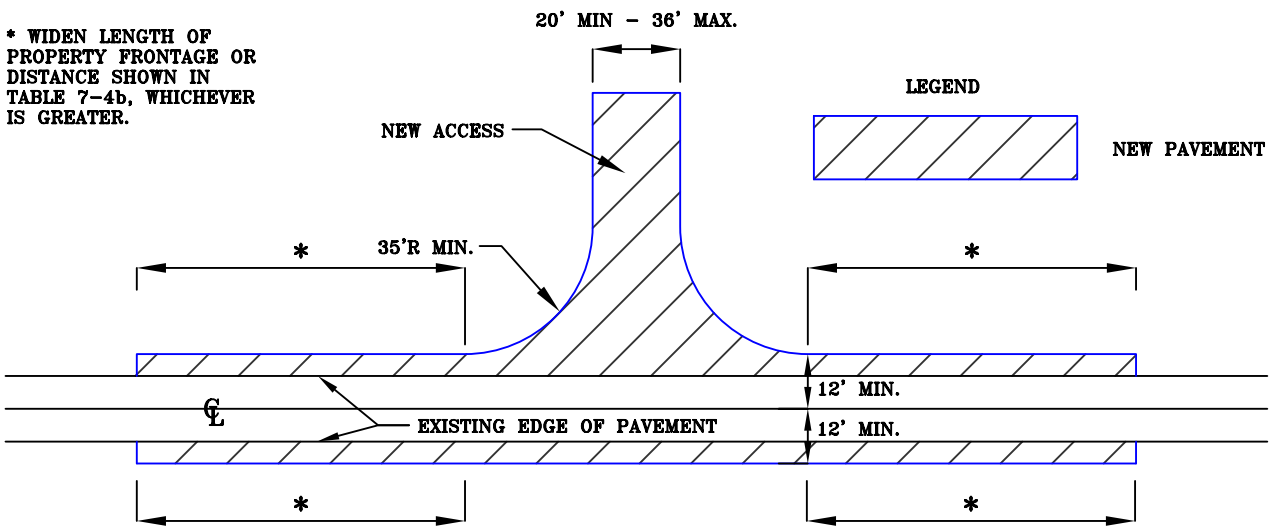
SURFACE	1.5" ASPHALTIC CONC.	1.5" ASPHALTIC CONC.	1.5" ASPHALTIC CONC.
BASE	6" LIMEROCK BASE (LBR 100)	6" COQUINA SHELL BASE (LBR 100)	7" CRUSHED CONCRETE (LBR 120)
SUBGRADE	8" TYPE B STABILIZATION (LBR 40/FBV 75)	8" TYPE B STABILIZATION (LBR 40/FBV 75)	8" TYPE B STABILIZATION (LBR 40/FBV 75)

COLLECTOR ROAD PAVEMENT OPTIONS

SURFACE	2" ASPHALTIC CONC.	2" ASPHALTIC CONC.	2" ASPHALTIC CONC.
BASE	8" LIMEROCK BASE (LBR 100)	8" COQUINA SHELL BASE (LBR 100)	8" CRUSHED CONCRETE (LBR 120)
SUBGRADE	12" TYPE B STABILIZATION (LBR 40/FBV 75)	12" TYPE B STABILIZATION (LBR 40/FBV 75)	12" TYPE B STABILIZATION (LBR 40/FBV 75)

Figure A9

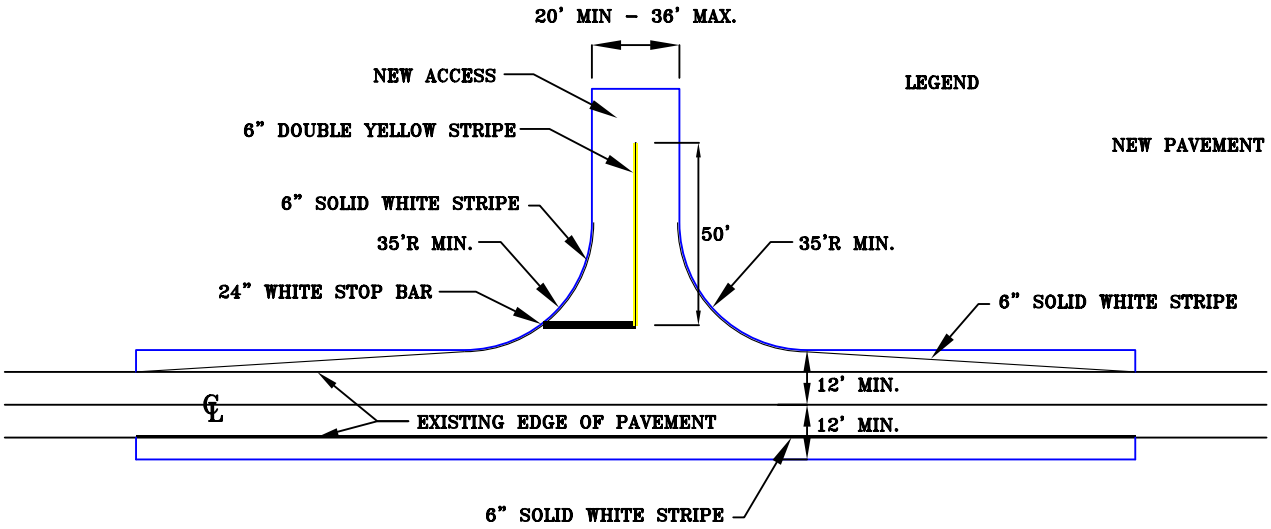
Type I Intersection Geometric Plan



Typical Intersection Design for New Roads and Non-residential Driveways
Serving up to 499 AADT or 99 Parking Spaces

Note: Driveways and roads serving less than 250 AADT or 50 parking spaces are not required to install a 12' lane opposite the centerline as shown above.

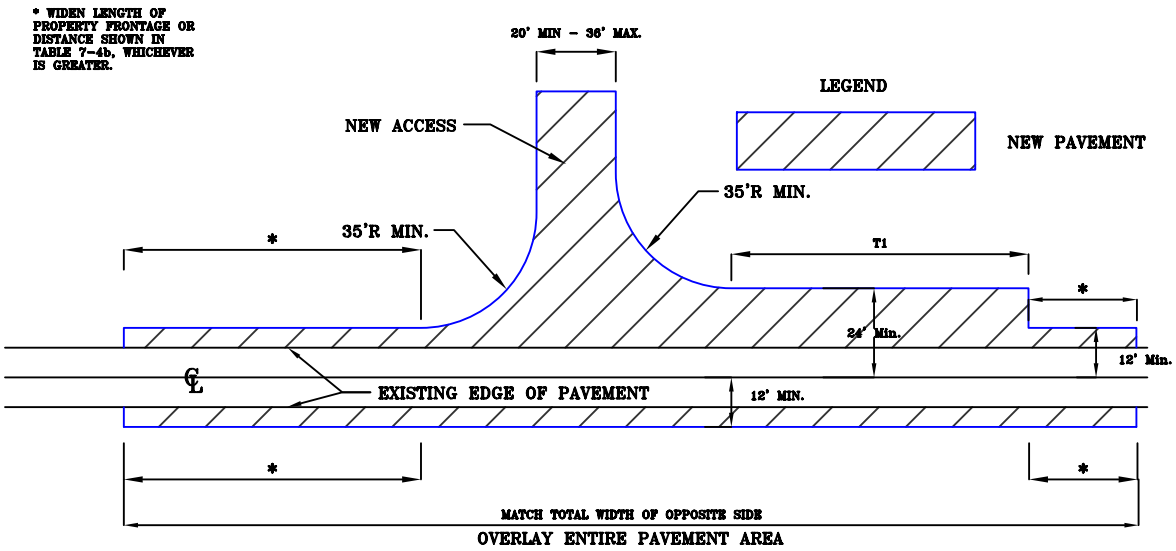
Type I Intersection Striping Plan



Typical Intersection Design for New Roads and Non-residential Driveways
Serving up to 499 AADT or 99 Parking Spaces

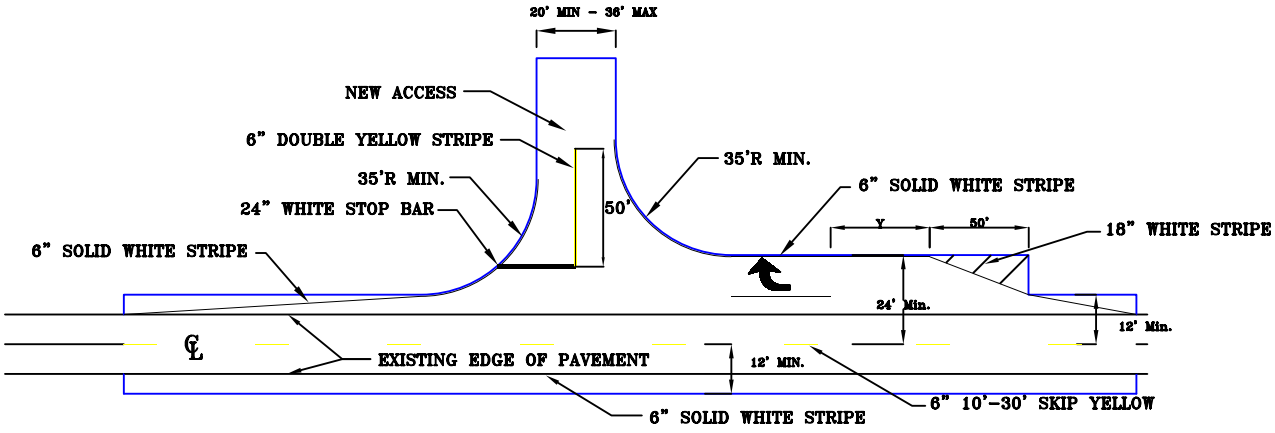
Note: Driveways and roads serving less than 250 AADT or 50 parking spaces are not required to install a 12' lane opposite the centerline as shown above.

Figure A10
Type II Intersection Geometric Plan



Posted Speed	Number of Units	T1
45 MPH or Less	500 to 999 AADT	210'
	100 to 199 Parking Spaces	210'
50 MPH or More	500 to 999 AADT	250'
	100 to 199 Parking Spaces	250'

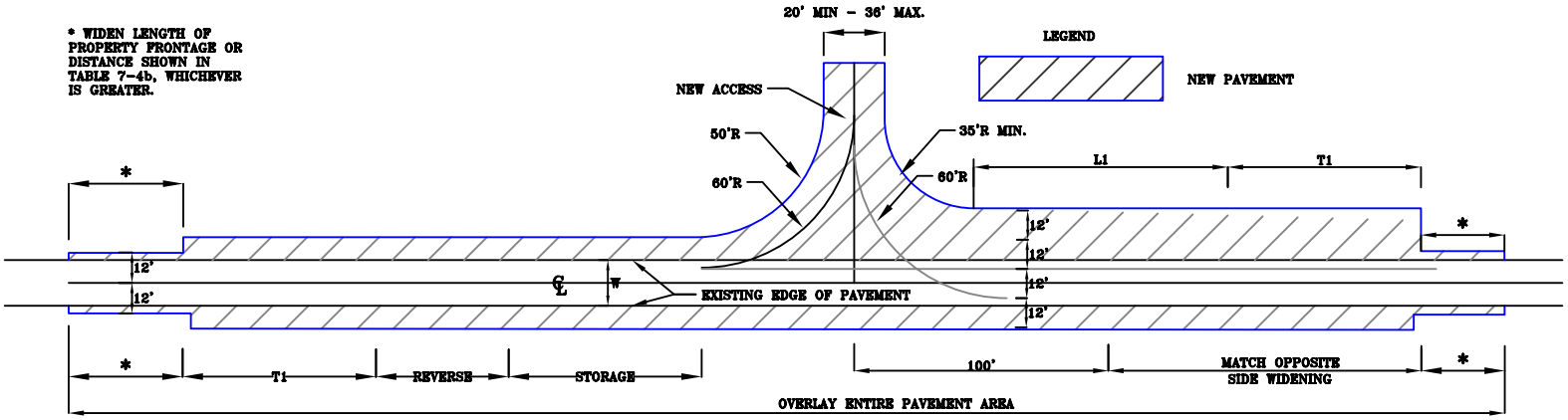
Type II Intersection Striping Plan



Posted Speed	Y
35	30'
40	35'
45	40'
50	48'
55	52'

Figure A11

Type III & IV Intersection – Center Widening Geometric Plan

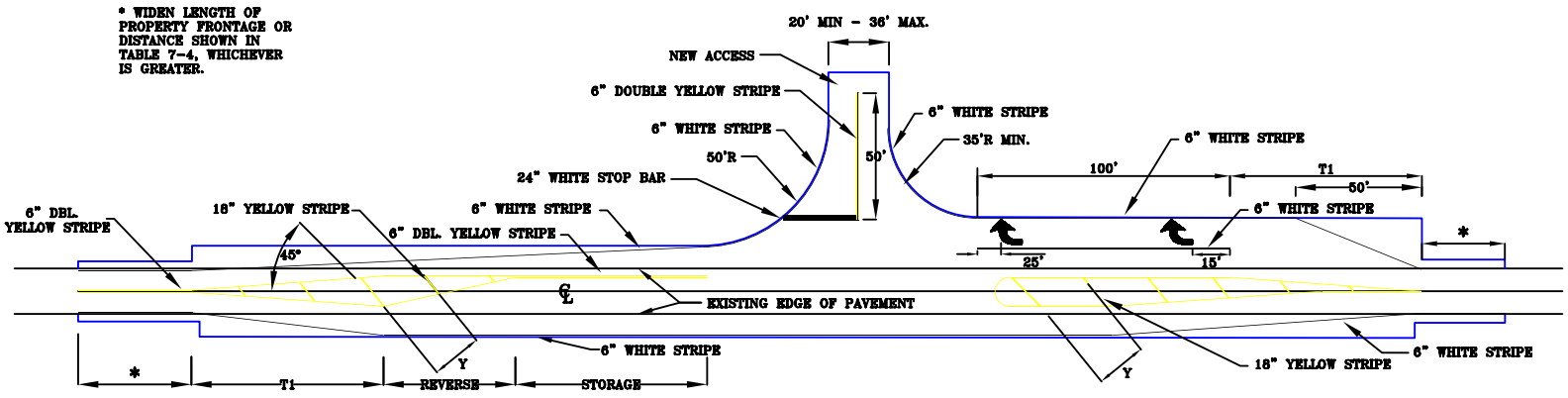


Roadway Tapers	
W	X
20'	8'
22'	7'
24'	6'

T1 = XS FOR POSTED SPEED => 45 MPH
T1 = XS^2/60 FOR POSTED SPEED =< 40 MPH

Posted Speed	Number of Units	Reverse	Type III Minimum Storage	Type III L1	Type IV Minimum Storage	Type IV L1
45 MPH or Less	1000 to 1499 AADT	50'	225'	100'	275'	100'
	200 to 299 Parking Spaces	50'	225'	100'	275'	100'
50 MPH or More	1000 to 1499 AADT	50'	300'	100'	350'	150'
	200 to 299 Parking Spaces	50'	300'	100'	350'	150'

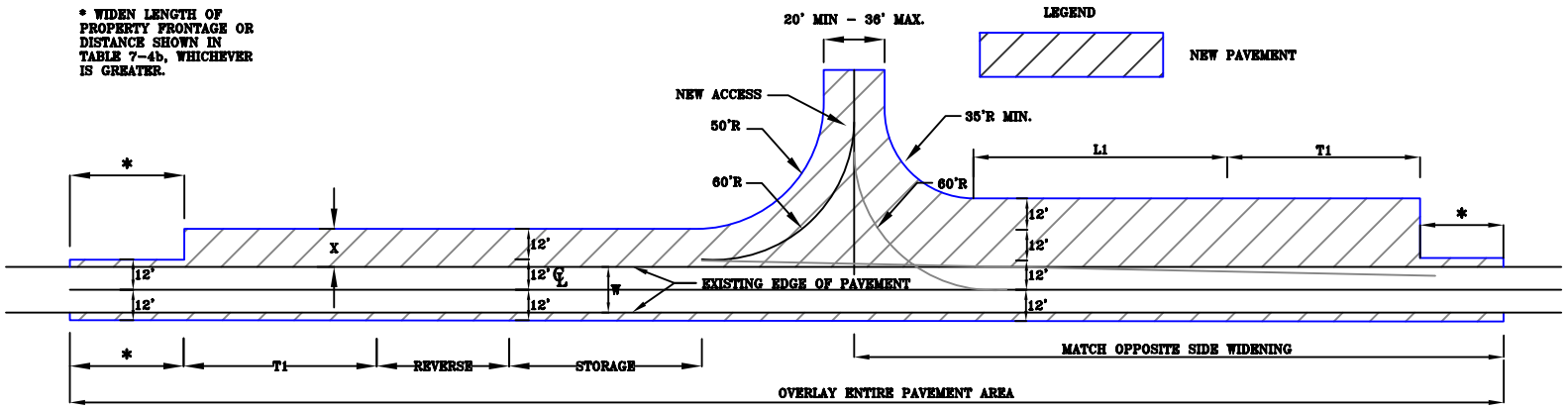
Type III & IV Intersection – Center Widening Striping Plan



Posted Speed	"Y" (ft)
30 OR LESS	10
35	20
40	20
45	30
50 OR MORE	40

Figure A12

Type III and Type IV Intersection – Project Side Widening Geometric Plan

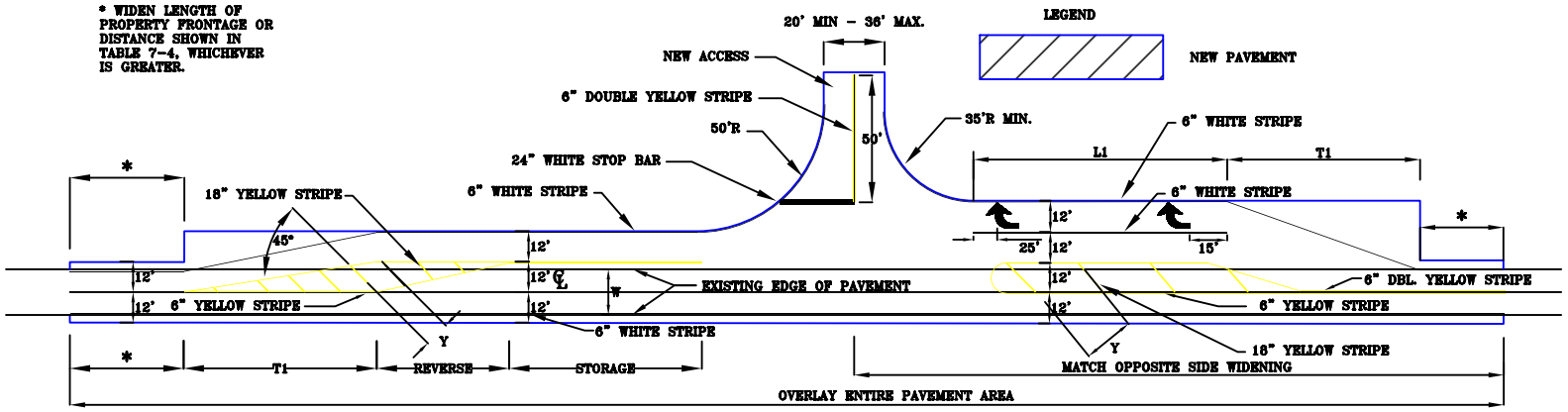


T1 = XS FOR POSTED SPEED => 45 MPH
T1 = XS^2/60 FOR POSTED SPEED =< 40 MPH

Roadway Tapers	
W	X
20'	14'
22'	13'
24'	12'

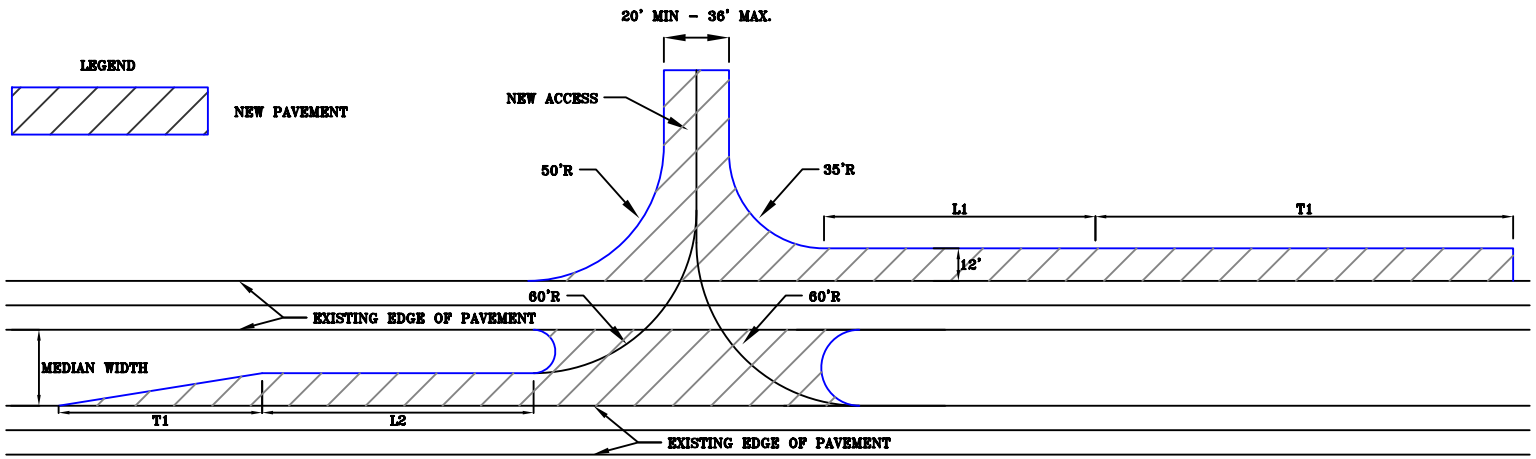
Posted Speed	Number of Units	Reverse	Type III		Type IV	
			Minimum Storage	L1	Minimum Storage	L1
45 MPH or Less	1000 to 1499 AADT	50'	225'	100'	275'	100'
	200 to 299 Parking Spaces	50'	225'	100'	275'	100'
50 MPH or More	1000 to 1499 AADT	50'	300'	100'	350'	150'
	200 to 299 Parking Spaces	50'	300'	100'	350'	150'

Type III and Type IV Intersection – Project Side Widening Striping Plan



Posted Speed	"Y" (ft)
30 OR LESS	10
35	20
40	20
45	30
50 OR MORE	40

Type V Intersection (Divided Highway) Geometric Plan



Posted Speed	Number of Units	L1	L2	T1
45 MPH or Less	Over 999 AADT	100'	125'	210'
	Over 999 Parking Spaces	100'	125'	210'
Greater than 45 MPH	Over 999 AADT	150'	150'	250'
	Over 999 Parking Spaces	150'	150'	250'

Type V Intersection (Divided Highway) Striping Plan

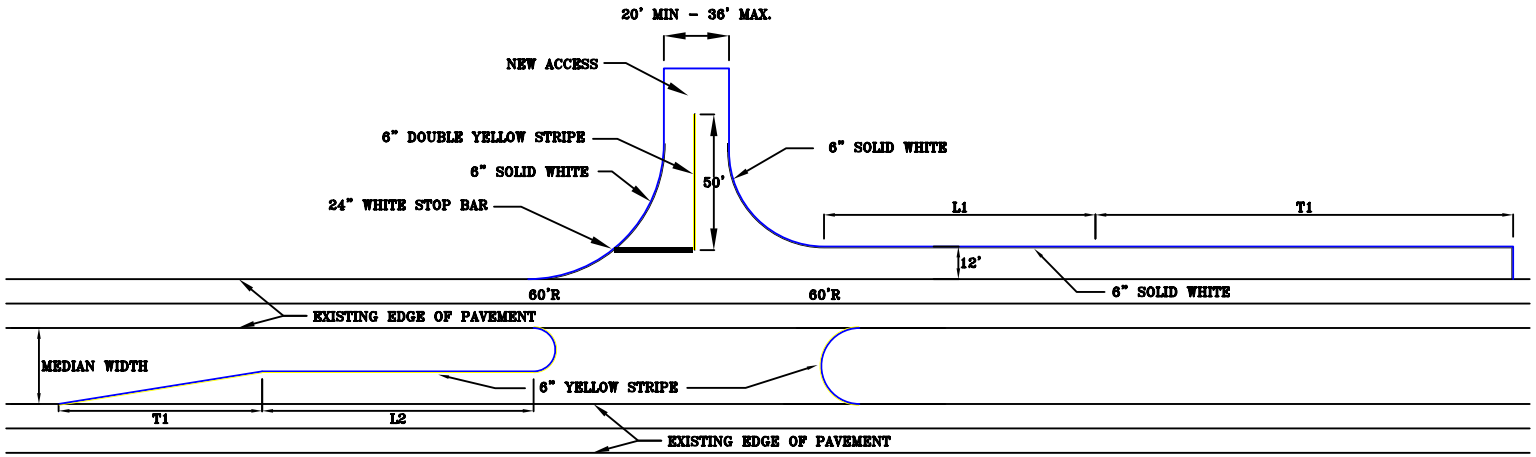
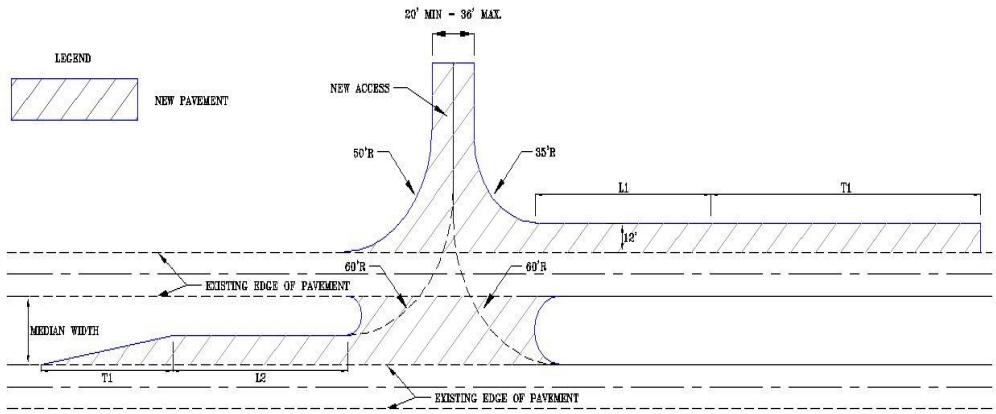


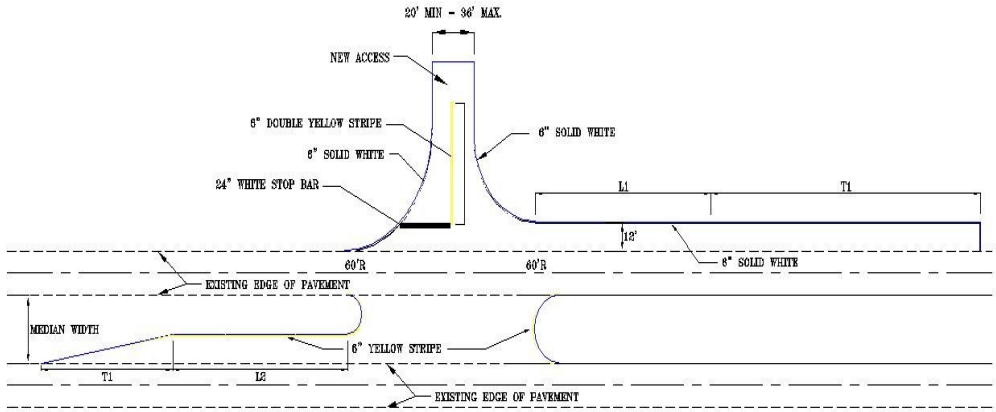
Figure A14

Type VI Intersection (Divided Highway) Geometric Plan



Posted Speed	Number of Units	L1	L2	T1
45 MPH or Less	Over 999 AADT	100'	125'	210'
	Over 999 Parking Spaces	100'	125'	210'
Greater than 45 MPH	Over 999 AADT	150'	150'	250'
	Over 999 Parking Spaces	150'	150'	250'

Type VI Intersection (Divided Highway) Striping Plan



B. ***Materials***

1. Portland Cement shall be Type I or Type I-P and shall comply with the Standard Specifications for Portland Cement ASTM C-145. Cement which is partially set, lumpy or caked shall not be used. One cubic foot of Portland Cement shall be considered to weigh 94 lbs.

2. Water shall be clean and free from substance deleterious to the hardening of the soil cement.

3. Only soils which have proven themselves to produce a high quality soil cement base shall be acceptable. New sources of soil cement material shall be approved by the County Engineer prior to use.

C. ***Equipment***

Soil cement may be constructed with any machine, combination of machines or equipment that will produce the results meeting the requirements for soil pulverization, cement application, mixing, uniform depth control, water application, incorporation of materials, compaction, finishing and curing, as required by these specifications.

D. ***Construction Methods***

1. The contractor is responsible for completing the project in accordance with plans and specifications and with experienced competent supervision.

2. Before construction operations are begun, the area to be mixed shall be graded, shaped, and sufficiently moistened, as required, to construct the soil cement base in conformance with the grades, lines, thicknesses and typical cross section shown on the plans. Additional soil needed, if any, shall be placed as directed. Unsuitable soil or material shall be removed and replaced with acceptable soil.

3. The soil shall be so pulverized that, at the completion of moist-mixing, 100 percent by dry weight passes a one inch sieve, and a minimum of 80 percent passes a No. four sieve, exclusive of gravel or stone retained on these sieves.

4. The application of cement shall conform to the following:

   a. The specified quantity of Portland Cement required for full depth treatment shall be applied uniformly on the soil. When bulk cement is used, equipment suitable for handling, measuring and spreading the cement shall be used. The percentage of moisture in the soil, at the time of cement application, shall not exceed the quantity that will permit a uniform and intimate mixture of soil and cement during mixing operations and shall not exceed the specified optimum moisture content by more than two percent for the soil cement mixture. No equipment, except that used to spread and mix the soil cement, will be allowed to pass over the freshly spread cement until it is mixed with the soil.

b. The operations from application of cement to finishing, inclusive shall be continuous and surface finishing shall be completed as soon as possible. Spread cement that has been displaced shall be replaced before mixing is started. No cement shall be applied when the soil or subgrade is frozen. The air temperature shall be at least 40°F in the shade and rising.

5. After the cement has been applied, it shall be thoroughly mixed with the soil. Mixing shall continue until the cement has been thoroughly blended with the soil in order to prevent the formation of cement balls when water is applied. Any soil and cement mixture that has not been compacted and finished shall not remain undisturbed for more than 30 minutes.

6. The application of water and moist mixing shall conform to the following:

   a. Immediately after or during the mixing of soil and cement, and before beginning the compaction, the moisture content of the soil cement mixture shall be determined by the laboratory and, if required, water shall be applied uniformly in quantities required to obtain proper moisture content. After the final application of water, mixing shall be continued until the water is distributed uniformly through the full depth of the mixture.

   b. When water application and mixing has been completed, the percentage of moisture in the mixture and in unpulverized soil lumps, based on oven-dry weights, shall not be more than two percentage points above the specified optimum moisture content, and shall be less than that quantity which will cause the soil cement mixture to become unstable during compaction and finishing.

7. Prior to beginning of compaction, the mixture shall be in a loose condition for its full depth. The loose mixture shall then be uniformly compacted until the entire depth of the mixture is compacted to at least 95 percent of the maximum density prescribed in AASHTO T-134 as determined in the field on representative samples of soil cement mixture obtained from the road at the time compaction begins. During the compaction operations, shaping may be required to obtain the required grade and cross-section.

8. Finishing shall consist of the following:

   a. After the mixture has been initially compacted, the surface of the soil cement shall be shaped to the required lines, grades and cross-section. During the shaping operations, the surface shall be lightly scarified to loosen any imprints left by the compacting or shaping equipment, when deemed necessary. The resulting surface shall then be compacted to the specified density with a pneumatic tire roller. Rolling shall be supplemented by broom-dragging, if required.

b. The moisture content of the surface material must be maintained at not less than its specified optimum moisture content during finishing operations. Surface compaction and finishing shall be done in such a manner as to produce a smooth, dense surface, free of surface compaction planes, cracks, ridges or loose material. Surface-finishing methods may be varied, provided a smooth, dense surface, free of surface compaction planes, is produced. The moisture and density requirements shall be determined by the methods prescribed in AASHTO T-134.

9. After compaction and finishing have been completed, and not later than the beginning of the next calendar day after the construction of any section of the base, the surface shall be tested with a template cut to the required crown or with a straight-edge of 15 feet laid parallel to the centerline, and all irregularities greater than 1/4 inch shall be immediately corrected with a blade adjusted to the lightest cut, which will ensure a surface that does not contain depressions greater than 1/4 inch under the template or the straight-edge. The material removed shall be wasted. Additional wetting, during and after this final shaping operation will be required to keep the base continuously moist.

10. Prime/curing shall consist of the following:

a. After the soil cement has been finished as specified herein, it shall be protected against drying for seven days by the application of bituminous coating. The curing material shall be applied as soon as possible after the completion of finishing operations. The finished soil cement shall be kept continuously wet until the curing material is placed. The curing material shall be maintained by the contractor during the seven day protection period.

b. Prime and curing materials shall conform to Section A204.

11. Prior to the beginning of each day's construction, a straight transverse construction joint shall be formed by cutting back into the completed work to form a true vertical face.

12. Thickness requirements shall conform to the following:

a. During various stages of construction, test holes or trenches shall be dug in the mixture to determine the thickness. After the base is completed test holes shall be dug or drilled at intervals of not more than 300 feet, or at closer intervals, if necessary, and the thickness of the base shall be determined from measurements made in these test holes.

b. Where the base is deficient in thickness by more than ½ inch, the area of deficient base shall be removed and replaced by base of the required thickness, at the contractor's expense, except that, at the engineer's option, such deficient thickness base may be left in place provided the deficiency is not more than one inch. This deficiency may be made up in asphaltic concrete if the grade control can be met.

E. ***Opening to Traffic***

The contractor will not be permitted to drive heavy equipment over the completed sections, but light weight pneumatic-tired equipment may be permitted after the surface has hardened sufficiently to prevent the equipment from marking the surface and provided the protection and curing specified are not impaired. Completed sections may be opened to light traffic after 24 hours protection provided the surface has hardened sufficiently to prevent marking by traffic.

F. ***Maintenance***

1. The contractor shall maintain the base to a true and satisfactory surface until the wearing surface is constructed. Should any repairs or patching be necessary, they shall extend to the full depth of the base and shall be made in a manner that will assure restoration of a uniform base course conforming to the requirements of these specifications. In no case shall repairs be made by adding a thin layer of soil cement or concrete to the completed work. The contractor may, at his option, make full depth repairs to small or minor areas, such as at manholes, inlets, or the like, with Class I concrete.

2. The patching of deficient areas less than 100 square feet and less than one inch in depth, the area shall be corrected using Type S-III Asphalt. For patching of deficient areas less than 100 square feet and greater than one inch in depth, the area shall be removed to full depth and replaced, using Asphalt Base Course Type III, Type S Asphalt, or soil cement.

G. ***Inspection***

After a minimum of seven days have elapsed, and prior to applying the asphalt wearing surface, an inspection of the base shall be performed by the County Engineer, engineer of record and contractor. All deficiencies shall be corrected and approved by the County Engineer prior to commencing paving operations.

H. ***Batch Plant Soil Cement Construction Specifications***

1. The supplier shall submit a mix design prepared by a registered engineer to the County Engineer, for approval, prior to use of the material for road construction. Also, the supplier shall continuously monitor at the plant the batching and mixing of the material and submit to the County Engineer, as requested, reports, prepared by the engineer of the gradation, cement content, and moisture content. The engineer shall monitor the installation and conduct applicable tests and inspections.

2. The base material will be hauled to the project site from the batch plant and immediately placed on top of the prepared subgrade. The material shall be graded to conform to the lines and grades of the finished pavement section as shown on the project drawings and shall be placed in a sufficient thickness to assure the minimum required compacted thickness.

3. The material shall be placed in a single uniformly thick layer and compacted to a density not less than 95 percent (AASHTO T-134). Not more than four hours shall elapse from the time of batching to final compaction and the material shall not remain undisturbed for more than two hours. The surface of the base materials may require the addition of water during the final rolling and shaping operation to prevent excessive surface moisture losses prior to sealing the base.

Section A205 Limerock Base

This Section applies to the construction of a base course composed of limerock. It shall be constructed on a prepared subgrade in accordance with these specifications and in conformity with the lines, grades, notes, and typical cross sections shown on the plans.

A. ***Materials***

The material used shall conform with the requirements as specified in the FDOT Standard Specifications.

B. ***Equipment***

This work may be performed with any machine, combination of machines, or equipment that will produce the specified results.

C. ***Transporting Limerock***

The limerock shall be transported to the point where it is to be used, over rock previously placed and dumped on the end of the preceding spread.

D. ***Spreading Limerock***

The limerock shall be spread uniformly. All segregated areas of fine or coarse rock shall be removed and replaced with well-grading rock. When the specified compacted thickness of the base is greater than six inches, the base shall be constructed in two courses. The thickness of the first course shall be approximately one-half the total thickness of the finished base, or enough additional to bear the weight of the construction equipment without disturbing the subgrade.

E. ***Compacting and Finishing Base***

1. For double-course base, the first course shall be bladed, if necessary, to secure a uniform surface, and shall be compacted to the specified density immediately prior to spreading the second course. No other finishing of this course is required.

2. After spreading is completed, the entire surface shall be scarified and shaped so as to produce the exact grade and cross section after compaction. For double-course bases, this scarifying shall extend to a depth sufficient to penetrate slightly the surface of the first course.

3. Proper moisture condition shall be maintained uniformly throughout the material during the compaction operation. The material shall be compacted to a minimum density of 98 percent of the maximum density obtainable under AASHTO T-180 Method "D". Where the base is being constructed in one course and the specified thickness is more than six inches, the density specified above shall be obtained in both the bottom half and top half of the base. During final compacting operations, if blading of any areas is necessary to obtain the true grade and cross section, the compacting operations for such areas shall be completed prior to making the density determinations on the finished base.

4. The surface shall be "hard-planed" with a grader immediately prior to the application of the prime coat to remove the thin-glazed or cemented surface, leaving a granular or porous condition that will allow free penetration of the prime material. The materials planed from the base shall be removed from the base area.

5. If, at any time, subgrade material should become mixed with the base course material, the contractor shall excavate and remove the mixture, reshape and compact the subgrade, and replace the materials removed with clean base material, which shall be shaped and compacted as specified above.

F. ***Prime/Curing***

When the limerock has been finished as specified herein, it shall be protected by the application of a bituminous coating. The bituminous material shall be applied as soon as possible after the completion of finishing operations. The Prime/Curing material shall be in accordance with Section A204.

G. ***Testing Surface***

The finished surface of the base course shall be checked with a template cut to the required cross section and with a straight edge of 15 feet laid parallel to the centerline of the road or other approved testing devices. All irregularities greater than 1/4 inch shall be corrected by scarifying and removing or adding rock, as may be required, after which the affected areas shall be re-compacted and retested, as specified herein. In testing the surface, measurements will not be taken in small holes caused by individual pieces of rock having been pulled out by the grader.

H. ***Tests***

At least one of each of the following tests shall be made on every project by the engineer of record, or his representative:

1. Modified Proctor Maximum Density Determination Tests

2. Intervals of 300 feet, minimum of three density determinations per road.

3. Intervals of 300 feet, with a minimum of two per road. Locations for the tests shall be chosen by the engineer of record at locations where weakness is suspected and shall be staggered to the left, right, and on the centerline of the road. Testing results shall be submitted by the testing engineer to the County Engineer. When, in the judgment of the County Engineer conditions warrant additional testing to assure compliance with specifications, the engineer of record will be advised and arrangements will be made by the engineer of record for the additional testing.

I. ***Deficiencies***

1. If deficiency in the density occurs, the base shall be reworked to 100 feet on either side of the deficiency and re-compacted until the density tests conform to these specifications.

2. Any deficiencies greater than one-half inch shall be completely reworked to conform to the original line and grade and specifications as shown on the original plans.

Section A206 Prime and Tack Coats for Base Courses

This Section applies to the application of bituminous material, on a previously prepared base, in accordance with these specifications and in conformity with the lines, grades, dimensions, and notes shown on the plans.

A. ***Materials***

The materials used shall be as follows:

1. A prime coat consisting of cutback asphalt, Grade RC-SS-1, SS-1H, special MS-Emulsion, diluted at the ratio of 6 parts emulsified asphalt to 4 parts water.

2. A tack coat consisting of cutback asphalt, Grade RC-70, asphalt cement, viscosity grades AC-20 or AC-30, emulsified asphalt, Grade RS-2, SS-1, SS-1H special MS-Emulsion, diluted at the ratio of 6 parts emulsified asphalt to 4 parts water.

3. For the prime and tack coat, any one of the specified bituminous materials may be used at the option of the contractor, unless a specific type and grade is called for on the plans which has been approved by the County Engineer.

4. This work may be performed with any machine, combination of machines, or equipment that will produce the specified results.

5. Before any bituminous material is applied, all loose material, dust, and foreign material which might prevent proper bond with existing surface shall be removed for the full width of the application. Particular care shall be taken to clean the outer edges of the strip to be treated in order to ensure that the prime or tack coat will adhere. Where the prime or tack coat is applied adjacent to curb and gutter or valley gutter, such concrete surfaced are to be protected and kept free of bituminous material.

6. No bituminous material shall be applied when the temperature of the air is less than 40°F. in the shade, or when the weather conditions or the condition of the existing surface is unsuitable.

7. Application of the prime coat shall be as follows:

   a. The surface to be primed shall be clean and free of standing water.

   b. For limerock bases, the glazed finish shall have been removed leaving a granular or porous condition that will allow free penetration of bituminous material. The temperature of the prime material shall be between 100°F. and 150°F. The actual temperature will be that which will ensure uniform distribution. The material shall be applied by means of a pressure distributor. The amount of bituminous material applied shall be not less than 0.10 gallon per square yard for limerock base and not less than 0.20 gallon per square yard for sand clay, soil cement, or shell base, not greater than 0.25 gallon per square yard.

   c. The prime coat shall be applied only when the base meets the specified density requirements and the moisture content in the top half of the base does not exceed 90 percent of the optimum moisture of the base material. At the time of priming, the base shall be firm, unyielding, and in such condition that no undue distortion will occur.

   d. A light uniform application of clean sand shall be applied prior to opening the primed base to traffic, in which case the sand shall be rolled with a traffic roller. If warranted by traffic conditions, the application shall be made only on one-half of the width of the base at one time, care being taken to secure the correct amount of bituminous material at the joint.

   e. The base shall be sufficiently moist in order to obtain maximum penetration of the asphalt.

8. Where a bituminous surface is to be laid and a tack coat is required, it shall be applied as follows:

   a. On newly constructed base courses, the application of the tack coat shall follow the application of the prime coat, immediately prior to placing the wearing surface, when the tack coat is required.

   b. In general, a tack coat will not be required on primed bases, except in areas which have become excessively dirty and cannot be cleaned in areas where the prime has cured and lost bonding effect, or where the prime coat has worn away.

   c. The tack coat shall be applied with a pressure distributor. The bituminous material shall be heated to a suitable consistency as designed. The

bituminous material shall be applied at the rate between 0.02 gallon and 0.08 gallon per square yard.

d. The tack coat shall be applied sufficiently in advance of the laying of the wearing surface to permit drying but shall not be applied so far in advance or over such an area as to lose its adhesiveness as a result of being covered with dust or other foreign material and shall be kept free from traffic until the wearing surface is laid.

Section A207 Asphaltic Concrete Surface Course

This Section applies to the application of asphaltic concrete surface course composed of a mixture of aggregates and, if necessary, mineral filler and asphalt cement to produce the desired stability hereinafter described, properly laid upon a prepared base in accordance with these specifications and in conformity with the lines, grades, thickness and typical cross section shown on the plans. This work shall include the conditioning of the existing surface or base as described in section A206.

A. ***Asphaltic Concrete Mixes*** ***(Rev. 10/07/09 - Ord. 09-061)***

Marshall Mixes

1. The plant and methods of operation for preparing all plant mixed hot bituminous mixtures for surface courses and bases shall comply with the FDOT Standard Specifications for Section 320 of the Road and Bridge Construction, 2000 Edition, or as provided in Section A207-A below.

2. All asphaltic concrete mixes shall meet FDOT Standard Specifications for Marshall Design properties and standard design thickness and be approved by the County Engineer. The minimum design thickness for Type S-III and FC-3 shall be 1 inch and 1 ½ inches for Type S-I .

Hot Mix Asphalt **(Superpave (SP)**

1. General: Construct a Hot Mix Asphalt (HMA) pavement based on the type of work specified in the Plans and the Asphalt Work Categories as defined below. Meet the applicable requirements for plants, equipment, and construction requirements as defined below. Use a HMA mix that meets the requirements of this specification.

2. Asphalt Work Mix Categories: Construction of Hot Mix Asphalt Pavement will fall into one of the following work categories:

   a. Asphalt Work Category 1: Includes the construction of bike paths and other non vehicular traveled surfaces.

   b. Asphalt Work Category 2: Includes the construction of new HMA turn lanes, paved shoulders, parking lots, and other non-mainline pavement locations. Also, includes the construction of new mainline HMA pavement lanes, milling and resurfacing.

Table A8	Allowable Hot Mix Types (Rev. 10/07/09 - Ord. 09-061)		
Roadway Type	**Work Category**	**Mix Types (1)**	**Traffic Level (1)**
Misc. asphalt such as bike paths, walkways, etc.	1	Type SP-9.5, SP-12.5	A
Includes parking lots, local roads, county roads, city streets, collector roads or access streets, medium trafficked city streets and majority of county roadways.	2	Type SP-9.5, SP-12.5	B or C
Includes two-lane, multilane divided and partially or completely control access roadways. Included are medium to highly trafficked city streets, and some state routes.	2	Type SP-9.5, SP-12.5, SP-19.0	C
(1) Traffic Level B may be substituted for Traffic Level A or Traffic Level C may be substituted for Traffic Level B.			

3. Mix Types: Use the appropriate HMA mix as shown in Table A8

4. Gradation Classification: HMA mixes are classified as either coarse or fine, depending on the overall gradation of the mixture. Coarse and fine mixes are defined in this Section. Use only fine mixes.

   The equivalent AASHTO nominal maximum aggregate size Superpave mixes are as follows:

   Type SP-9.5 = 9.5 mm
   Type SP-12.5 = 12.5 mm
   Type SP-19.0 = 9.0 mm

5. Thickness: The total pavement thickness of the HMA pavement will be based on a specified spread rate or plan thickness as shown in the Plans. Before paving, propose a spread rate or thickness for each individual layer meeting the requirements of this specification, which when combined with other layers (as applicable) will equal the plan spread rate or thickness. When the total pavement thickness is specified as plan thickness, the plan thickness and individual layer thickness will be converted to spread rate using the following equation:

   Spread rate (lbs/yd^2) $= t \times G_{mm} \times 43.3$
   where: t = Thickness (in.) (Plan thickness or individual layer thickness)
   G_{mm} = Maximum specific gravity from the mix design

   For target purposes only, spread rate calculations shall be rounded to the nearest whole number.

   a. Layer Thicknesses: Unless otherwise called for in the Plans, the allowable layer thicknesses for HMA mixtures are as follows:

Type SP-9.5 = 1 inch
Type SP-12.5 = 1 1/2 inches
Type SP-19.0 = 2 inches

b. Additional Requirements: The following requirements also apply to HMA mixtures:

i. When construction includes the paving of adjacent shoulders (≤5 feet wide), the layer thickness for the upper pavement layer and shoulder shall be the same and paved in a single pass, unless otherwise called for in the Plans.

ii. For overbuild layers, use the minimum and maximum layer thicknesses as specified above unless called for differently in the Plans. On variable thickness overbuild layers, the minimum allowable thickness may be reduced by 1/2 inch, and the maximum allowable thickness may be increased by 1/2 inch, unless called for differently in the Plans.

6. Weight of Mixture: Equip the asphalt plant with or provide HMA from a plant with an electronic weigh system that: has an automatic printout, is certified every six months by an approved certified scale technician. Weigh all plant produced hot mix asphalt on the electronic weigh system, regardless of the method of measurement for payment. Print the delivery ticket with an original and at least one copy. Delivery ticket must have mix design number and mix type printed on it. Furnish the original to the Engineer at the plant and one copy to the County Engineer at the paving site.

B. ***Materials*** ***(Rev. 10/07/09 - Ord. 09-061)***

1. Superpave Asphalt Binder: Use an asphalt binder from the FDOT's Qualified Products List (QPL) meeting FDOT Section 916.

2. Aggregate: Aggregate supplier shall certify that the aggregate meets FDOT requirements Section 901, Coarse Aggregate, and 902, Fine Aggregate.

3. Reclaimed Asphalt Pavement (RAP) Material:

a. General Requirements: RAP may be used as a component of the asphalt mixture if approved by the County Engineer. Usage of RAP is subject to the following requirements:

i. Limit the amount of RAP material used in the mix to a maximum of 30 percent by weight of total aggregate. Up to 40 percent RAP may be used when additional testing is performed or approved by the County Engineer.

ii. Provide stockpiled RAP material that is reasonably consistent in characteristics and contains no aggregate particles which are soft or

conglomerates of fines. RAP stockpiles must be FDOT certified or approved by the County.

iii. Provide RAP material having a minimum average asphalt content of 4.0 percent by weight of total mix. The Engineer may sample the stockpile to verify that this requirement is met.

iv. Use a grizzly or grid over the RAP cold bin, in-line roller crusher, screen, or other suitable means to prevent oversized RAP material from showing up in the completed recycle mixture. If oversized RAP material appears in the completed recycle mix, take the appropriate corrective action immediately. If the appropriate corrective actions are not immediately taken, plant operations must stop.

b. Material Characterization: Assume responsibility for establishing the asphalt binder content, gradation, viscosity and bulk specific gravity (Gsb) of the RAP material based on a representative sampling of the material.

c. Asphalt Binder for Mixes with RAP: Select the appropriate asphalt binder grade based on Table 2. Maintain the viscosity of the recycled mixture within the range of 5,000 to 15,000 poises.

Table A9: Asphalt Binder Grade for Mixes Containing RAP

Percent RAP	Asphalt Binder Grade
<20	PG 67-22
20 – 29	PG 64-22
≥ 30	Recycling Agent

C. Composition of Mixture (Rev. 10/07/09 - Ord. 09-061)

1. General: The asphalt mixture shall be composed using a combination of aggregates, mineral filler, if required, and asphalt binder material. The aggregate fractions shall be sized, graded, and combined to meet the grading and physical properties of the mix design.

2. Mix Design:

a. General: The asphalt mixture shall be designed in accordance with AASHTO R35-04, except as noted herein. A current FDOT approved mix design shall be used. A copy of the current mix design must be provided to the County Engineer.

b. Mixture Gradation Requirements: Combine the aggregates in proportions that will produce an asphalt mixture meeting all of the requirements defined in this specification and conform to the gradation requirements at design as defined in AASHTO M323-04, Table 3. Aggregates from various sources may be combined.

i. Mixture Gradation Classification: Plot the combined mixture gradation on an FHWA 0.45 Power Gradation Chart. Include the Control Points from AASHTO M323-04, Table-3, as well as the Primary Control Sieve (PCS) Control Point from AASHTO M323-04, Table 4. Fine mixes are defined as having a gradation that passes above or through the primary control sieve control point. Use only fine mixes.

c. Gyratory Compaction: Compact the design mixture in accordance with AASHTO T312-04. Use the number of gyrations as defined in AASHTO R35-04, Table 1.

d. Design Criteria: Meet the requirements for nominal maximum aggregate size as defined in AASHTO M323-04, as well as for relative density, VMA, VFA, and dust-to-binder ratio as specified in AASHTO M323-04, Table 6.

e. Moisture Susceptibility: In lieu of moisture susceptibility testing, add a liquid anti-stripping agent from the Department's Qualified Products List. Add 0.5% liquid anti-stripping agent by weight of binder.

f. Additional Information: In addition to the requirements listed above, provide the following information on each mix design:

i. The design traffic level and the design number of gyrations (Ndesign).

ii. The source and description of the materials to be used.

iii. The FDOT source number and the FDOT product code of the aggregate components furnished from an FDOT approved source (if required).

iv. The gradation and proportions of the raw materials as intended to be combined in the paving mixture. The gradation of the component materials shall be representative of the material at the time of use. Compensate for any change in aggregate gradation caused by handling and processing as necessary.

v. A single percentage of the combined mineral aggregate passing each specified sieve. Degradation of the aggregate due to processing (particularly material passing the No. 200 sieve) should be accounted for and identified.

vi. The bulk specific gravity (Gsb) value for each individual aggregate and RAP component.

vii. A single percentage of asphalt binder by weight of total mix intended to be incorporated in the completed mixture, shown to the nearest 0.1 percent.

viii. A target temperature at which the mixture is to be discharged from the plant and a target roadway temperature. Do not exceed a target temperature of 330°F for modified asphalts and 315°F for unmodified asphalts.

ix. Provide the physical properties achieved at four different asphalt binder contents. One shall be at the optimum asphalt content, and must conform to all specified physical requirements.

x. The name of the Mix Designer.

xi. The ignition oven calibration factor.

D. ***Contractor Quality Control*** ***(Rev. 10/07/09 - Ord. 09-061)***

Assume full responsibility for controlling all operations and processes such that the requirements of these Specifications are met at all times. Perform any tests necessary at the plant and roadway for quality control purposes.

E. ***Mechanical Spreading & Screening Equipment*** ***(Rev. 10/07/09 - Ord. 09-061)***

1. Bituminous pavers shall be self-contained, self-propelled and equipped with a receiving and disbursing hopper. The hopper shall be equipped with a conveyer distribution system to place the mixture uniformly in front of the screed.

2. The paver shall also be equipped with a heated mechanical screed or strike-off assembly. The screed or strike-off shall be capable of adjustment to regulate the depth of material spread and produce a finished surface of the required evenness and texture, without tearing, shoving, or gouging the mixture.

3. Power boxes will not be acceptable.

F. ***Equipment*** ***(Rev. 10/07/09 - Ord. 09-061)***

1. For all asphalt courses, with the exception of open-graded friction mixes, placed with mechanical spreading and finishing equipment in pavement widths of 20 feet or greater, the paving machine shall be equipped with automatic longitudinal screed controls of either the skid type or the traveling stringline type. The length of the skid or traveling stringline shall be at least 25 feet. On the final layer of Base, Overbuild and Structural Courses, and for Friction Courses, the joint matcher shall be used in lieu of the skid or traveling stringline on all passes after the initial pass.

2. When the paving machine is equipped with pneumatic tires, the Engineer may require that the tires be ballasted.

3. Paving machines used on main roads shall be a screed width greater than eight feet. On widening strips, cross-overs, or ramps, paving machines having a screed width of eight feet or less may be used.

4. Steel-wheeled rollers shall be of the tandem type. For the seal rolling, these rollers shall weigh between five and 12 tons and for the final rolling; they shall weigh between eight and 12 tons.

5. Traffic rollers shall be of the self-propelled, pneumatic-tired type, equipped with at least seven smooth-treated, low-pressure tires, with the tire pressure maintained between 50 and 55 pounds. They shall weigh between six and ten tons. The use of wobble-wheeled rollers will not be permitted.

6. Adhesion of the mixture to the wheels of all rollers will not be permitted. The use of fuel oil or other petroleum distillates to prevent adhesion will not be permitted. No method shall be used which results in water being sprinkled directly onto the mixture.

7. Trucks used to transport the mix shall be of tight construction, which will prevent the loss of material and the excessive loss of heat. Each truck shall have a tarpaulin or other waterproof cover, mounted in such a manner that the entire load can be covered. When in place, the waterproof cover shall overlap all sides and be capable of being tied down. The trucks shall also be equipped with chains on the tail gates to limit the size of the opening while unloading into the paver.

8. The contractor will be required to furnish a suitable saw or drill for obtaining the required density cores.

9. The necessary hand tools such as rakes and shovels, and a suitable means for keeping them clean, shall be provided.

G. ***Marshall Mixes Construction Methods*** ***(Rev. 10/07/09 - Ord. 09-061)***

1. No pavement shall commence until:

   a. The Contractor has submitted a pavement mix design signed and sealed by a Professional Engineer licensed in the state of Florida;

   b. The County Engineer has approved the mix design and provided written or electronic authorization to pave; and

   c. A pre-paving meeting has been held with Polk County.

2. The mixture shall be spread on the surface designated only when the surface previously prepared is intact, firm, properly cured and dried; and only when the air temperature in the shade and away from artificial heat is above 40°F and rising. The mixture shall not be spread when the wind is blowing to such an extent that proper and adequate compaction cannot be maintained or when sand or dust are being

deposited on the surface being paved to the extent that the bond between layers will be diminished.

3. Transportation of asphalt mixtures from the plant to the site shall cease immediately at the first indication of rain on the project roadway. Asphalt mixtures shall not be placed while rain is falling or when there is water on the surface to be covered. As an exception, the Contractor may place mixture caught in transit, at the Contractor's risk, if the only option is to waste this mixture. In such case, the surface shall be tacked as required prior to the rain and the surface shall be broomed in front of the spreading operation. The County Engineer, or his/her representative, will evaluate such placed mixture separately, and if the mixture is unsatisfactory in any way, the contractor shall remove and replace it with satisfactory mixture.

4. The mixture shall be delivered on the road in ample time to permit the spreading, rolling and surface testing during daylight hours. The temperature of the mixture at the time of spreading shall be within 25° (above or below) of the design mix temperature. Any load or portion of a load of asphalt mix with a mix temperature exceeding 335 °F either at the plant or on the road shall be rejected.

5. Material shall be delivered to the job site with sufficient frequency that the paving operation can continue without interruption.

6. Depressions which may develop after the initial rolling shall be remedied by removing the mixture laid, and adding new material to bring such depressions to a true surface. Such portions of the completed course that are defective in surface planeness, compaction or composition, or that do not comply with the requirements of these specifications, shall be removed and replaced with suitable mixture properly laid in accordance with these specifications.

7. Vertical construction joints shall be constructed prior to the commencement of the ongoing paving operation. All cold joints will be prepared according to the FDOT Standard Specifications, latest edition. The vertical surface of all existing asphaltic concrete mixes at cold joints shall be mopped with an approved liquid bitumen material so as to provide a water-tight joint at the interface of the two mixes.

8. Night work shall only be permitted as directed by the County Engineer.

H. ***Marshall Mix Acceptance Tests*** ***(Rev. 10/07/09 - Ord. 09-061; 4/4/02 - Ord. 02-17)***

1. The contractor shall notify the County Engineer, in writing, and shall submit for approval of the asphalt mix design, at least 5 business days prior to the start of paving. The asphalt mix design shall be prepared by a certified material testing laboratory or a certified Construction Training Qualification Program (CTQP) Asphalt Mix Designer. The asphalt mix design must be signed and sealed by a Professional Engineer for Marshall mixes. Superpave mix designs shall be FDOT approved. Any asphalt mix design formulas used must have been verified by a certified material testing laboratory within the past 24 months.

2. During construction of the asphaltic concrete structural or surface course, the following tests must be completed and reports submitted within three working days to the County Engineer before acceptance can be given:

   a. The asphalt mixture shall be sampled and tested at the plant to determine Marshall stability and flow. In addition, the test shall include an extraction to determine the liquid asphalt content and gradation. Testing shall be performed at a frequency of one test per 500 tons or a minimum of one per day. Liquid asphalt content, and Marshall stability and flow shall conform to intent of job mix formula, as approved by the County Engineer.

   b. Tests for in-place density and layer thickness, for each course, shall be conducted at a frequency of one test per 300 linear feet of roadway (minimum 3 tests per road). The minimum acceptable density for each course of asphaltic concrete material shall be 93 percent of the laboratory density of the approved asphalt mix design.

   c. If the County Engineer believes that the number of cores taken is insufficient to properly indicate the thickness of the pavement, he or she may request additional cores. All additional costs shall be borne by the contractor.

      i. When the deficiency in thickness is in excess of the minimum thickness required on approved plans, less the allowable construction tolerance, the contractor shall correct the deficiency either by replacing the full thickness for a length extending at least 50 feet from each end of the deficient area, or when permitted by the County Engineer by overlaying the entire width of the road. Normally an overlay will not be permitted in a concrete curb section.

      ii. All tests and job mix formulas, aggregate verification and temperature control verification shall be made by an independent testing engineer as approved by the County Engineer and all reports shall be signed and sealed by a registered professional engineer for the State of Florida.

      iii. When there is a deficiency in test results for stability/flow, gradation or roadway core density, the County Engineer may require up to a five year extended warranty for acceptance.

   d. The following items may be required by the County Engineer:

      i. Plant inspection and calibration check;

      ii. Test of asphalt cement; and,

      iii. Full-time construction monitoring.

e. The County Engineer, upon written request of the engineer of record, may modify the testing requirements on projects of 500 feet or less.

I. ***Superpave Mixes Construction Methods (Rev. 10/07/09 - Ord. 09-061)***

1. Weather Limitations: Do not transport asphalt mix from the plant to the roadway unless all weather conditions are suitable for the laying operations.

2. Limitations of Laying Operations:

   a. General: Spread the mixture only when the surface upon which it is to be placed has been previously prepared, is intact, firm, and properly cured, and is dry.

   b. Surface Temperature: Spread the mixture only when the pavement surface temperature in the shade and away from artificial heat is at least 40ºF for layers greater than 1 inch (100 lb/yd2) in thickness and at least 45ºF for layers 1 inch (100 lb/yd2) or less in thickness (this includes leveling courses). The minimum temperature requirement for leveling courses with a spread rate of 50 lb/yd2 or less is 50ºF.

   c. A pre-paving meeting has been held with Polk County.

3. Mix Temperature: Heat and combine the ingredients of the mix in such a manner as to produce a mixture with a temperature at the plant and at the roadway, within a range of ±30ºF from the established plant mixing temperature as shown on the mix design. Reject all loads outside of this range.

4. Transportation of the Mixture: Transport the mix in trucks of tight construction which prevents the loss of material and excessive loss of heat. Vehicles will be cleaned of all foreign material. After cleaning, thinly coat the inside surface of the truck bodies with soapy water or an asphalt release agent as needed to prevent the mixture from adhering to the beds. Do not allow excess liquid to pond in the truck body. Do not use diesel fuel or any other hazardous or environmentally detrimental material as a coating for the inside surface of the truck body. Provide each truck with a tarpaulin or waterproof cover mounted in such a manner that it can cover the entire load when required. Cover each load during transportation, but fully tarp and strap down loads produced in cool weather or when there is a high probability of rain.

5. Preparation of Surfaces Prior to Paving:

   The following steps shall be followed prior to paving:

   a. Cleaning: Clean the surface of all loose and deleterious material by the use of power brooms or blowers, supplemented by hand brooming where necessary.

b. Patching and Leveling Courses: Where the HMA is to be placed on an existing pavement which is irregular, wherever the plans indicate, or if directed by the Engineer, bring the existing surface to proper grade and cross-section by the application of patching or leveling courses.

c. Application over Surface Treatment: Where an asphalt mix is to be placed over a surface treatment, sweep and dispose of all loose material from the paving area.

d. Tack Coat: Apply a tack coat on existing pavement structures with a pressure distributor that is to be overlaid with an asphalt mix and between successive layers of all asphalt mixes, unless directed otherwise by the Engineer. In areas inaccessible by a pressure distributor, use of a wand or hand tacking is permissible. Use a tack coat product meeting FDOT specifications. Use an emulsified tack coat spread rate of 0.02 to 0.08 gal/sy or as specified by the Engineer.

6. Paving:

a. Alignment of Edges: With the exception of pavements placed adjacent to curb and gutter or other true edges, place all pavements by the stringline method to obtain an accurate, uniform alignment of the pavement edge. Control the unsupported pavement edge to ensure that it will not deviate more than ± 1.5 inches from the stringline.

b. Rain and Surface Conditions: Immediately cease transportation of asphalt mixtures from the plant when rain begins at the roadway. Do not place asphalt mixtures while rain is falling, or when there is water on the surface to be covered. Once the rain has stopped and water has been removed from the tacked surface to the satisfaction of the Engineer (no puddles or ponded water) and the temperature of the mixture caught in transit still meets the requirements as specified in Section A207, the Contractor may then place the mixture caught in transit.

c. Checking Depth of Layer: Check the depth of each layer at frequent intervals, and make adjustments when the thickness exceeds the allowable tolerance. When making an adjustment, allow the paving machine to travel a minimum distance of 32 feet to stabilize before the second check is made to determine the effects of the adjustment.

d. Hand Spreading: In limited areas where the use of an asphalt paver is impossible or impracticable, spread and finish the mixture by hand and compact thoroughly.

e. Spreading and Finishing: Provide mechanical spreading and screeding equipment of an approved type that is self-propelled and can be steered.

Equip it with a receiving and distribution hopper and a mechanical screed. Use a mechanical screed capable of adjustment to regulate the depth of material spread and to produce the desired cross-section. Upon arrival, dump the mixture in the approved paver, and immediately spread and strike-off the mixture to the full width required, and to such loose depth for each course that, when the work is completed, the required weight of mixture per square yard, or the specified thickness, is secured. Carry a uniform amount of mixture ahead of the screed at all times.

f. Thickness of Layers: Construct each course of Type SP mixtures in layers of the thickness as outlined Section A207.

7. Leveling Courses:

a. Patching Depressions: Before spreading any leveling course, fill all depressions in the existing surface more than 1 inch deep by spot patching with leveling course mixture, and compact thoroughly.

b. Spreading Leveling Courses: Place all courses of leveling with an asphalt paver or by the use of two motor graders, one being equipped with a spreader box. Other types of leveling devices may be used upon approval by the Engineer.

c. Rate of Application: When using Type SP-9.5 (fine graded) for leveling, do not allow the average spread of a layer to be less than 50 lb/yd2 or more than 75 lb/yd2. The quantity of mix for leveling shown in the plans represents the average for the entire project; however, the Contractor may vary the rate of application throughout the project as directed by the Engineer. When leveling in connection with base widening, the Engineer may require placing all the leveling mix prior to the widening operation.

8. Compaction: For each paving or leveling train in operation, furnish a separate set of rollers, with their operators. When density testing for acceptance is required (Asphalt Work Category 2) select equipment, sequence, and coverage of rolling to meet the specified density requirement. Regardless of the rolling procedure used, complete the final rolling before the surface temperature of the pavement drops to the extent that effective compaction may not be achieved or the rollers begin to damage the pavement. When density testing for acceptance is not required (Asphalt Work Category 1), use a rolling pattern approved by the Engineer. Use hand tamps or other satisfactory means to compact areas which are inaccessible to a roller, such as areas adjacent to curbs, headers, gutters, bridges, manholes, structures, etc.

9. Joints.

a. Transverse Joints: Construct smooth transverse joints, which are within 3/16 inch of a true longitudinal profile when measured with a 15 foot manual straightedge.

b. Longitudinal Joints: For all layers of pavement except the leveling course, place each layer so that longitudinal construction joints are offset 6 to 12 inches laterally between successive layers. Do not construct longitudinal joints in the wheelpaths. The Engineer may waive this requirement where offsetting is not feasible due to the sequence of construction.

10. Surface Requirements: Construct a smooth pavement with good surface texture and the proper cross-slope.

a. Texture of the Finished Surface of Paving Layers: Produce a finished surface of uniform texture and compaction with no pulled, torn, raveled, crushed or loosened portions and free of segregation, bleeding, flushing, sand streaks, sand spots, or ripples. Correct any area of the surface that does not meet the foregoing requirements in accordance with this Section.

b Cross Slope: Construct a pavement surface with cross slopes in compliance with the requirements of the Plans. Contractor is not responsible for bird baths if design cross slope is less than 2%.

c. Pavement Smoothness: Construct a smooth pavement meeting the requirements of this Specification. Furnish a 15 foot manual and a 15 foot rolling straightedge meeting the requirements of FM 5-509. Make them available at the job site at all times during paving operations for Asphalt Work Category 2 and make them available upon request of the Engineer for Asphalt Work Category 1.

i. Asphalt Work Category 2:

(a). Acceptance Testing: Straightedge the final Type SP structural layer and friction course layer with a rolling straightedge. Test all pavement lanes where the width is constant using a rolling straightedge and document all deficiencies on a form approved by the Engineer. Notify the Engineer of the location and time of all straightedge testing a minimum of 48 hours before beginning testing.

(b). Rolling Straightedge Exceptions: Testing with the rolling straightedge will not be required in the following areas: shoulders, intersections, tapers, crossovers, parking lots and similar areas. In addition, testing with the rolling straightedge will not be performed on the following areas when they are less than 250 feet in length: turn lanes, acceleration/deceleration

lanes and side streets. However, correct any individual surface irregularity in these areas that deviates from the plan grade in excess of 3/8 inch as determined by a 15 foot manual straightedge, and that the Engineer deems to be objectionable, in accordance with Section A207. The Engineer may waive or modify straightedging requirements if no milling, leveling, overbuild or underlying structural layer was placed on the project and the underlying layer was determined to be exceptionally irregular.

(c). Final Type SP Structural Layer: Straightedge the final Type SP structural layer with a rolling straightedge behind the final roller of the paving train. Correct all deficiencies in excess of 3/16 inch in accordance with Section A207, and retest the corrected areas.

(d). Friction Course Layer: At the completion of all paving operations, straightedge the friction course. Correct all deficiencies in excess of 3/16 inch in accordance with this Section. Retest all corrected areas.

ii. Asphalt Work Category 1: If required by the Engineer, straightedge the final structural layer with a rolling straightedge, either behind the final roller of the paving train or as a separate operation. Correct all deficiencies in excess of 5/16 inch in accordance with Section A207. Retest all corrected areas. If the Engineer determines that the deficiencies on a bicycle path or other areas due to field geometrical conditions, the Engineer will waive corrections with no deduction to the pay item quantity.

d. Correcting Unacceptable Pavement:

i. General: Correct all areas of unacceptable pavement .

ii. Structural Layers: Correct deficiencies in the Type SP structural layer by one of the following methods:

(a). Remove and replace the full depth of the layer, extending a minimum of 50 feet on either side of the defective area for the full width of the paving lane, or as determined by the County Engineer, or his or her designee.

(b). Mill the pavement surface to a depth and width that is adequate to remove the deficiency. (This option only applies if the structural layer is not the final surface layer.)

iii. Fiction Course: Correct deficiencies in the friction course layer by removing and replacing the full depth of the layer, extending a minimum of 50 feet on either side of the defective area for the full width of the paving lane. Corrections may be waived if approved by the County Engineer.

J. ***Superpave Mix Acceptance Tests*** ***(Rev. 10/07/09 - Ord. 09-061)***

1. General: The asphalt mixture will be accepted based on the Asphalt Work Category as defined below:

   a. Asphalt Work Category 1 – Certification by the Contractor as defined in Section A207.

   b. Asphalt Work Category 2 – Quality control for acceptance testing by the Contractor and verification testing at the discretion of the County Engineer as defined in Section A207.

2. Certification by the Contractor: On Asphalt Work Category 1 construction, the County Engineer will accept the mix on the basis of visual inspection. Submit a Notarized Certification of Specification Compliance letter on company letterhead to the County Engineer stating that all material produced and placed on the project was in substantial compliance with the Specifications. The County Engineer may run independent tests to determine the acceptability of the material.

3. Quality Control Testing by the Contractor and Acceptance Testing by the County Engineer: On Asphalt Work Category 2, perform quality control testing as described in Section A207. In addition, the County Engineer will accept the mixture at the plant with respect to air voids, gradation (P-8 and P-200) and asphalt binder content (Pb). The mixture will be accepted on the roadway with respect to density. The County Engineer may sample and test the material as described in Section A207 with the contractor retaining a split of the sample. The County Engineer may randomly obtain at least one set of samples per day. Assure that the asphalt content, gradation and density test results meet the criteria in Table 3. Material failing to meet these acceptance criteria will be addressed as directed by the County Engineer.

   a. Quality Control Sampling and Testing Requirements: Perform quality control testing at a frequency of minimum of 1 per mix type per day up to 500 tons, a second test required for production over 500 tons per day. If multiple jobs producing from same mix – test once and attach to results each project. Obtain the samples in accordance with FDOT Method FM 1-T 168 and retain an additional split sample for the County Engineer. Test the mixture at the plant for air voids, gradation (P-8 and P-200) and asphalt binder content (Pb). Test the mixture on the roadway for density using six-inch diameter roadway cores, with no cores located closer than 1 foot to joint or unsupported edge. Trim and test roadway cores for Gmb and patch core holes within 72 hours. Obtain cores at a minimum frequency of 3 cores per 500 tons or less, unless

otherwise directed by the County Engineer. If tonnage exceeds 500 tons, take additional cores at the frequency of 1 per 150 tons. Determine the asphalt content of the mixture in accordance with FM 5-563. Determine the gradation of the recovered aggregate in accordance with FM 1-T 030. Determine the roadway density in accordance with FM 1-T 166. The minimum roadway density will be based on the percent of the maximum specific gravity (Gmm) from the accepted quality control test results representing that day's production. Roadway density testing will not be required in certain situations as described in Section A207. Assure that the air voids, asphalt content, gradation and density test results meet the criteria in Table A10. Forward copies of the test results to the County Engineer.

Table A10 Quality Control and Acceptance Values

Characteristic	Tolerance
Air Voids	2 to 6%
Asphalt Binder Content (percent)	Target ± 0.55
Passing No. 8 Sieve (percent)	Target ± 6.00
Passing No. 200 Sieve (percent)	Target ± 2.00
Roadway Density (average of three cores)	Target 92% Gmm: +3%, -2%
Roadway Density (minimum of any single core)	89.0 % Gmm
Note: Test results outside of Table A10 may be accepted at the discretion of the County Engineer	

.

b. Acceptance Testing Exceptions: Density testing for acceptance will not be performed on widening strips or shoulders with a width of 5 feet or less, variable thickness overbuild courses, leveling courses, first lift of asphalt base course placed on subgrade, irregular shaped hand worked areas, miscellaneous asphalt pavement, or any course with a specified thickness less than 1 inch or a specified spread rate less than 100 lbs/sy. In addition, density testing for acceptance will not be performed on the following areas when they are less than 250 feet in length: crossovers, turning lanes, acceleration lanes, deceleration lanes, or ramps. Compact these courses in accordance with a standard rolling procedure approved by the County Engineer. In the event that the rolling procedure deviates from the approved procedure, placement of the mix will be stopped.

K. ***Finished Surface Requirements*** ***(Rev. 10/07/09 - Ord. 09-061)***

For the purpose of testing the finished surface, the contractor provides a rolling straight edge of 15 feet and standard template cut to the true cross section of the road. These shall be available at all times during construction so that the County may check the finish surface. The contractor shall provide and designate some employee whose duty it is to use the straight edge and template in checking all rolled surface under the direction of the County. Vertical measurement from a string line between curbs or edge of pavement to determined crown may be accepted as an alternate. The finished surface shall be such that it will not vary more than 3/16 inch from the rolling straight edge of 15 feet applied parallel to the centerline of the pavement and shall be of uniform texture and compaction. The surface shall have no pulled,

torn or loosened portions and shall be free from segregation, sand streaks, sand spots, or ripples. Irregularities of the surface exceeding the above requirements shall be corrected by the contractor who has the option of selecting one of the following methods:

1. If correction is made by removing and replacing the pavement, the removal must be for the full depth of the course and extend at least 50 feet on either side of the defective area, for the full width of the paving lane.

2. If correction is made by overlaying, the overlay shall cover the length of the defective area and taper uniformly to a feather-edge thickness at a minimum distance of 50 feet on either side of the defective area. The overlay shall extend full width of the road. Care shall be taken to maintain the specified cross slope. The mix used for the overlay may be adjusted as necessary for this purpose by the County Engineer. Overlaying will not be permitted when the finished pavement surface is a friction course or abuts concrete curbs.

3. For courses which will not be the final pavement surface, correction of minor straightedge efficiencies by methods other than specified above may be approved by the County Engineer.

Section A208 Portland Cement Concrete Pavement

Rigid pavement consists of constructing a specified Portland Cement Concrete Paving on a prepared subgrade. The utilities and other items in and beneath the road must be properly coordinated with the construction of rigid pavement to avoid all conflicts. The work to be done shall include the furnishing of all supervision, labor, materials, equipment and incidentals necessary for the proposed rigid pavement construction in accordance with the approved drawings and specifications.

A. ***Subgrade Preparation for Rigid Pavement***

1. General requirements for subgrade preparation for rigid pavement are as follows.

   a. The bottom of the excavation for the pavement or top of the earth fill will be known as the pavement subgrade and shall conform to the lines, grade, and cross-sections shown on the plans.

   b. Prior to placing the concrete, the subgrade shall be tested for conformity with the cross-section shown on the plans.

   c. If necessary, material shall be removed or added as required to bring all portions of the subgrade to the correct elevation. Concrete shall not be placed on any portion of the subgrade which has not been tested for correct elevation. The subgrade shall be cleared of all loose material. At any time that trucks, construction equipment or slipforming machines cause rutting or displacement of the subgrade materials, the subgrade shall be reshaped and

compacted. The subgrade shall be in a moist condition at the time the concrete is placed.

2. The top six inches shall be composed of well drained granular soils that are predominantly sandy, mixed with no more silt or clay than required to obtain a Florida Bearing value of 35 plus or minus 5 and be compacted to 95 percent of maximum density in accordance with AASHTO T-180.

3. Testing of the subgrade shall conform to the following:

   a. Tests for subgrade stabilization shall be located no more than 400 feet apart and shall be staggered to the left, right, and on the centerline of the road. Test reports for subgrade stabilization shall be submitted to the County Engineer by the engineer of record for review and approval prior to paving.

   b. When in the judgment of the County Engineer conditions warrant additional testing, the engineer of record will be advised that additional tests will be required and the extent of such additional tests.

B. ***Materials, Proportioning and Construction for Rigid Pavements***

The materials and proportioning shall be in accordance with ACI Standard 318, latest edition. All construction procedures shall be in accordance with FDOT Standard Specifications.

1. All concrete shall have a minimum compressive strength of 3,000 (pci) psi at 28 days. Conformance to strength requirements shall be determined by American Concrete Institute Standard 318, Sections 4.8.2.3 and 4.8.3.

2. Slump shall consist of the following:

   a. The mixture shall contain no more water than is necessary to produce concrete which is workable and plastic. The minimum slump necessary to place the concrete satisfactorily shall be used. Slumps should be maintained so as not to exceed four and one-half inches for nonvibrated placement and not to exceed 5 inches for vibrated placement.

   b. The design mix shall be submitted to the County Engineer for approval prior to paving.

C. ***Equipment***

1. The pavement shall be placed to lines and grades established by the engineer. The edges of pavement shall be vertical to the subgrade and forms will be sufficient to support mechanical equipment.

2. All plants must be certified by the FDOT.

3. The plant shall be in accordance with the FDOT Standard Specifications. The trucks used to transport the concrete shall be so constructed to prohibit segregation of the mix. All plants must be certified by the FDOT.

4. All equipment used in the placement of concrete pavements shall conform to Section 350-3 of the FDOT Standard Specifications.

D. ***Mixing and Placing for Rigid Pavement***

1. Concrete pavement shall be constructed on the prepared subgrade in accordance with these Regulations and in conformity with the lines, grades, thickness, and typical cross-sections shown on the construction plans.

2. Concrete may be transported any distance providing it is discharged on the grade with the slump within the required slump range and meets concrete time limit requirements. If additional water is required to maintain the specified slump of concrete transported in truck mixers, it may be added with the permission of the County Engineer. In this case, a minimum of 25 additional revolutions of the mixer drum at designed mixing speed shall be required before discharging of the concrete.

3. The length of time that the concrete can be held in the truck shall conform to the following:

   a. Air temperature 45°F to 80°F - 90 minutes maximum

   b. Air temperature over 80°F with a retarder added to the mix - 90 minutes maximum

   c. Air temperature over 80°F without a retarder added to the mix - 60 minutes maximum

   d. The maximum temperature of the concrete at the time of placing shall be 95°F.

4. The concrete shall be deposited on the grade in such a manner as to require as little rehandling as possible. It shall be deposited in successive batches in a continuous operation. The concrete shall be consolidated by suitable means so as to preclude the formation of voids or honeycomb pockets.

5. Concrete shall only be placed when the temperature is at least 40°F in the shade and rising. Any concrete damaged by frost or freezing action shall be removed and replaced.

6. Finishing requirements are as follows:

a. The concrete shall be struck-off, consolidated, and finished with mechanical equipment in such a manner that after final finishing, it shall conform to the pavement cross-section shown on the construction plans. Hand finishing will be permitted in narrow width, areas, or irregular dimensions, and in the event of breakdown of the mechanical equipment only to finish the concrete already deposited on the grade.

b. The final surface of the pavement shall have uniform, skid-resistant texture. The method of texturing shall be approved by the County Engineer and may require changes in the final finishing procedure as required to produce the desired final surface texture. A burlap drag or transverse broom finish is recommended for local and collector roads. Arterial and rural roads may require an overlapping stiff bristled broom or steel comb finish at the County Engineer's option.

c. The contractor shall always have materials available to protect the surface of the plastic concrete against rain. Areas of the pavement surface that exhibit a smooth sandy appearance after the rain ceases shall be textured to these areas before applying the membrane curing material. Areas that have suffered some surface erosion and have coarse aggregate exposed shall be reworked by hand methods or with the finishing machine when the form paving method is used. Fresh concrete containing the same materials and properties as the pavement concrete shall be added to maintain an adequate supply in front of the screeds or machine to assure replacement of the concrete eroded from the surface. The surface shall then be textured and cured as specified.

d. If pavement edges have been severely eroded and the concrete has not set, the edges shall be repaired by setting side forms and replacing eroded concrete. After the side forms are set, fresh concrete shall be placed and finished prior to texturing and curing. After the pavement has hardened, remedial work shall not be permitted until after the curing period has terminated.

7. Curing for rigid pavements shall be as follows:

a. After finishing operations have been completed and immediately after the free water has left the surface, the surface of the slab and, for slipformed pavements, the sides of the slab shall be coated and sealed with a uniform layer of membrane curing compound applied at the rate of not less than one gallon per 200 square feet of surface. When the forms are removed, curing compound shall be applied to the sides of the slab. Areas in which the curing membrane is damaged within a period of three days shall be re-sprayed with curing compound.

b. Curing compound may be omitted when, in conjunction with protection of pavement from inclement weather, a polyethylene film or other acceptable material is applied over the pavement and maintained intact for three days.

c. Rigid concrete pavement with excessive, uncontrolled cracks will not be accepted. Shrinkage cracks must be avoided. Uncontrolled cracks 1/8 inch or larger in width shall be repaired. One of the following repair methods shall be used:

i. Removal and replacement;

ii. Widen with power router and fill with an approved joint sealant; or

iii. Epoxy grout injection.

d. The County Engineer shall determine which cracks are to be repaired and the method to be used.

8. Joints in rigid pavements shall be as follows:

a. Transverse and longitudinal joints shall be constructed to a maximum spacing of 15 feet. Transverse joints shall extend the entire width of the pavement and through the curbs. Joints must be sawed after the concrete has hardened and conform to the standard detail within the Standard Indexes.

b. Sawing of joints shall begin four to six hours after placing or as soon as the concrete has hardened sufficiently to permit sawing without excessive raveling and before uncontrolled cracking occurs. If necessary, the sawing operations shall be carried on both day and night, regardless of weather conditions.

c. Longitudinal joints may be construction joints at the County Engineer's option. Transverse construction joints shall be installed whenever the placing of concrete is suspended a sufficient length of time for the concrete to begin to harden.

d. Joints shall be sealed, if required, before the pavement is exposed to traffic, including construction traffic. Prior to sealing, all foreign material shall be removed from the joints and the joints shall be thoroughly dry.

9. Final acceptance for rigid pavements shall be as follows:

a. Before the pavement will be considered for acceptance all items shall be complete in accordance with the construction plans and these Regulations. Equipment, surplus materials, and construction debris shall be removed from the project.

b. The pavement shall be closed to traffic after the concrete is placed until it reaches a compressive strength of 2500 psi under ordinary field conditions. This does not include the sawing and sealing equipment or other light miscellaneous equipment.

c. Concrete pavement shall have a 28 day compressive strength of 3000 psi. Portland Cement Concrete control for slump testing and concrete cylinder samples and testing is required and shall be in accordance with AASHTO and ASTM Specifications. Test reports shall be submitted to the County Engineer by the engineer of record for review.

Section A209 Culverts and Storm Sewers

This Section applies to furnishing and installing culverts and storm sewers with appurtenances in conformance with the specifications hereinafter described and of the sizes and dimensions shown on the plans. Only concrete pipe shall be permitted under road pavement.

A. ***Pipe*** ***(Rev. 10/07/09 - Ord. 09-061)***

1. Concrete pipe shall meet the following requirements**:**

a. Concrete pipe shall be of first quality, conforming to ASTM C-76 for round pipe and ASTM C-507 for elliptical pipe. The size and class shall be as shown on the plans. Joints for all round pipe shall be sealed by the use of round rubber gaskets and shall conform to the applicable provisions of ASTM C-361.

b. Joints for elliptical pipe may be a tongue and groove type and sealed with a preformed gasket material (Ram-Nek or equal). The preformed gasket shall be applied to form a continuous gasket around the leading edges of both the primed tongue and groove in a manner that when the pipes are joined, the entire annular space will be filled with gasket material and there will be evidence of squeeze out of gasket material for the entire internal and external circumference of the joint.

c. Elliptical concrete pipe joints shall be wrapped with filter fabric conforming to Section A103-A11. Filter fabric material shall extend a minimum of three feet on both sides of the joint and shall overlap a minimum of two feet at the top of the joint.

2. Corrugated metal pipe shall meet the following requirements:

a. Bituminous coated metal pipe shall conform to the current AASHTO Standard Specification M-190. Corrugated aluminum alloy pipe shall conform to the current AASHTO Standard Specification M-196. All

corrugated metal pipe installed shall have a continuous helical lock seam or a continuous welded helical seam. Riveted seam, spot welded seams, or non-helical corrugated metal pipe shall not be installed under this specification. Aluminum culverts can be specified if the soil Ph is between five and one-half and eight and one-half and soil resistivity is 1500 ohm-cm or greater certified by a licensed geotechnical engineer. If soils fall outside of these ranges, prior approval of storm drainage materials shall be obtained from the County Engineer.

b. The ends of all corrugated metal pipe shall be recorrugated and the pipe supplied with a metal banding system. The metal band system shall have a minimum width of one foot and a rubber gasket or approved equal, which shall fit snugly in the space between the recorrugated end and metal band.

c. The jointing system shall prevent soil infiltrating into the pipe. All joints under and within six feet of the edge of a pavement shall be wrapped with filter fabrics. The material shall extend a minimum of three feet on both sides of the joint and shall have an overlap of two feet on the top of the joint.

d. Banding of the filter fabric may be required at the discretion of the County Engineer.

e. Corrugated steel pipe and corrugated aluminum pipe shall conform to the minimum gages of metal set forth in the attached schedule. All accessories and hardware shall conform to Section 430 of the FDOT Standard Specifications.

f. Alternative storm sewer materials may be utilized, such as aluminized steel per Section 943 of the FDOT Standard Specifications, Polyvinyl Chloride (PVC) in accordance with ASTM F-949 and Section 948-1.7 of the FDOT Standard Specifications or other FDOT approved materials.

3. All pipe shall be carefully laid, true to the lines and grades as shown on the plans. All pipe shall be laid "in the dry" unless specifically authorized otherwise by the County Engineer.

a. Concrete pipe shall meet the following requirements:

i. The joint shall be thoroughly lubricated and assembled according to the manufacturer's recommendations so that the maximum width of the joint opening shall not exceed the standards as set forth in FDOT 430-7.2.

ii. If, while making the joint, the gasket comes loose and can be seen through the exterior joint recess when joint is pulled up within one inch of closure, the dry pipe shall be removed and the joint remade.

b. Trenching shall conform to the latest OSHA requirements.

c. The metal band shall be drawn together in conformance with the manufacturer's specification. The rubber gasket shall be uniformly compressed around the circumference of the pipe. Re-corrugated ends and bands damaged shall be rejected and removed from the construction site.

d. Pipe inlet/manhole joints shall conform to the following:

i. The joints of pipe and inlet/manhole shall be carefully cleaned and completely filled with non-shrink mortar applied and cured in accordance with the manufacturer's recommendations. An asphaltic mastic material shall be applied 12 inches in width from the joint around the exterior of the pipe and on the exterior wall of the inlet/manhole. A continuous 24 inch width of filter fabric shall be wrapped around each joint and shall have an overlap of two feet on the top of the pipe-inlet/manhole joint.

ii. The filter fabric shall be thoroughly bonded to the asphaltic mastic material. Filter fabric shall conform to Section A211.

iii. All pipe shall be carefully laid, true to the lines and grades as shown on the plans. All pipe shall be laid "in the dry" unless specifically authorized otherwise by the County Engineer.

e. Backfilling shall conform to the following:

i. Backfilling shall progress as rapidly as the construction and testing of the work will permit. All backfill material shall be suitable and free of deleterious material. The initial backfill shall be carefully deposited on both sides of the pipe at the same time and uniformly compacted around the barrel of the pipe until enough has been placed to provide a cover of one foot above the crown of the pipe. In no case shall backfill material be placed in the trench in a manner that will cause shock to or unequal pressure on the pipe. The backfill shall be placed and compacted to 100 percent of maximum density as determined by AASHTO T-99 to the bottom of the stabilized subgrade and 98 percent of T-180 for the stabilized subgrade and base under and within six feet of the traveled way and under other existing hard surfaced or previously compacted areas. In all areas except for those stated, compaction must equal a firmness approximately equal to that of the soil adjacent, or as directed by the County Engineer.

ii. Flowable fill is an acceptable method.

iii. Under no condition is construction debris or concrete, to be included with the backfill.

f. Where the nature of the foundation materials is of poor supporting value, the foundation material shall be replaced with sand or other material, or as approved by the County Engineer. The foundation material shall be consolidated by mechanical methods to specified densities.

g. Tests shall be performed in accordance with the following:

i. Compaction tests shall be in accordance with Section 125-8 of the FDOT Standard Specifications for Road and Bridge Construction, latest edition. The County Engineer may determine that more compaction tests are required to certify the installation depending on field conditions. The locations of compaction tests within the trench shall be in conformance with the following schedule:

(a) One test at 6" intervals from the bottom of the pipe to an elevation one foot above the crown of the pipe (contractor may use 12" lifts if densities can be obtained in 12" lifts);

(b) One test for each one foot of backfill placed one foot above the crown of the pipe to subgrade elevation; and,

(c) Cross drain culverts shall have a minimum of two density tests per lift.

ii. All pipe runs shall be video recorded by a remote camera in the presence of a County representative. The video shall be provided to the County Engineer in DVD format with a narrative for each pipe run.

4. A pipe certification shall be submitted to the County Engineer for all pipe furnished or as approved by the County Engineer. The certification shall be signed and sealed by a registered professional engineer for the State of Florida. The certification shall state that the pipe installed and materials supplied comply with all applicable specifications contained herein. The substitution of corrugated metal pipe for concrete pipe or concrete pipe for corrugated metal pipe requires the written authorization of the County Engineer.

Section A210 Inlets and Manholes

This Section applies to the construction inlets and manholes. These structures shall be constructed of either clay brick, Portland Cement concrete and reinforcing steel with the necessary metal frames and

gratings and shall be constructed in conformity with the detailed plans and in accordance with these specifications.

A. ***Materials***

1. Concrete shall have a minimum compressive strength of 3000 psi at 28 days. The mortar for masonry shall be of Portland Cement and sand mixed in the proportions of one part cement to three parts of sand.

2. At the option of the contractor, high early strength cement may be used.

B. ***Forms***

Forms shall be built true to line and grade, braced in a substantial and unyielding manner and so designed and constructed that they may be removed without injury to the concrete.

C. ***Placing and Curing Concrete***

The concrete shall be placed in the form to the depth shown on the plans and thoroughly tamped and spaded. After the concrete has hardened sufficiently, it shall be covered with suitable material and kept moist for a period of three days or longer, if necessary, and shall be protected in a satisfactory manner from the elements until thoroughly cured.

D. ***Masonry Construction***

All clay brick used shall conform to the current ASTM Designation C-55 Grade P-11. All masonry construction of inlets and manholes will be of cylindrical shape.

E. ***Pre-Cast Inlets and Manholes***

Pre-Cast manholes, inlets and junction boxes shall be in accordance with FDOT Standard Specifications.

F. ***Placing Pipes***

The inlet and outlet pipes shall be flush with the inside face of the wall. The joints of pipe and inlet/manhole shall be carefully cleaned and completely filled with nonshrink mortar applied and cured in accordance with the manufacturer's recommendations. An asphaltic mastic material shall be applied 12 inches in width from the joint around the exterior of the pipe and on the exterior wall of the inlet/manhole. A continuous 24 inch width of filter fabric shall be wrapped around each pipe-inlet/manhole joint and shall have an overlap of two feet on the top of the pipe-inlet/manhole joint. The filter fabric shall be thoroughly bonded to the asphaltic mastic material. Filter fabric shall conform to Section A211.

G. ***Flow Channels***

A flow channel shall be formed in the invert of all inlets, manholes and junction boxes and shall extend to the spring line of the pipe.

Section A211 Underdrains

This Section applies to the construction of underdrains.

A. ***Pipe Diameter***

Underdrain pipe shall have a minimum diameter of six inches, unless otherwise approved by the County Engineer.

B. ***Excavation Trench***

1. The trench shall be excavated carefully, to such depth as is required to permit the pipe to be laid to the grade desired, and to the dimensions shown in the plans.

2. The underdrain trench shall be constructed in a dry condition. This shall be accomplished by the use of a well point system or other positive dewatering method.

C. ***Placing the Filter Fabric***

After the trench has been excavated, the filter fabric shall be rolled out over the trench and walked into the trench. Care shall be taken to prevent the excavated material from entering the trench after the fabric has been installed.

D. ***Laying the Pipe***

1. After the filter fabric has been placed in the trench, approximately three inches of filter aggregate shall be placed in the trench.

2. The pipe shall be bedded firmly in the filter aggregate to the correct line and grade. The upper end of the run of pipe shall terminate at a drainage structure or underdrain clean-out to prevent any filter aggregate from entering the pipe.

3. All lateral connections to underdrains shall be made at approved drainage structures. Cleanouts or approved drainage structures shall be located along all underdrain systems. The maximum spacing of cleanouts or structures shall be 350 feet.

E. ***Placing and Compacting Filter Aggregate***

After the pipe has been laid to grade, the pipe shall be firmly held in place by mechanical means while the filter aggregate is placed to a maximum height of five inches plus one inch

(compacted) above the top of the pipe. After the first lift is placed and compacted to the satisfaction of the County Engineer, the remainder of the filter aggregate shall be placed. The excavation of the trench, the placement of the filter fabric, the installation of the pipe and the placement and compaction of the first lift of filter aggregate shall be accomplished in a single continuous operation. Special care shall be taken to avoid displacement or damage to the pipe or filter fabric.

F. ***Backfill Above Filter Aggregate***

After the filter aggregate has been placed 12 inches above the pipe the filter fabric shall be lapped the full width of the trench from both sides. The portion of the trench above the filter aggregate shall be filled with fine filter aggregate which shall be placed and tamped in layers not thicker than 12 inches to the existing grade.

G. ***Certification***

Upon completion of the project, the engineer of record shall provide to the County Engineer, a certification that all materials installed and construction on the underdrain system complies with the approved design or approved design with defined exception.

H. ***Acceptance of Underdrains***

The County Engineer may require a video inspection of underdrain systems and correction of any deficiencies before approval.

Section A212 Sidewalks and Concrete Curb

This Section applies to the construction of curb, curb and gutter, valley gutter, or sidewalks of Portland Cement Concrete. Such work shall be constructed in accordance with these specifications and in conformity with the lines, grades, dimensions, and notes shown on the plans. Should the contractor so elect, he may use a curb machine.

A. ***Materials***

Unless otherwise shown on the plans, concrete shall be Class I.

B. ***Forms***

1. Forms for this work shall be made of either wood or metal. They shall be straight, free from warp or bends, and of sufficient strength, when staked, to resist the pressure of the concrete without springing.

2. Forms shall have a depth equal to the plan dimensions for the depth of the concrete being deposited against them.

C. ***Construction Methods***

1. Excavation shall be made to the required depth and the subgrade or base upon which the curb, curb and gutter, valley gutter, and sidewalks are to be set shall be compacted as specified.

2. The concrete shall be placed in the forms to the depth specified and tamped and spaded until mortar entirely covers its surface. The top of the curb or gutter shall be floated smooth and the edges rounded to the radius shown on the plans.

D. ***Joints***

1. Where metal templates are used for joint construction, the curb and curb and gutter shall be constructed in uniform sections ten feet in length, except where shorter sections are necessary for closures, but no section shall be less than four feet.

2. At the option of the contractor, the sections may be formed by the use of dummy joints (either formed or sawed) or by the use of sheet metal templates. If sheet metal templates are used, they shall be of the dimensions and shall be set to the lines shown on the plans. The templates shall be held firmly during the placing of the concrete and shall be left in place until the concrete has set sufficiently to hold its shape, but shall be removed while the forms are still in place.

3. Dummy joints shall be spaced at intervals of ten feet for curb and intervals of five feet for sidewalks. They shall be 1/4 the depth of the concrete. Expansion joints shall be placed in sidewalks at a maximum of 30 feet at driveways, sidewalk intersection, all inlets, all radius points, all points where operations cease for any considerable time (such as the end of the day's run).

E. ***Finishing***

1. The gutter or flow-line section or curb shall be tested with a straight of ten feet edge laid parallel to the centerline of the road and while the concrete is still plastic. Irregularities in excess of 1/4 inch shall be immediately removed.

2. Repair of minor defects shall meet the following requirements:

   a. The forms shall be removed within 24 hours after the concrete has been placed, and minor defects then filled with mortar composed of one part Portland Cement and two parts fine aggregate.

   b. Plastering will not be permitted on the face of the curb, and any rejected curb, curb and gutter, or valley gutter shall be removed and replaced.

3. The top of the curb and the face from the top to eight inches below, shall be given a surface finish while the concrete is still green. In general, only a brush finish will be required.

F. ***Curing***

All curbs shall be covered with suitable material and kept moist for a period of three days, or longer if necessary, and shall be protected in a satisfactory manner from damage by the elements or other causes until acceptance of the work. If curing compound is used, moistening is not required.

G. ***Backfilling and Compaction***

1. After the concrete has set sufficiently, but not later than three days after pouring, the spaces in front and back of the curb shall be refilled to the required elevation with suitable material, which shall be placed and thoroughly compacted in layers not thicker than six inches.

2. Where bases are to be constructed adjacent to the curb, the concrete shall be properly backfilled and shall set for a period of not less than three days before any base material is placed against it.

H. ***Requirements for Machine-Laying***

As a specified requirement for machine-laid curb and gutter, contraction joints shall be sawed unless an alternate method of constructing them is approved in advance. Joints shall be provided at intervals of ten feet, except where shorter intervals are required for closure, but no joints shall be sawed or constructed at intervals of less than four feet.

Section A213 Seeding and Mulching

This Section applies to the seeding and mulching of road shoulders, ditches, embankments, and other areas left barren by construction to establish a dense stand of grass.

A. ***Materials***

The grass seed shall be common Bermuda and Bahia. In addition, brown top millet will be included during summer months and annual rye in the winter months. The mulch shall consist of thoroughly shredded straw or hay. All seed shall meet the requirements of the State Department of Agriculture. The chemical composition of the fertilizer shall be 12-8-8 or other chemical composition specified in the plans.

B. ***Construction Methods***

1. Construction methods shall be in accordance with the FDOT Standard Specifications, except as noted herein.

2. Seed will be applied at not less than the following rate:

Permanent type:	100 lbs. per acre
Quick growing type:	30 lbs. per acre

3. Fertilizer shall be applied at the rate of 500 lbs. per acre.

4. A hydro-mulch process meeting the application rates provided above may be used.

C. ***Sodding***

Sodding shall be in accordance with the FDOT Standard Specifications. Sod destroyed by construction will be replaced with existing type of grass.

Section A214 Traffic Control

All projects and work on existing roads shall have a traffic control plan. Traffic control or maintenance of traffic plan shall be submitted for County review, prior to the pre-construction meeting. All work shall be executed under the established plan and department-approved procedures, and conform to the Manual of Uniform Traffic Control Devices adopted by FDOT.

A. ***Pavement Markings***

This Section applies to the installation of pavement markings as shown on the plans in accordance with these specifications.

B. ***Materials***

All paint, reflective pavement markers, and glass spheres shall conform to FDOT Standard Specifications.

C. ***Installation***

Painted traffic markings, reflective pavement markers, and thermoplastic traffic markings shall be installed in conformance with FDOT Standard Specifications. Thermoplastic traffic markings shall not be applied to asphalt pavements within 30 days of the placement of the asphalt pavement.

Section A215 Restoration of Existing Right-of-Way

Restoration of existing right-of-way disturbed by the installation of utilities or adjacent construction projects shall be in conformance with the special conditions of the permit and this Section.

A. ***Traffic Control***

Traffic control shall be in conformance with the Manual on Uniform Traffic Control Devices and the FDOT Road and Traffic Design Standards.

B. ***Excavation***

Excavation shall be in accordance with Section A203.

C. ***Utility Foundations***

Where the nature of the foundation materials is of poor supporting value, the foundation material shall be replaced with sand or other material, or as approved by the County Engineer. The foundation material shall be consolidated by mechanical methods to specified densities.

D. ***Backfill and Compaction to Sub-Grade or Existing Ground***

Backfilling shall progress as rapidly as the construction and testing of the work will permit. All backfill material shall be suitable and free of deleterious material. The initial backfill shall be carefully deposited on both sides of the utility at the same time and uniformly compacted around the utility until enough has been placed to provide a cover of one foot above the utility, at which time a density test shall be conducted. Material shall then be placed and compacted in one foot lifts above the utility. In no case shall backfill material be placed in the trench in a manner that will cause shock to, or unequal pressure on, the utility. Under no conditions is construction debris or concrete to be included with the backfill.

E. ***Compaction*** ***(Rev. 10/07/09 - Ord. 09-061)***

1. Compaction density testing shall begin as stated above, and shall be tested for each one foot increment, above that point. The last test shall be taken at existing ground level, or top of the subgrade/subbase, whichever applies.

2. Testing shall conform to the following:

    a. Under and within six feet of the traveled way and under other existing hard surfaced or previously compacted areas. Compaction must equal 100 percent of maximum density as determined by AASHTO T-99 to the bottom of the stabilized subgrade and 98 percent of maximum density as determined by AASHTO T-180 for the stabilized subgrade and base.

b. In all areas except for the above, compaction must be equal to a firmness approximately equal to that of the soil adjacent.

3. Density tests for determination of the specific backfill, base or compaction shall be under the direction of an engineer licensed in the State of Florida at the expense of the permittee, and reports submitted to the County Engineer.

4. Flowable fill is an acceptable backfill.

F. ***Base and Pavement Restoration***

1. Pavement or road surfaces cut or damaged shall be replaced with the same type material that existed at the time of removal, or as approved by the County Engineer, to like or better condition than existing prior to the construction.

2. Where existing pavement is to be removed, the surface shall be mechanical saw cut prior to trench excavation, leaving a uniform and straight edge, with minimum disturbance to the remaining adjacent surfacing.

3. The base, during open cut restoration, shall be brought up to the grade of the existing pavement, and shall consist of a minimum thickness of eight inches of 3000 psi high early strength concrete.

4. The minimum width of the concrete shall be 12 inches each side of the open cut in addition to the width of the open cut as shown on the Standard Road Open Cut Detail.

5. In advance of pouring the concrete base, during final restoration, the existing asphalt surface shall be mechanically sawed straight and clean.

6. Immediately following the specified backfilling, compaction, testing and base construction, the final surface restoration shall be commenced in accordance with the applicable detail, and as approved on the permit. Asphalt material shall be replaced with the same type of material that existed at the time of removal and shall be a minimum of one inch thick, or as approved by the County Engineer.

G. ***Unpaved Road Restoration***

The top 12 inches of the excavation shall be stabilized with a mixture of clay and sand to a condition equal to or better than existing surface. Compaction density of this layer shall equal 98 percent of maximum density as determined by AASHTO Specification T-180.

H. ***Seeding and Mulching***

Seeding and mulching shall be in accordance with Section A213 of these specifications.

Section A216 Utility Appurtenances in Roadways ***(Added 10/07/09 - Ord. 09-061; 10/12/05 - Ord. 05-062 as Amended 2/22/06 by Ord. 06-11)***

A. ***Location***

A pressurized pipe such as sanitary force main, gas pipe, storm water force main, reclaimed water main, and potable water main, except for a pipe that is four inches in diameter or less, shall be constructed outside of roadway pavement a minimum setback distance of six (6) feet from the outside edge of the travel lane or four (4) feet from outside face of curb in a roadway with a curb and gutter, to closest outside face of the utility pipeline. Utility access panels shall be placed outside of roadway pavement at a minimum distance of six feet from the outside edge of roadway travel lanes or accessory lane, and driveways.

If placement of a pressure pipe does not meet the setback requirement and is not installed under roadway travel lanes (or curb and gutter if applicable), the pipeline excavation, and backfill in six inches lifts shall be in accordance with subsections 125-4 and 125-8 of the latest edition of Florida Department of Transportation Standard Specifications for Road and Bridge Construction, Section 125 Excavation for Structures and Pipe.

A pressure pipe that is proposed under a roadway pavement (or curb and gutter if applicable) shall be evaluated and approved/denied by the utility purveyor on a case-by-case basis, with the approval of the County Engineer. The pressure pipeline backfill and compaction tests shall be at six inches lift. The pipeline excavation and backfill under a proposed roadway shall also be in accordance with subsections 125-4 and 125-8 of the latest edition of Florida Department of Transportation Standard Specifications for Road and Bridge Construction. In all cases, any pressure and gravity pipe approved for construction under a roadway shall be constructed at least 36 inches below the bottom of the road base. A pressure pipeline proposed under and across an existing roadway pavement shall be installed by directional bore or jack and bore in accordance with applicable latest edition of FDOT Section 555 or Section 556.

B. ***Backfill for Structures and Tests*** ***(Rev. 10/07/09 - Ord. 09-061)***

Backfill placed under and around a structure such as a utility manhole or a drainage inlet located within the right of way of an existing or proposed road shall be compacted and tests performed under and on at least two opposite sides of the structure, and on at least one side for every curb inlet. One compaction test shall be taken directly under the structure and all side tests shall be taken at a minimum vertical frequency of every 12 inches. Compaction test report certified by a licensed geotechnical engineer must be submitted to the County Engineer within two weeks of the test performed and prior to placement of roadway paving

structural courses if pipe work and backfill are performed within the right of way of an existing or proposed road.

Compaction tests shall also be performed for backfill for each facility or utility structure including manholes and drainage inlets, within a proposed roadway or improvement to existing roadway such as acceleration and deceleration lanes.

Backfill placed under and within six feet of the edge of a road travel or accessory lane and under other existing paved surface or previously compacted areas shall be placed and compacted to 100 percent of maximum density as determined by AASHTO T-99 to the bottom of the stabilized subgrade and 98 percent of AASHTO T-180 for the stabilized subgrade and base. Compaction of backfill in other locations shall be in accordance with Section A203, Appendix A.

C. ***Finished Grade Requirements*** ***(Rev. 10/07/09 - Ord. 09-061)***

Appurtenances for storm sewer, sanitary sewer, water and other utility system, such as manhole covers, valve box covers, etc., which are located within an existing or proposed pavement such as a roadway or sidewalk shall be at grade with the final pavement surface. Acceptable tolerance shall be 3/8 inch. A deficiency found shall be corrected either by adjusting the appurtenance or the placement of asphalt in an asphalt roadway for a length extending from the appurtenance at a slope of 50:1; or in a manner recommended by engineer of record and approved by the County Engineer.

Section A301 Commercial, Industrial and Multi-Family *(Revised 10/07/09 - Ord. 09-061)*

This section is provided to establish minimum standards to be used designing and constructing non-residential horizontal infrastructure, specifically regarding transportation and drainage features of the development.

Section A302 Purpose and Intent *(Rev. 10/07/09 - Ord. 09-061)*

This Section establishes the minimum engineering design standards applicable to all Commercial, Industrial and Multi-Family developments. The standards are intended to promote the public health, safety and welfare by ensuring the improvements are designed to adequately provide for transportation and drainage features of the development.

Section A303 Drainage Design Requirements *(Rev. 10/07/09 - Ord. 09-061)*

The storm sewer design shall follow the requirements of Section A102 of this Appendix. However, the Engineer of Record may use other design storms and materials for those facilities on site as deemed appropriate for the level of risk acceptable to the developer and approved by the County Engineer.

Section A304 Road and Parking Area Design Requirements *(Rev. 10/07/09 - Ord. 09-061)*

The road design for local and collector roads within non-residential developments that serve as access to parking areas and driveway aisles shall be in accordance with Section A103 of this Appendix. Those service roads, parking areas and driveway aisles that will not be dedicated to Polk County, and are required to be paved in accordance with Section 709, shall be designed according to the following criteria.

A. ***Stabilized Subgrade*** ***(Rev. 10/07/09 - Ord. 09-061)***

All road subgrade, where applicable, shall be stabilized to the required depth and required bearing value as shown on the approved plans. The Engineer of Record shall determine the depth required to meet the structural number of the pavement design.

B. ***Base Course (Rev. 10/07/09 - Ord. 09-061)***

The base course shall be compacted to the depth and bearing value shown on the approved plans. The Engineer of Record shall determine the depth required to meet the structural number of the pavement design.

C. ***Surface Course*** ***(Rev. 10/07/09 - Ord. 09-061)***

1. Any asphaltic concrete surface course meeting the requirements of Section A207 of this Appendix, or as approved by the County Engineer, will be permitted. Minimum thickness for all asphaltic surface courses shall be one inch with construction tolerance of 0.25 inch. The maximum content of recycled asphalt pavement (RAP) in the mix shall be 40% by weight.

2. Other alternative pavements may be utilized as a surface course conforming to the manufacturer specifications as approved by the County Engineer.

D. ***Flexible Pavement Road Design*** ***(Rev. 10/07/09 - Ord. 09-061)***

Typical Pavement Sections shall be determined by the structural number criterion. The minimum structure number shall be 1.58 as determined by layer coefficients shown in Table A7.

E. ***Rigid Pavement Design*** ***(Rev. 10/07/09 - Ord. 09-061)***

Portland cement concrete pavement, designed in accordance with the requirements of the American Concrete Paving Association Guide Specifications and Design Standards, contained in the "Municipal Concrete Paving Manual," or an equivalent specification may be approved by the County Engineer for construction.

Section A401 Site Construction Standards for Non-Residential Development *(Rev. 10/07/09 - Ord. 09-061)*

This Section establishes the minimum requirements for acceptable construction practices to be used on non-residential development projects throughout the County. The standards of the following sections are intended to promote the health, safety and welfare by providing a level of workmanship which is safe and durable.

Section A402 Clearing and Grubbing *(Rev. 10/07/09 - Ord. 09-061)*

Clearing and grubbing shall consist of the removal and disposal of all timber, brush, stumps, roots, grass, weeds, sawdust, rubbish, and all other deleterious material resting on or protruding through the surface and one foot below of the areas to be cleared. Areas outside of the pavement and building areas may be left in a natural state or partially cleared when appropriate.

Section A403 Excavation *(Rev. 10/07/09 - Ord. 09-061)*

This Section applies to excavation and embankment required for roads, ditches, channel changes and other works. Unless otherwise provided, this Section shall include all excavation, shaping, filling, sloping and finishing necessary for the construction, preparation, and the completion of all embankments, subgrades, shoulders, ditches, slopes, and other works, all in accordance with the required alignment, grade, and cross sections shown on the plans.

A. ***Requirements*** ***(Rev. 10/07/09 - Ord. 09-061)***

1. While the excavation is being done and until the work is finally accepted, the contractor shall take the necessary steps to protect the work to prevent loss of material from the construction area due to the action of wind or water. During construction, the area shall be maintained in such condition that it will not constitute a hazard and will be well drained at all times.

    a. Where muck, rock, clay, phosphate slimes or other material is encountered within the limits of the construction area, those areas shall be removed.

    b. The placing of embankments shall conform to the following:

    Embankments shall be constructed true to lines, grades and cross sections shown on the plans, within a 0.1 foot tolerance, unless otherwise specified on the approved plans.

    c. Shoulders, ditches and slopes shall conform to the following:

    When the work includes surfacing or paving, the earthwork, including the slopes and all drainage structures shall be substantially completed before the construction of the base course and pavement is started.

Section A404 Culverts and Storm Sewers ***(Rev. 10/07/09 - Ord. 09-061)***

Culverts and storm sewers shall meet the requirements of the drainage design and shall consist of materials specified on the approved plans by the Engineer of Record.

Section A405 Inlets and Manholes ***(Rev. 10/07/09 - Ord. 09-061)***

Inlets and manholes shall meet the requirements of the drainage design and shall consist of materials specified on the plans by the Engineer of Record.

Section A406 Inspection, Testing and Certification Requirements ***(Rev. 10/07/09 - Ord. 09-061)***

A. ***Pre-Construction Meeting (Rev. 10/07/09 - Ord. 09-061)***

Once the Construction Plans have been approved, the Land Development Division shall be notified in writing at least five days in advance of the start of construction to schedule a Pre-Construction meeting. The Pre-Construction meeting shall include the assigned Polk County Inspectors, the Contractor, the Engineer of Record (or his/her representative), and any utility providers to discuss construction issues and project schedules.

B. ***Inspection and Testing (Rev. 10/07/09 - Ord. 09-061)***

The Inspector shall inspect and monitor the construction to ensure compliance with the approved plans and National Pollution Discharge Elimination System (NPDES) requirements. The Inspector shall be notified at least 24 hours before clearing and grubbing, installation of silt fence, and any testing of materials. In the event the Inspector cannot be on site due to scheduling conflicts, a field copy of the test shall be provided to the Inspector by email, facsimile, or mail. After the project has been completed the Inspector shall be notified and a Pre-Final inspection shall be scheduled. The Inspector shall provide a punch list of items that need to be addressed or are outstanding including the following items.

C. ***Certification (Rev. 10/07/09 - Ord. 09-061)***

1. A Professional Engineer shall provide the County Engineer with two sets of As-Built/Record Drawings prepared by a Surveyor and Mapper licensed in the state of Florida depicting the constructed pavement and stormwater system improvements. The drawings shall show the drainage system with inverts, tops, and all elevations relevant to the design of the stormwater system. It shall also include pond bottom and top elevations and all control elevations of any outfall structures. Spot elevations of the pavement shall be provided to determine flow directions. These drawings shall be signed and sealed by the Professional Surveyor and Mapper and the Professional Engineer shall submit the appropriate form provided by the Land Development Division.

2. A Professional Engineer shall provide a signed and sealed report certifying to the pavement section and the thicknesses of the layers included therein. In addition to this report, the Professional Engineer shall provide copies of material testing and a written record of any approved changes in material or composition of the pavement section differing from the approved plans.

3. Upon completion of the project and receipt of the preceding items, the Inspector will release the project and any Certificate of Occupancy hold that the Land Development Division may have.

APPENDIX B

POLK COUNTY
RECOMMENDED SPECIES LIST

TREE SPECIES (Revised 03/18/09 – Ord. 09-006)

Site Class: H = Hydric, M = Mesic (P/L), Z = Xeric

Proximity to Power lines: A = under 15 feet, B = 15 - 30 feet, C = 30+ feet

Light Requirement: L = Low, M = Medium, H = High

Type: D = Deciduous, E = Evergreen

Use: O = Canopy Tree, U = Understory Tree

Species		Native	Site Class	Light	Type	Crown Spread	Canopy Area	Height	P/L	Use
ACER										
A. rubrum	Red Maple	YES	H - M	H	D	25	491	35 - 50	B	O
BACCHARIS										
B. halimifolia	Groundsel Tree	YES	H - M - Z	H	E	8	50	7 - 12	A	U
BETULA										
B. nigra	River Birch	YES	H	H	D	16	201	45 - 65	B	O
CALLISTEMON										
C. rigidus	Bottlebrush, stiff		H-M	H	E	5	20	8 - 15	A	U
C. viminalis	Bottlebrush, weeping		H	H	E	10	79	15 - 20	A	U
CARPINUS										
C. caroliniana	American Hornbeam	YES	H	M - H	D	12	113	25 - 35		O
CARYA										
C. floridana	Scrub Hickory	YES	Z	M - H	D	12	113	10 - 20	A	U
C. glabra	Pignut Hickory	YES	M	M - H	D	30	707	80 - 100	C	O
C. illinoensis	Pecan		M	H	D	30	707	60 - 100	C	O
C. tomentosa	Mockernut		M	M - H	D	30	707	80 - 100	C	O
CELTIS										
C. laevigata	Sugarberry (Hackberry)	YES	M	H	D	40	1252	40 - 60	B	O
CHIONANTHUS										
C. virginicus	Fringe Tree	YES	M	H - M	D	10	79	15 - 25	A	U
CINNAMOMUM										
C. camphora	Camphor		M	H	E	30	707	40 - 50	C	O
CORNUS										
C. florida	Flowering Dogwood	YES	M	M	D	16	201	20 - 30	B	O
CRATAEGUS										
C. sp.	Hawthorne	YES	M	M - H	D	12	113	15 - 20	A	U
ERIOBOTRYA										
E. japonica	Loquat, Japanese Plum		M	H	E	10	79	15 - 20	A	U
ERAXINUS										

TREE SPECIES (Revised 03/18/09 – Ord. 09-006)

Site Class: H = Hydric, M = Mesic (P/L), Z = Xeric

Proximity to Power lines: A = under 15 feet, B = 15 - 30 feet, C = 30+ feet

Light Requirement: L = Low, M = Medium, H = High

Type: D = Deciduous, E = Evergreen

Use: O = Canopy Tree, U = Understory Tree

Species		Native	Site Class	Light	Type	Crown Spread	Canopy Area	Height	P/L	Use
F. caroliniana	Pop Ash	YES	H	H	D	25	491	40 - 60	B	O
F. pennsylv	Green Ash	YES	H - M	H	D	40	1257	60	C	O
GLEDISTSIA										
G. aquatica	Water Locust	YES	H	M	D	15	177	40 - 60	B	O
GORDONIA										
G. lasianthus	Loblolly Bay	YES	H - M	H	E	16	201	30 - 40	B	O
ILEX										
I. attenuatas	East Palatka Holly	YES			E	16	201	25 - 30	B	O
I. cassine	Dahoon Holly	YES	H - M	M - H	E	16	201	25 - 30	B	U
I. opaca	American Holly	YES	M - Z	M - H	E	16	201	30 - 45	B	O
I. vomitoria	Yaupon Holly	YES	H - M - Z	M - H	E	8	50	15 - 25	A	U
JUNIPERUS										
J. silicicola	Southern Red Cedar	YES	M - Z	H	E	12	113	25 - 30	B	O/U
KOELREUTERIA										
K. elegans (bipinnata)	Golden Rain Tree		M	H	D	20	314	30 - 50	B	O
LAGERSTROEMIA										U
L. indica	Crepe Myrtle		M	H	D	12	113	15 - 25	A	
LIGUSTRUM										
L. japonicum	Wax Leaf Ligustrum		M	M - H	E	6	28	10 - 15	A	U
L. lucidum	Ligustrum Licidum		M - Z	M - H	E	20	314	30 - 35	B	O
LIQUIDAMBAR										
L. styraciflua	Sweet Gum	YES	H - M	H	D	30	707	60 - 100	C	O
L. orientalis	Oriental Sweet Gum		H - M	H	D	35	962	40 - 60	C	O
MAGNOLIA										
M. grandiflor	Southern Magnolia	YES	H - M	M - H	E	25	491	50 - 100	C	O
M. virginiana	Sweet Bay Magnolia	YES	H - M	M - H	E	16	201	30 - 60	B	O
MYRICA										
M. cerifera	Wax Myrtle	YES	H - M	M - H	E	6	28	10 - 18	C	U
NYSSA										
N. sylvatica	Black Gum	YES	H -M	H	D	20	314	50 - 100	C	O

TREE SPECIES (Revised 03/18/09 – Ord. 09-006)

Site Class: H = Hydric, M = Mesic (P/L), Z = Xeric

Proximity to Power lines: A = under 15 feet, B = 15 - 30 feet, C = 30+ feet

Light Requirement: L = Low, M = Medium, H = High

Type: D = Deciduous, E = Evergreen

Use: O = Canopy Tree, U = Understory Tree

SPECIES		NATIVE	SITE CLASS	LIGHT	TYPE	CROWN SPREAD	CANOPY AREA	HEIGHT	P/L	USE
OSMANTHUS										
O. americana	Wild Olive, Devilwood	YES	H - M	H	E	8	50	15 - 30	A	U
O. megacarpa	Scrub Olive	YES	Z	H	E	10	79	12 - 15	A	U
PARKINSONIA										
P. aculeata	Jerusalem Thorn		M	H	D	16	20	20 - 30	A	U
PERSEA										
P. borbornia	Red Bay	YES	H - M	M -H	E	12	113	20 - 60	B	O/U
PINUS										
P. clause	Sand Pine	YES	M - Z	H	E	5	491	60 - 80	B	O
P. elliottii	Slash Pine	YES	H - M	H	E	5	491	80 - 100	B	O
P. elliottii densa	South Florida Slash Pine	YES	H - M - Z	H	E	5	491	80 - 100	B	O
P. palustris	Long Leaf Pine	YES	M - Z	H	E	5	491	80 - 100	B	O
P. taeda	Loblolly Pine	YES	H - M	H	E	5	491	80 - 100	B	O
P. thunbergin	Black Pine		M	H	E	12	113	20 - 30	A	U
PLANTUS										
P. occidental	Sycamore	YES	H - M	H	D	30	707	50 - 80	C	O
PODOCARPUS										
P. macrophyll	Podocarpus		M - Z	H	E	12	113	45	B	O
P. nagi	Podocarpus		M	H	E	12	113	45	B	O
PRUNUS										
P. agustofol	Chickasaw Plum	YES	M - Z	H	D	15	177	15 - 20	A	U
P. carolinian	Cherry Laurel	YES	M	M - H	E	20	314	30 - 40	C	O
P. serotina	Wild Black Cherry	YES	H - M - Z	M	D	20	314	50 - 65	B	O
QUERCUS										
Q. chapmanii	Chapman Oak	YES	M - Z	H	D	20	314	15 - 20	A	U
Q. geminata	Sand Live Oak	YES	M - Z	H	E	12	113	15 - 30	A	U
Q. incana	Blue Jack Oak	YES	M - Z	H	D	20	314	20 - 30	B	O
Q. laevis	Turkey Oak	YES	M - Z	H	D	25	491	40 - 50	C	O
Q. falcata	Southern Red Oak	YES	M	H	D	35	962	80	C	O
Q. phellos	Willow Oak		H - M	H	D	35	962	80	C	O
Q. prinus	Basket Oak	YES	H - M	H	D	35	962	80	C	O
Q. laurifolia	Laurel Oak	YES	M	M - H	Semi - D	35	962	60 - 100	C	O
Q. myrtifolia	Myrtle Oak	YES	M - Z	H	E	10	79	15 - 20	A	U

TREE SPECIES (Revised 03/18/09 – Ord. 09-006)

Site Class: H = Hydric, M = Mesic (P/L), Z = Xeric
Proximity to Power lines: A = under 15 feet, B = 15 - 30 feet, C = 30+ feet
Light Requirement: L = Low, M = Medium, H = High
Type: D = Deciduous, E = Evergreen
Use: O = Canopy Tree, U = Understory Tree

Species		Native	Site Class	Light	Type	Crown Spread	Canopy Area	Height	P/L	Use
Q. nigra	Water Oak	YES	H - M	M - H	Semi - D	30	707	60 - 100	C	O
Q. virginiana	Live Oak	YES	H - M	M - H	E	50	1964	50 - 60	C	O
Q. shumardii	Shumard	YES	M - Z	H	D	40	1256	60	C	O
Q. alba	White Oak		H - M	H	D	35	962	80	C	O
Q. marilandic	Black Jack Oak		Z	H	D	15	177	20	B	U
Q. muhlenber	Pin Oak		H - M	H	D	35	962	90	C	O
Q. stellata	Post Oak	YES	Z	H	D	30	707	70	C	O
TAXODIUM										
T. distichum	Bald Cypress	YES	H - M	H	D	20	314	60 - 100	B	O
TILIA										
T. caroliniana	Carolina Basswood	YES	H - M	M - H	D	25	491	50 - 60	C	O
ULMUS										
U. alata	Winged Elm	YES	M	M - H	D	25	491	20 - 25	B	U
U. americana flordana	Florida Elm	YES	M	H	D	30	707	80 - 100	C	O
U. parvifolia	Drake Elm or Chinese Elm		M	H	Semi - D	30 - 40	982	30 - 40	B	U
VACCINIUM										
V. arboreum	Sparkleberry	YES	M - Z	H	D	12	113	20	A	U
VIBURNUM										
V. nudum	Possum Haw	YES	H - M	H	D	15	177	20	A	U
V. ovobatum	Black Haw	YES	H - M	M -H	E	15	177	20	A	U

SHRUB SPECIES

Soils: H = Hydric M = Mesic Z = Xeric
Period: Sp = Spring S = Summer F = Fall
Height in Feet: 1 - 3 feet/SMALL 4 - 6 feet/MEDIUM 7 feet and up/LARGE

Species		Native	Mature Height	Soils	Period
Abeliag grandiflora	Glossy Abelia		M	M	S
Baccharis halimifolia	Groundsel Tree/Saltbush	YES	L	H - M - Z	F
Befaria racemosa	Tarflower	YES	L	M	S
Bumelia tenax	Silver Buckthorn	YES	L	Z	

SHRUB SPECIES					
Soils: H = Hydric M = Mesic Z = Xeric	Period: Sp = Spring S = Summer F = Fall		Height in Feet: 1 - 3 feet/SMALL 4 - 6 feet/MEDIUM 7 feet and up/LARGE		
SPECIES		NATIVE	MATURE HEIGHT	SOILS	PERIOD
Camellia japonica	Camellia		M	M	
Carrissa g.	Boxwood Beauty		S	M	
Cortaderia selloana	Pampas Grass		L	M	S
Cycas revoluta	King Sago		M	M	
Duranta repens	Golden Dewdrop		L	M	Sp - S
Garberia heterophylla	Garberia	YES	S	Z	F
Gardenia jasminoides	Gardenia		M	H	Sp
Hydrangea macrphylla	Hydrangea		M	M	S
Hypericum hypericoides	St. Andrew's Cross	YES	S	H - M - Z	Sp - S
Hypericum reductum	St. John's Wort	YES	S	M - Z	S - F
Ilex cornuta 'Bufordi'	Buford Holly		L	M	
Ilex cornuta 'Dwarf Bufordi'	Dwarf Buford Holly		M	M	
Ilex cornuta 'Rotunda'	Rotunda Holly		M	M	
Ilex glabra	Gallberry	YES	L	M	Sp
Ilex opaca arenicola	Scrub Holly	YES	L	M - Z	S
Ilex vomitoria 'Nana'	Shillings Holly	YES	S	M	Sp
Ilex vomitoria 'Pendula'	Weeping Yaupon Holly	YES	L	M	S
Illicium anisatum	Japanese Anise		L	M	S
Illicium floridanum	Star Anise	YES	L	H - M	
Illicium parviflorum	Floridia Anise	YES	L	H - M	
Itea virginica	Virginia Willow	YES	M	H - M	
Jasminum natidum	Shining Jasmine		M	M	

SHRUB SPECIES					
Soils: H = Hydric M = Mesic Z = Xeric	Period: Sp = Spring S = Summer F = Fall	Height in Feet: 1 - 3 feet/SMALL 4 - 6 feet/MEDIUM 7 feet and up/LARGE			
SPECIES		NATIVE	MATURE HEIGHT	SOILS	PERIOD
Jasminum pubescens	Downy Jasmine		M	M	
Juniperus 'Pfitzeriana'	Pfitzer Juniper		M	M - Z	
Juniperus conferta 'Compacts'	Dwarf Shore Juniper		S	M - Z	
Juniperus squanta 'Expansa'			S	M - Z	
Leucophyllum frutescens	Texas Sage		M	M	S
Ligustrum japonicum	Ligustrum		L	M	
Lyonia ferruginea	Rusty Lyonia	YES	L	M - Z	S
Lyonia lucida	Shiny Lyonia/Fetterbush	YES	M	M	S
Myrica cerifera	Wax Myrtle	YES	L	H - M	
Persea humilis	Silk Bay	YES	L	M - Z	Sp
Photinia glabra	Red Tip		L	M	Sp - S
Pittosporum tobira	Green Pittosporum		L	M	
Pittosporum tobria 'Compacts'	Compact Pittosporum		M	M	
Pittosporum tobria 'Variegate'	Variegated Pittosporum		M	M	
Raphiolepis idica	India Hawthorn		M	M	Sp
Rhododendron 'Duc de Rohan'	Azalea, 'Duc de Rohan'		M	M	Sp
Rhododendron simsii	Indian Azalea		L	M	Sp - S
Rhododendron serrulatun	Swamp Azalea	YES	M	H - M	S
Serenoa repens	Saw Palmetto	YES	M	M - Z	
Thryallis glalauca	Thryallis, Shower of Gold		M	M	S
Vaccinium darrowi	Little Bluebery	YES	S	M - Z	Sp

SHRUB SPECIES

Soils: H = Hydric M = Mesic Z = Xeric Period: Sp = Spring S = Summer F = Fall Height in Feet: 1 - 3 feet/SMALL 4 - 6 feet/MEDIUM 7 feet and up/LARGE

SPECIES		NATIVE	MATURE HEIGHT	SOILS	PERIOD
Viburnum obovatum	Blackhaw	YES	L	M	
Viburnum oboratissmum	Sweet Viburnum		L	M	
Viburnum suspensum	Sandankwa Viburnum		M	M	
Zamia floridana	Coontie	YES	S	M	

GROUND COVERS AND VINES

Soils: H = Hydric M = Mesic Z = Xeric Flower Season: Sp = Spring S = Summer F = Fall W = Winter Light Intensity: L = Low Light P = Partial Shade F = Full Sun

Species		NATIVE	SOILS	LIGHT INTENSITY	FLOWER COLOR	FLOWER SEASON
Aristida spp	Wiregrass	X	Z	F		
Asparagus sprengeri	Sprengeri Fern		M	P - F		
Bacopa caroliniana	Water Hyssop	X	H	F	Blue	S
Chrysopsis floridana	Florida Astor	X	Z	F	Yellow	S - F
Conradina canascens	Conradina	X	Z	F	Lavender	Sp
Coreopsis leavenworthii	Tickseed		H - M	P - F	Yellow	S
Cuphea hyssopifolia	Florida Heather		M	P - F	White	Sp - S - F
Dychoriste oblongifolia	Twinflower	X	M - Z	P - F		
Gamolepsis chrysanthemoides	Daisy Bush		M	F	Yellow	S
Gelsemium sempervirens	Carolina Yellow Jasmine	X	H - M	L - P - F	Yellow	W
Hemerocallis spp.	Daylily		M	P - F	Varied	S
Hyrdolea corymbosum	Skyflower	X	H - M	L - P - F	Blue	S
Iris savannarum	Prarie Iris	X	H - M	F	Blue	Sp
Juncus effusus	Soft Rush	X	H - M	L - P - F		
Juniperus conferta ‘Compacta’	Dwarft Shore Juniper		M - Z	F		

GROUND COVERS AND VINES						
Soils: H = Hydric M = Mesic Z = Xeric Flower Season: Sp = Spring S = Summer F = Fall W = Winter Light Intensity: L = Low Light P = Partial Shade F = Full Sun						
Species		NATIVE	SOILS	LIGHT INTENSITY	FLOWER COLOR	FLOWER SEASON
Juniperus horizontalis 'Wiltoni'	Blue Rug Juniper		M - Z	F		
Juniperus squamata 'Expansa'	Parsoni Juniper		M - Z	F		
Lantan monetvidensis	Weeping Lantana		M	P - F	Blue	S
Liriope Muscar	Lily Turf		M	L - P		
Liriope Muscari 'Evergreen Giant'	Evergreen Giant Liriope		M	L - P		
Liriope Muscari 'Variegata'	Variegated Lily Turf		M	L - P		
Liriope spicata	Creeping Lily Turf		M	L - P		
Lhicania michauxii	Gopher Apple	X	M - Z	P - F		
Moraea iridioides	White African Iris		M	P - F	White	Sp - S - F
Nolina brittonia	Nolina	X	M - Z	P - F	White	S
Ophiopogon japinicus	Mondo Grass		M	L - P		
Ophiopogon japonicus nana	Dwarf Mondo Grass		M	L - P		
Parthenocissus quinquefolia	Virginia Creeper		M	L - P - F	Red (Foliage)	F
Piloblephis rigida	Pennyroyal	X	M - Z	F	Blue	Sp - S
Pityopis graminifolia	Golden Aster	X	M - Z	F	Yellow	S - F
Pontederia cordata	Pickerel Weed	X	H	P - F	Blue	Sp - S
Portulaca oleracea	Purslane		M	F	Varied	S
Pyschotria nervosa	Wild Coffee	X	M	L - P	White	Sp
Ruellia caroliniensis	Ruellia	X	M - Z	L - P - F	Blue	Sp - S - F
Sisyrinchium atlanticum	Blue-Eyed Grass	X	M	F	Blue	Sp - S
Spartina bakeri	Sand Cord Grass	X	M	F		

GROUND COVERS AND VINES						
Soils: H = Hydric M = Mesic Z = Xeric Flower Season: Sp = Spring S = Summer F = Fall W = Winter Light Intensity: L = Low Light P = Partial Shade F = Full Sun						
Species		NATIVE	SOILS	LIGHT INTENSITY	FLOWER COLOR	FLOWER SEASON
Trachelospermum jasminoides	Confederate Jasmine		M	P - F	White	S
Trachelospermum minima	Dwarf Confederate Jasmine		M	P - F	White	S
Tulbaghia violacea	Society Garlic		M - Z	F	Lavender	Sp - S - F
Vince minor	Periwinkle		M	P - F	Varied	Sp - S
Viola affinia	Florida Violet		H - M	L - P	Blue	Sp
Wedlia trilobata	Wedelia		H - M	L - P - F	Yellow	SP - S
Yucca filamentosa	Bear Grass		M - Z	F		

Planting Material Guidelines

1. ***Recommended Species List***

   A Recommended Species List is provided and includes a list of native species. The use of native plant material is highly encouraged and recommended.

2. ***Prohibited Plant Species***

   The following plant species should not be planted in the County:

   a. Melaleuca quinquenervia (commonly know as Punk tree, Cajeput, Paper Bark, Melaleuca); or

   b. Schinus terebinthifolius (commonly known as Brazilian Pepper or Florida Holly); or

   c. Casuarina species (commonly know as Australian Pine); and

   d. Rhodomyrtus tomentosa (commonly known as Downy Rose Myrtle).

3. ***Planting***

   Trees and other vegetation should be planted in soil and climatic conditions which are appropriate for their growth habits. Plants used in the landscape design pursuant to this Chapter 7 should to the greatest extent possible be:

   a. Appropriate to the conditions in which they are planted;

   b. Have non-invasive growth habits;

   c. Encourage low maintenance, high quality design; and

   d. Be otherwise consistent with the intent of this Code.

4. ***Quality***

   Plant material should conform to the standards for Florida No. 1 or better based on the Florida Department of Agriculture and Consumer Services Publications *Grades & Standards for Nursery Plants, Part I and II*.

5. ***Trees***

   Any required tree planting pursuant to this Code should conform to the Recommended Species list. All tree species, upon planting, should be a minimum of eight feet tall and one and one-half inches diameter at breast height (D.B.H.). At maturity, a tree must reach a minimum height of 25 feet with a minimum spread (or crown) of 15 feet.

6. ***Shrubs***

When used for screening purposes, shrubs should have a minimum height of 30 inches at planting and should be spaced a maximum of 18 to 36 inches on center depending on variety to create a minimum 40 percent opacity at planting, with the capability of attaining a height of six feet and an 80 percent opacity within two years of planting.

7. ***Ground Covers***

Ground covers used in lieu of grass in whole or in part should be planted so as to provide full coverage within one year after planting.

8. ***Mulch***

Mulch should consist of a minimum of three inches of shredded and treated No.1 grade pine, cypress or hardwood chips, nuggets or needles, or two inch rock, marble or brick chips. A pre-emergent herbicide or weed barrier cloth should be incorporated with the soil prior to mulching.

9. ***Grasses***

Grass areas may be sodded, plugged, sprigged, or seeded. Solid sodding should be required in areas subject to erosion (slopes of 6:1 or greater). In areas where grass seed is needed, nurse grass seed (e.g., rye, millet) should also be sown for immediate effect.

10. ***Planter Beds***

Planter beds should be a minimum of five feet in width and should be filled with native topsoil incorporated with organic matter, free of weeds and grasses to promote plant growth. Bare soil should be covered with a minimum of three inches treated mulch after planting to control erosion and retain moisture.

11. ***Installation***

All landscaping should be installed according to sound horticulture practices.

12. ***Non-living Materials***

Non-living materials such as rocks, gravel, mulch, walls or fences, may be used in combination with living plant material. The use of artificial plants should not be permitted to meet requirements of this Code.

APPENDIX C

POLK COUNTY TRAFFIC IMPACT STUDY METHODOLOGY AND PROCEDURES

POLK COUNTY TRAFFIC IMPACT STUDY, METHODOLOGY AND PROCEDURES

A. ***Purpose***

The purpose of a traffic impact study is to identify the potential impacts of new development on the Polk County transportation system and to provide information which will allow a concurrency determination to be made on each impacted segment. The traffic impact study will identify development traffic volumes on each impacted segment, identify those segments on which the adopted Level-of-Service cannot be maintained, include link and intersection analysis, and recommend potential solutions for those segments and intersections on which the adopted Level-of-Service is not being met.

B. ***Intent***

The intent of this document is to define the requirements, procedures and methodology for the submission of a traffic impact study in Polk County and to provide an equitable, consistent and systematic means of determining the future impact of proposed developments while maintaining the adopted service levels on all roadways. Nothing contained in this document shall waive any requirement contained elsewhere in the Polk County Land Development Code.

C. ***Applicability*** ***(Revised 5/20/09 – Ord. 09-023)***

The requirements, procedures and methodology for a traffic impact study contained in this section shall apply to all development approvals in unincorporated Polk County as defined in Section 703 (Site Development Standards) of the Polk County Land Development Code. In all cases, it will be the responsibility of the applicant to demonstrate to the Land Development Division and TPO that a proposed development will not unduly impact the road system.

D. ***Types of Traffic Impact Studies*** ***(Revised 5/20/09 – Ord. 09-023)***

Small projects shall conform to the following:

1. No traffic impact study will be required for developments generating less than or equal to 50 daily trips. Traffic impacts from these developments will be reviewed and assigned by the Land Development Division.

2. The Land Development Division shall make a determination of adequate public transportation facilities.

3. A determination of adequate public transportation will be made for projects which do not access directly onto any segment identified on the Concurrency Determination Network.

4. If the proposed development accesses directly onto a segment identified on the Concurrency Determination Network, a determination of adequate public transportation facilities will be made for the project as long as the segment's Level-of-Service meets the adopted standard as stipulated in the Polk County Comprehensive Plan Traffic Circulation Element.

5. If the Land Development Division determines that the proposed project accesses a segment on the Concurrency Determination Network which does not meet the adopted standard, backlogged, constrained or otherwise, the Land Development Division will notify the applicant that he may undertake a more detailed evaluation of future roadway operating conditions to demonstrate acceptable operating conditions pursuant to Sections Q (Intersection Analysis) and R (Segment Analysis) of Appendix C, or propose roadway improvements to restore the Level-of-Service to acceptable conditions. If the applicant submits a study which demonstrates acceptable operating conditions, the study shall identify the adjusted capacity of the roadway link.

E. ***Minor Traffic Study*** ***(Revised 5/20/09 – Ord. 09-023)***

A Minor Traffic Study shall conform to the following:

1. Developments generating more than 50 and less than or equal to 750 average daily trips will be required to submit a Minor Traffic Study.

2. Four copies of a Minor Traffic Study must be submitted to Polk County Land Development Division.

3. The Minor Traffic Study will include:

   a. A description and location of the project;

   b. Each land use category and number of units from the Trip Rate and Percent New Trips Data Table maintained by Polk County;

   c. An estimate of the number of daily and peak hour trips generated (by direction);

   d. The Generalized Peak Hour/Peak Direction Planning Capacity at the adopted Level-of-Service standard for the Directly Accessed Segment and percent of capacity consumed by the project traffic;

   e. The number of net external peak hour trips that will impact each Directly Accessed Segment for both the peak and off-peak directions (e.g., after internal capture and adjacent street capture is considered); and

f. The analysis of intersections, as necessary and specified by the Land Development Division to ensure acceptable operating conditions at major intersections in the project vicinity.

4. The impact of project traffic on the first directly accessed segment on the Concurrency Determination Network as well as specified intersections, shall be evaluated relative to its adopted Level-of-Service. Additional impacted segments may be added by the TPO when it would be in the best interest of Polk County to do so in order to maintain the adopted Level-of-Service standards. A determination shall be made by the Land Development Division whether or not the road facilities are adequate to maintain adopted service levels upon build-out of the proposed development.

5. If the information submitted pursuant to Section E (Minor Traffic Study) of Appendix C above indicates the Level-of-Service will fall below the adopted standard, then the applicant may undertake a more detailed evaluation of future roadway operating conditions to demonstrate acceptable operating conditions pursuant to Sections Q (Intersection Analysis) and R (Segment Analysis) of Appendix C, or the applicant may propose roadway improvements to restore acceptable conditions.

6. The appeals process for a Minor Traffic Study shall be governed by the procedure set forth in the Concurrency Management Ordinance.

F. ***Major Traffic Study*** ***(Revised 5/20/09 – Ord. 09-023)***

A Major Traffic Study shall conform to the following:

1. A Major Traffic Study shall be required for all developments generating more than 750 average daily trips.

2. The applicant or his engineer is required to participate in a TPO Pre-application Conference to discuss the traffic study requirements, and report outline as it pertains to his specific development prior to conduct of the study. The setting for this TPO Pre-application Conference shall be established by TPO in consultation with the applicant or his engineer (e.g., in person or through other means of communication).

3. Each Major Traffic Study, to be considered complete, must meet the following submission requirements:

   a. Four copies of the completed Major Traffic Study must be submitted to the Polk County Land Development Division.

   b. The format of the Major Traffic Study must follow the outline identified in Section F (Major Traffic Study) of Appendix C.

c. A Major Traffic Study which indicates total daily traffic greater than 1000 trips must be prepared and submitted by a registered professional engineer whose area of practice is transportation engineering, acting as the designated representative of the owner.

4. The TPO shall determine if all required data has been submitted and is sufficient and acceptable. This determination, as well as the determination that additional data is necessary, will be made within ten working days of receipt of the Major Traffic Study. Following this determination, the TPO shall have ten working days to evaluate and determine if roadway capacity is available on each segment as presented in the traffic impact study and prepare a concurrency recommendation.

5. Site access for a proposed development shall be consistent with the requirements of Polk County and other jurisdictions, as applicable. The applicant or his engineer is required to provide a diagram depicting site access at the TPO pre-application conference. This diagram shall provide sufficient detail to adequately depict existing and proposed ingress/egress to the site (pavement width, median cuts, opposite driveway cuts and intersecting streets, acceleration/deceleration lanes, and left turn storage).

6. Figures and maps are to be used to the maximum extent possible. Further definition and clarification of the items listed in Section F6 of Appendix C below may be found in subsequent sections. In order to simplify staff review, each Major Traffic Study will be required to submit an outline in accordance with the following format:

   a. Letter of transmittal

   b. Title page

   c. Table of contents

   d. List of Figures

   e. List of Tables

7. A Major Traffic Study shall consists of the following information:

   a. An introduction which includes description and location of project, current and proposed action , both address and map format, size of the project and summary of methodologies agreed to in the TPO pre-application conference;
   b. Identification of existing conditions for the peak season/peak hour to include existing traffic volumes and roadway characteristics for all segments within the study area; and

c. Identification of future conditions for the peak season/peak hour to include background traffic, project traffic, and total traffic for all segments within the study area. In order to accomplish this, the applicant shall include the following:

i. Trip generation estimates;

ii. Percent new trips and internal capture estimates;

iii. Traffic distribution and assignment methodology;

iv. Area of influence (determination of road segments to be included on study network, based on criteria detailed in the definition of "Impacted Segment" in Chapter 10;

v. Impacted segments traffic volumes (peak and off-peak directions);

vi. Intersection analyses, as required;

vii. Roadway needs (identification of proposed improvements and cost);

viii. Internal site circulation and access needs;

ix. Appendix (as applicable to the specific traffic impact study);

x. Traffic count data;

xi. Trip generation, internal and adjacent street capture worksheets;

xii. Trip distribution and assignment worksheets;

xiii. Intersection capacity analysis worksheets using the 1994 Highway Capacity Manual: Special Report 209 or latest edition;

xiv. Link capacity analyses;

xv. Computerized modeling documentation (if performed); and

xvi. Other analysis worksheets.

G. ***Developments of Regional Impact***

For Developments of Regional Impact or Florida Quality Developments, the analysis required by Polk County for the purposes of determining concurrency and Level-of-Service compliance shall be the methodology agreed on for preparing the application of development approval required by 380.06 (10), Florida Statutes.

H. ***TPO Pre-Application Conference***

A TPO pre-application conference shall conform to the following:

1. The purpose of the mandatory TPO pre-application conference for a major traffic study is to provide guidance and direction to the applicant or its engineer concerning the conduct of the study. For a minor traffic study, the applicant or its representative may request a TPO pre-application conference to discuss submission requirements.

2. The applicant shall submit a completed TPO pre-application conference request form, provided by the TPO, which includes a general description of the proposed development and study methodology to the TPO at least five working days prior to the meeting. The requirement for five days advance notice may be waived at the discretion of the TPO.

3. The following topics will be discussed and approval obtained from the TPO at the TPO pre-application conference, as necessary.

    a. The applicant or his engineer will provide a site access and internal circulation plan, pursuant to Section F (Major Traffic Study) of Appendix C;

    b. A review of the format of a traffic impact study;

    c. The Concurrency Determination Network form will be provided to the applicant or his engineer;

    d. The procedure to determine the project's study network (impacted segment) will be defined;

    e. The availability and use of County data, including traffic count information;

    f. The procedures for traffic counts, the location of current traffic count stations, and the identification of possible additional locations;

    g. The applicability of prior land use credit;

    h. The source of trip generation for project traffic;

    i. A selection of origin-destination survey sites for determination of percent new trips factor;

    j. The traffic distribution and assignment technique;

    k. The justification of an internal capture factor if different than those presented in Section P (Internal Capture) of Appendix C;

l. The methodology and approach for intersection analysis; and

m. The methodology and approach for segment analysis.

4. Failure by the applicant or his engineer to discuss and obtain written resolution to the above topics may result in disapproval of the traffic impact study or a request for additional information.

I. ***Level-of-Service Standards***

Level-of-Service standards shall conform to the following criteria:

1. The Level-of-Service standard used for concurrency determination shall be consistent with the Polk County Traffic Circulation Element.

2. The Level-of-Service of backlogged facilities shall be the Level-of-Service identified, pursuant to Policy 3.204-C1, at the time of their adoption as part of the Traffic Circulation Element of the Polk County Comprehensive Plan. Policy 3.204-C1 shall be applied as the Level-of-Service for deficient facilities.

3. When an intersection analysis is required, the performance standard for the road segment shall govern intersection approaches.

4. A road segment shall be considered deficient under the following conditions:

   a. The road segment is determined to operate below the adopted Level-of-Service as defined in Section I (Level-of-Service Standards) of Appendix C.

   b. An individual signalized intersection is operating at a Level-of-Service "F" and this failing operating condition can only be improved through a major capacity related improvement, i.e., road widening.

J. ***Traffic Impact Area***

The following procedure will be used to determine the extent of the road network to be studied.

1. Traffic attributable to the development will be assigned on all segments on the Concurrency Determination Network that are impacted to a level equal to or greater than the threshold identified in the definition of “Impacted Segment” in Chapter 10 (Definitions).

2. The total site traffic, including traffic from existing development on the site, the specific development for which concurrency approval is being requested, and future phases of development for which approval may be requested will be used to determine impacted segments. When determining impacted segments, prior land use credits will not be used to reduce the total site traffic.

3. Only traffic from the specific development for which concurrency approval is being requested will be placed on the impacted segments defined by Section J (Traffic Impact Area) of Appendix C.

4. Additional impacted segments, over and above those required in the definition of "Impacted Segment" in Chapter 10 (Definitions), may be added to the study network when, as determined by the TPO, it would be in the best interest of Polk County to do so in order to maintain the adopted Level-of-Service standards.

5. When a project's impacts are such that no roadways are impacted at the threshold identified in the definition of "Impacted Segment" in Chapter 10 (Definitions), then the impact of the project traffic on the first directly accessed roadway segments at minimum shall be evaluated for ensuring the maintenance of the adopted Level-of-Service standard on those roadways.

K. ***County Data*** ***(Revised 5/20/09 – Ord. 09-023)***

The Polk County TPO shall maintain and update several types of data. These data are described according to the following:

1. Current traffic count data is not available on a number of the roadways on the Concurrency Determination Network. However, new traffic counts as well as traffic count data from approved traffic impact analyses will be used to update the traffic counts in the concurrency management database on a periodic basis. It will be the responsibility of the applicant or engineer to obtain traffic count data on those links for which data is not currently available, or as specified during the TPO pre-application conference.

2. Polk County shall maintain a trip rate and percent new trips data table for use in traffic impact studies. This table will be updated as necessary with trip rate and percent new trips information from traffic impact studies as approved by the TPO and from information contained in the most current edition of the ITE Trip Generation Manual and other published studies as approved by the TPO.

3. A development size data table will be maintained by Polk County. This table will provide examples of the maximum size of development by land use category for which a minor traffic study is required.

4. A roadway characteristics inventory will be maintained on each segment in the transportation database. The inventory will include road link identification (name of street, state or county road number and termini), existing road and group type, jurisdictional responsibility, performance standard, length, date of traffic count, counted volume, adjusted average daily volume, average peak hour and peak direction volume, vested development volume, existing service volume, future service volume, and the link specific available capacity. This inventory will be updated with new information as approved by the TPO on an annual basis.

5. The Land Development Division shall maintain a file of approved minor traffic studies, major traffic studies and DRI/FQD reports. The County shall provide information and data, when available, in order to prevent duplication of efforts and unnecessary costs. It will be the responsibility of the TPO to approve the use of a prior study.

L. ***Procedures for Traffic Counts***

Traffic count procedures shall conform to the following:

1. The Concurrency Management Database will contain an inventory of all current traffic count locations and the most current peak hour traffic count.

2. The TPO will approve all traffic count data required for a major traffic study.

3. The applicant or engineer may use available traffic count information for all impacted segments from the concurrency management database or other sources for a major traffic study. Generally, existing traffic count information may be used when it is less than or equal to one year old. If traffic count information is unavailable on an impacted segment, the applicant or engineer will be required to make a current traffic count according to the procedures identified in Section L (procedure for traffic counts) of Appendix C.

4. The applicant or his engineer will provide segment traffic counts by direction as required by the TPO. The need for directional counts and count duration will be determined at the TPO pre-application conference. The data will include a summary of traffic volumes by direction in 15 minute increments. The a.m., p.m. and other peak hours should be identified as well as the peak hour to daily traffic ratio and peak hour directional split. All data will be subject to review and acceptance by the TPO.

5. If the traffic count provided by an applicant for a particular road segment varies more than 20 percent from historical traffic count data and trends, the TPO can reject the count and request another count be taken.

6. The applicant or his engineer will provide intersection turning movement counts as required by the TPO. The data will include a summary of traffic volumes in 15 minute increments, with a.m., p.m. and other peak hours being identified. Intersection volumes shall be adjusted to peak season for calculating intersection Level-of-Service. All data will be subject to review and acceptance by the TPO.

M. ***Trip Generation***

Trip generation rates shall conform to the following:

1. Each traffic impact study will list all land uses, applicable ITE land use code, size and if applicable, number of dwelling units.

2. Allowable sources for trip generation rates for each land use are identified as follows:

   a. The trip generation rate for the specific land use as identified in the Polk County Trip Rate and Percent New Trips Data Table;

   b. The trip generation rate from a previously approved Polk County traffic impact study of a similar land use;

   c. The trip generation equations contained in the most current version of the ITE Trip Generation manual as approved for use by the TPO; and

   d. A site specific trip generation study of the same type or similar land use approved by the TPO at the TPO pre-application conference. Such site specific study will be conducted at three separate sites. The methodology for this study shall be governed by currently accepted traffic engineering principles and approved by the TPO.

3. A prior land use trip credit will be allowed if it can be demonstrated that the subject property was used for a specific land use for at least one year during the previous three years from the date of application for concurrency. No prior land use credit will be given if the land use has been inactive for three or more years.

   a. The peak-hour/peak-direction trips associated with the prior use will be calculated based on the trip generation rates identified under Section M (Trip Generation) of Appendix C.

   b. The net peak-hour/peak-direction project trips associated with the project for which concurrency is being requested will be calculated by subtracting the prior use peak-hour/peak-direction trips from the gross peak-hour/peak-direction trips attributed to the project for which concurrency

is being requested (calculated based on the trip generation rates identified under Section M (Trip Generation) of Appendix C.

N. ***Percent New Trips***

The percent new trips shall conform to the following:

1. The percent new trips factor represents the percent by which the trip rate is multiplied in order to obtain only those new trips that are added to the roadway by new development. Thus, those trips going to new development that would have been on the roadway anyway and are included in the trip rate must be deducted from the total trips.

2. Each traffic impact study will list all land uses, applicable ITE land use code, size, and if applicable, number of dwelling units.

3. Allowable sources for the percent new trips factor for each land use are listed below.

   a. The percent new trips factor identified in the Polk County Trip Rate and Percent New Trips Data Table.

   b. Percent new trips factor as derived from published transportation research data, and approved by the TPO.

   c. A site specific origin/destination survey of an identical or similar land use as approved by the TPO. Copies of the original surveys and maps indicating trip ends will be submitted as part of the study. All data will be subject to review and acceptance by the TPO. This review will be based on currently accepted traffic engineering principles.

O. ***Traffic Distribution and Assignment***

The proposed traffic distribution and assignment technique must be presented by the applicant or engineer at the TPO pre-application conference, and reviewed and approved by the TPO. This review will be based on currently accepted traffic engineering/transportation planning principles.

1. The Polk County Standard Transportation Model (micro-Florida Standard Transportation Model Structure—FSUTMS) shall be used to determine a project's trip distribution and assignment when a project's new trips exceed or are equal to 1,000 daily trips. The TPO may require the use of the Polk County Standard Transportation Model for projects with less than 1,000 new daily trips when it is in the best interest of Polk County.

2. A project marketing study will not be accepted as the basis for a traffic analysis as part of a major traffic study.

P. ***Internal Capture***

The internal capture factors shall conform to the following:

1. The use of an internal capture factor will be allowed for certain types and sizes of mixed use developments.

2. The following table identifies the internal capture factors that may be applied to mixed use developments and the corresponding land use percentages.

Table C-1 Internal Capture Factors for Mixed-use Developments

Land Use Combination	Range in Square Feet	Internal Capture Factor
Office/Retail less than 80% each (greater than 20% and land use)	Between 250,000 and 1,000,000	10%
Office/Retail (greater than 20% and less than 80% each land use)	Greater than 1,000,000	15%
Office/Retail/Hotel (greater than 10% and less than 80% each land use)	Between 250,000 and 1,000,000	15%
Office/Retail/Hotel (greater than 10% and less than 80% each land use)	Greater than 1,000,000	20%

3. Requests for use of internal capture factors for other land use combinations and sizes other than those identified above must be submitted along with justification at the TPO pre-application conference. All data will be subject to review and acceptance by the TPO. This review will be based on currently accepted traffic engineering principles.

Q. ***Intersection Analysis***

Intersection analysis shall be performed according to the following:

1. The applicant shall be required to perform intersection analyses where the total traffic consumes 80 percent or more of the peak hour capacity of the approach link, or as otherwise specified by the TPO.

2. The procedure for performing an intersection analysis will be based upon the methodology found in the 1994 Highway Capacity Manual: Special Report 209 or latest edition. Any questions, issues or methodology other than that referenced in the above publication must be submitted at the TPO pre-application conference and will be subject to the review and approval of the TPO.

3. For each intersection at which the total traffic results in a Level-of-Service below the acceptable adopted Level-of-Service, the applicant or engineer will identify improvements to the intersection that will restore the intersection to an acceptable Level-of-Service.

4. The applicant or engineer will be required to provide the following information relative to each intersection analysis:

   a. Printouts and worksheets for all highway capacity analysis performed on the intersections or roadway links;

   b. Copies of any traffic counts performed or used in the analysis, including the source of count data;

   c. Documentation of any assumptions used in the analysis including trip generation data, if not already specified for the analysis;

   d. Turning movement volumes and documentation of methodology used to project existing, prior vested and project traffic; and

   e. Any other applicable data or information.

R. ***Segment Analysis***

Segment analysis shall be performed according to the following:

1. If an impacted segment is operating below the adopted FDOT generalized planning capacity with the inclusion of reserve vested development, a transportation analysis must be performed to determine if the actual roadway segment operating characteristics are such that additional capacity is available.

   a. The applicant or engineer will submit the methodology and approach of each segment analysis at the TPO pre-application conference. The methodology and approach will be subject to review and approval by the TPO. This review will be based on currently accepted traffic engineering principles.

   b. The applicable procedures based on the 1994 Highway Capacity Manual: Special Report 209, or latest edition shall be used to determine the existing Level-of-Service and available capacity for each road segment under review.

The existing signal timings shall be used to determine the existing Level-of-Service capacity. Any proposed changes to the signal timings shall be indicated as recommended improvements.

2. A segment capacity analysis may be performed to review signal spacing and timing, as well as signal coordination. Such segment capacity analysis shall be performed in accordance with accepted traffic engineering principles and techniques using such computer programs as the 1994 Highway Capacity Manual: Special Report 209 or latest edition, Transyt-7F, Passer II, or Passer III.

3. A travel time study may be performed to determine the operating speed and corresponding Level-of-Service at which the roadway is operating. All data and analyses from each travel time study must be submitted as part of the report.

4. Any service volume capacity resulting from a segment analysis which results in a higher capacity than the FDOT Generalized Planning Capacity will be subject to the review and approval by the TPO. Once approved, the TPO will enter the new capacity in the Concurrency Management System.

Appendix D

(Abrogated 01/07/14 – Ord. 14-004)

APPENDIX E

Section E101 Purpose and Intent

A Parcel Specific Future Land Use with conditions (PSLUC) may be established as the result of a comprehensive plan amendment, which has been reviewed and adopted by the Board of County Commissioners. These parcels will be identified on the Future Land Use Map Series (FLUMS) and the Land Development Code Sub-District Map (LDCSDM). Development regulations for a PSLUC are to be applied in conjunction with the requirements of the Polk County Comprehensive Plan and the development regulations contained herein and elsewhere in this Code. The regulations contained in this Code apply unless otherwise provided for in this Appendix. Where conflict occurs between the regulations within this Appendix and other regulations of this Code, the PSLUC regulations shall guide and regulate development.

Section E102 Applicability

A Parcel Specific Future Land Use with conditions (PSLUC) established is based upon policies and provisions in the Comprehensive Plan. Each PSLUC specifies the Future Land Use Districts permitted within its boundaries, and are reflected in the Future Land Use Map Series (FLUMS). The suffix "*PC*" for Parcel Conditions, in the land use district abbreviation indicates that the standard district has been modified for the particular property. Permitted or conditional uses within the district are shown on the Use Tables for each individual PSLUC. The district description and intent is the same as those for the Standard Land Use districts in Section 203 and 204, of the Land Development Code, except as modified by the Comprehensive Plan and Appendix E. In addition, conditional uses are listed in Section 303.

.

Section E103 Development in Established Parcel Specific Future Land Use with conditions (PSLUC)

Development in all PSLUC shall comply with the land use tables and requirements of this Appendix in addition to all other development standards of this Code. When a Planned Development or Conditional Use is requested, it shall be reviewed and processed in accordance with Chapters 3 and 9 of this LDC. PSLUC shall be consistent with existing Planned Developments and Conditional Uses or applications submitted prior to the adoption of a Neighborhood Plan if they are to remain in effect.

Section E104 More Restrictive Provisions of LDC to Apply

All other provisions of the Land Development Code not expressly modified by this Appendix shall remain in full force and effect to the extent they are not in conflict with any provisions contained herein. To the extent there is a conflict between these regulations and regulations found elsewhere in the Land Development Code, the more stringent of regulation shall apply.

Section E105 **Parcel Specific Comprehensive Plan Amendments (CPA) with Conditions** ***(Revised: LDC 16T-02 – Ord. 16-038; LDC 15T-08 – Ord. No. 15-052 – 8/19/15; Ord. No. 14-040 – 07/22/14)***

Table E1 Parcel Specific Comprehensive Plan Amendments (CPA) with Conditions

Subsection	CPA Case Number	CPA Approval Date	Parcel Number(s)
A.	CPA 12S-04	August 7, 2012	232820-000000-021010
B.	CPA 14S-07	July 22, 2014	242917-285000-006301 242917-285000-006302
C.	CPA 15B-02	August 18, 2015	283201-000000-011130 283201-000000-011150
D.	CPA 16C-03	July 5, 2016	232815-000000-013030 232815-000000-013040 232815-000000-013230

A. CPA 12S-04 – Parcel ID #: 232820-000000-021010

1. Applicability

The provisions and requirements of this Section apply to the subject site (see Attachment "A"), the boundaries of which are shown on the Future Land Use Map Series and Land Use District maps, more particularly those depicted in the panel showing **Range 23, Township 28, Section 20.** The site is legally described as:

The East 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 20, Township 28 South, Range 23 East, Polk County, Florida, lying east of Browning Road, Less begin at the intersection of railroad and east line of section, run south 273.50 feet, run west 660 feet, north to railroad, run northeast to beginning, and Less that part lying north of railroad and Less the east 25 feet lying north of Old Tampa Highway, Less railroad right of way, and Less right of way for Old Tampa Highway. Containing 8.97 acres, more or less.

2. Allowable Uses and Intensity of Development

a. For development permitted on the subject site, Table 2.1. of this Land Development Code is modified to address levels of review for those uses as cited herein. All other uses will be allowed as listed in Table 2.1.

b. All allowable uses shall comply with the following additional site development standards prior to site alteration or development:

i. all proposed development or redevelopment of the subject site shall be conditioned upon a 20-foot wide Type "C" Landscape Buffer in accordance with Section 720 of this code as long as there exists a residential use or residential future land use designation on the adjacent properties to the east and/or north of the subject site.

ii. Residential development is prohibited with exception of a residence for security purposes.

iii. All loading and unloading areas shall be at least fifty (50) feet from all property lines abutting residential uses.

iv. All principal structures and those accessory structures related to truck parking or loading and unloading activities shall be at least fifty (50) feet from all side and rear property lines.

v. Accessory structures, not related to truck parking or loading and unloading activities shall be at least twenty (20) feet from all side and rear property lines.

vi. The maximum height of any on-site light sources shall be 40 feet, if placed at least thirty (30) feet from the property line and twenty four (24) feet if less. Illumination shall be directional and any spill onto adjacent properties shall not exceed 0.5 foot candles.

vii. The minimum setback of the light source from the residential property line shall be a horizontal distance of 20 feet, except when the light source is adjoining a right-of-way. If the on-site light source adjoins a right-of-way, the lighting can be placed within the landscape buffer ten feet in width.

viii. When adjacent to a residential Future Land Use or residential dwellings, all sides of the building(s) shall be designed to achieve an office front appearance or otherwise include design components to break the wall plane (change in plane or height, change in texture or patterns, include doors, windows or articulated base, etc.); this provision shall not apply when over at least 50% of that building plane contains overhead doors or loading docks/ bays for trucks.

ix. For structures exceeding fifty (50) feet in height, setbacks from parcels designated or developed as residential shall be increased by one-half of one foot for each one foot of height over (fifty) 50 feet.

x. If any of the adjacent parcels are developed residentially then external operations such as receiving deliveries, docking, loading or unloading of trucks, shall be limited to the hours between 6 a.m. and 8 p.m.

xi. Retail – In addition to the standards listed in this Section and Chapter 3, retail uses shall not exceed 15% of the contiguous BPC district.

xii. Wholesale, enclosed – In addition to the standards listed in this Chapter, the conditions for light manufacturing listed in Chapter 3 shall apply.

xiii. Offices and Office Parks – The following standards shall apply:

1. Offices shall not exceed 15 percent of the total developable areas of the subject BPC district. The total developed areas shall be calculated based on the inclusion of all existing uses in the subject land use district and those with approved and valid site plans, construction plans and plats. The applicant must demonstrate that the development does not exceed this 15 percent maximum;

2. At a minimum, a Type "A" buffer shall be required along the entire perimeter of the office park.

3. Revised Use Table

The following Use Table (Table E2) specifies the level of approval for those uses within the BPC-1-PC District modified by this amendment. Additionally, the conditions as outlined in Section 303 of this Code shall apply to each use listed below. All other uses will be permitted as per Table 2.1 of this LDC:

TABLE E2 - BPC-1 ALLOWABLE LAND USES FOR CPA 12S-04

LEVEL 2	LEVEL 3	LEVEL 4
Office Office Park Restaurant; Sit-Down or Take out Retail up to 34.9K Warehousing, up to 50,000 s.f Wholesale, enclosed, up to 50,000 s.f.	Alcohol Package Sales Bars, Lounges & Taverns Commercial vehicle parking Communication tower, monopole Convenience Store, isolated Convenience Store Gas Station Manufacturing, Light Restaurant; Drive Thru/ Drive-in School, University/ College Retail 35K-64K Self-Storage Facility Transit, Facility Warehousing, over 50,000 s.f Wholesale, enclosed, over 50,000 s.f. and up to 100,000 s.f.	Heliports Helistops Retail, +65K Wholesale, enclosed, over 100,000 s.f.

B. CPA 14S-07 – Parcel ID #: 242917-285000-006301 & 242917-285000-006302 (*Added Ord. No. 14-040 – 07/22/14)*

1. Applicability

The provisions and requirements of this Subsection apply to the subject site, the boundaries of which are shown on the Future Land Use Map Series and Land Use District maps, more particularly those depicted in the panel showing **Range 24, Township 29, Section 17.** The site is legally described as:

Lot 63, W.F. Hallam & Company's Club Colony Tract, in Section 17, Township 29 South, Range 24 East, Polk County, Florida, as recorded in Plat Book 1, Page 102A, public records of Polk County, Florida; LESS AND EXCEPT road rights of way for County Road 540A & High Glen Drive

2. Allowable Uses and Intensity of Development

All allowable uses shall comply with the following additional site development standards prior to site alteration or development:

a. Any development or redevelopment of the subject site shall be conditioned upon a 10 foot wide Type "B" Landscape Buffer, in accordance with Section 720 of this code shall be required, adjacent to the High Glen & Groveglen South subdivisions to the north and east of the boundaries of the Activity Center Plan.

b. Any development or redevelopment of the subject site shall be conditioned upon a 5 foot wide Type “B” Landscape Buffer, including a minimum six feet high block or masonry wall shall be required, in accordance with Section 720 of this code, along the entire North boundary of the NAC land use.

c. The maximum height of any on-site light source shall be 24 feet. Illumination shall be directional and any spill onto adjacent properties shall not exceed 0.5 foot candles.

d. The minimum setback of the light source from any residential property line shall be a horizontal distance of 20 feet, except when the light source is adjoining a right-of-way. If the on-site light source adjoins a right-of-way, the lighting can be placed within the landscape buffer ten feet in width.

e. Any building(s) within 200 feet of the centerline of High Glen Drive shall be designed to achieve a residential appearance or otherwise include design components to break the wall plane (change in plane or height, change in texture or patterns, include doors, windows or articulated base, etc.). No buildings within the 200 feet of the centerline of High Glen Drive shall have a main entrance on the western wall facing High Glen Drive. Corner entries shall be allowed.

f External operations such as receiving deliveries, docking, loading or unloading of trucks, shall be limited to the hours between 6 a.m. and 8 p.m. on any loading area less than 200 feet east of High Glen Drive as measured from the centerline of roadway.

g. Sidewalks shall be constructed, 5 feet wide along both sides of High Glen Drive adjacent to the subject site, as development occurs; sidewalk design and construction on the West side of High Glen Drive shall be subject to right of way availability.

h. The master stormwater detention pond shall be designed to accommodate the 100-yr/24-hr storm event for the entire Activity Plan property. The edge of the retention pond shall be landscaped with similar planting materials of a Type A Buffer along any side not adjacent to another buffer.

i. All signs shall be monument signs and shall not exceed eight feet in height.

j. No Drive-Thru/Drive-In Restaurants or Transit Facilities shall be allowed within 200 feet of the intersection of High Glen Drive, as measured from the centerline of roadway.

k. Retail uses shall not exceed 10,000 square feet per building.

l. Prior to Level 2 Approval for any structure or use on the property, the applicant shall demonstrate negotiations with the McDonald's for cross access.

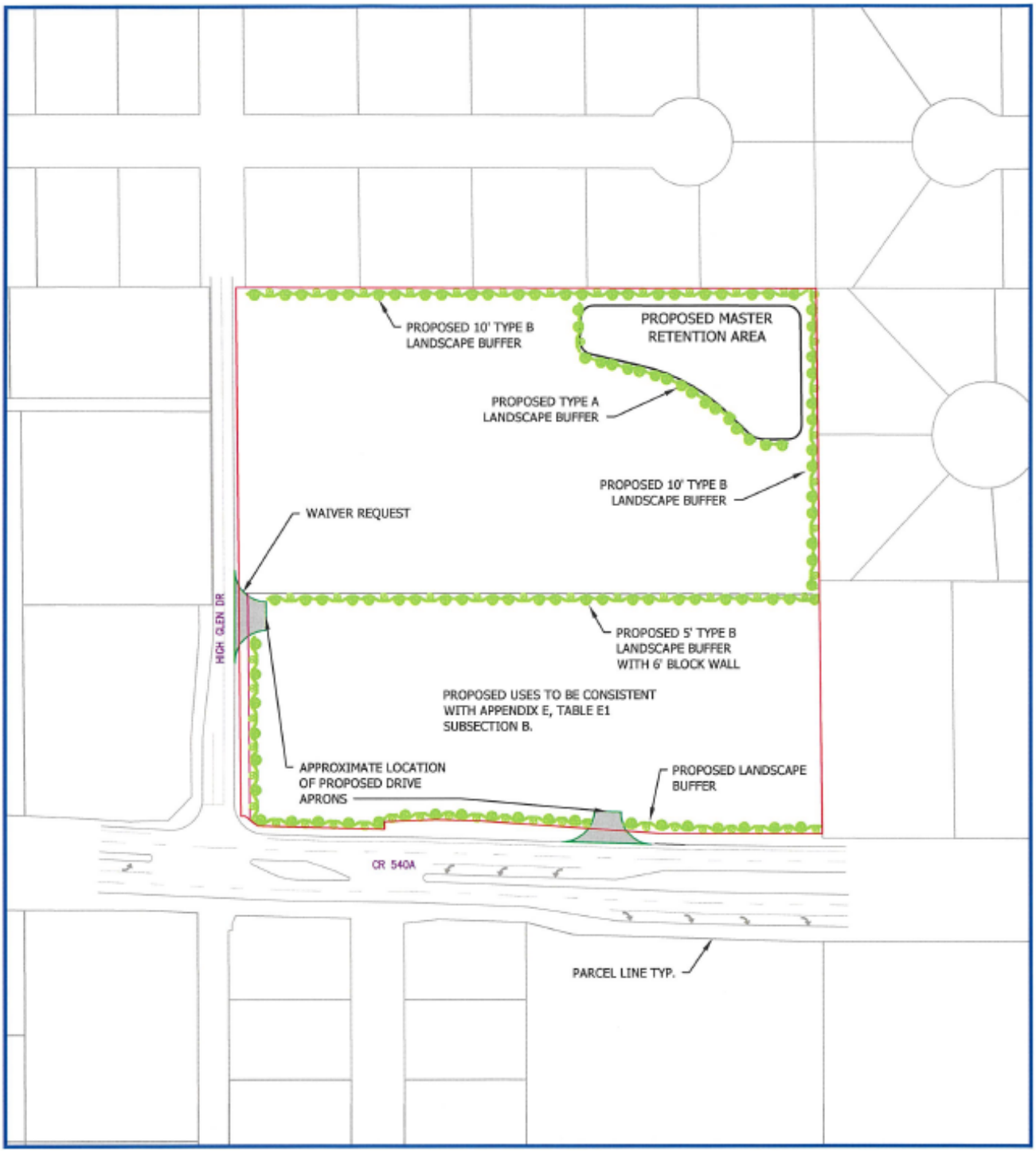
3. Revised Use Table

The following Use Table (Table E3) specifies the level of approval for those uses within the NAC District modified by this amendment. Additionally, the conditions as outlined in Section 303 of this Code shall apply to each use listed below. All other uses will be permitted as per Table 2.1 of this LDC:

TABLE E3 - NAC ALLOWABLE LAND USES FOR CPA 14S-07 and LDC 14T-03

LEVEL 2	LEVEL 3	LEVEL 4
Childcare Center Convenience Stores Cultural Facility Financial Institution Gas Station, Government Facility Retail Nurseries Nurseries and Greenhouses Recreation Passive Restaurant Sit-Down/Take-Out Retail up to 5,000 square feet Retail 5,000 square feet to 34,999sf Utilities Class I Utilities Class II	Alcohol Package Sales School, Leisure/Special Interest Self-storage Facility Transit, Facility Vehicle Service Mechanical	Retail, 35,000 - 64,999 sq. ft Retail, More than 65,000 sq. ft

4. The Activity Center Plan (ACP), as required per Policy 2.110-J1, g, is reflected below and the final ACP shall meet the conditions of approval in sections 1 through 3 above and the relevant sections of the Land Development Code.


PROPOSED 10' TYPE B
LANDSCAPE BUFFER
PROPOSED MASTER
RETENTION AREA
PROPOSED TYPE A
LANDSCAPE BUFFER
PROPOSED 10' TYPE B
LANDSCAPE BUFFER
WAIVER REQUEST
HIGH GLEN DR
PROPOSED 5' TYPE B
LANDSCAPE BUFFER
WITH 6' BLOCK WALL
PROPOSED USES TO BE CONSISTENT
WITH APPENDIX E, TABLE E1
SUBSECTION B.
APPROXIMATE LOCATION
OF PROPOSED DRIVE
APRONS
PROPOSED LANDSCAPE
BUFFER
CR 540A
PARCEL LINE TYP.

C. **CPA 15B-02 - Parcel IDs #: 283201-000000-011130 and 283201-000000-011150**

1. Applicability

The provisions and requirements of this Subsection apply to the subject site, the boundaries of which are shown on the Future Land Use Map Series and Land Use District maps, more particularly those depicted in the panel showing Range 28 EAST, Township 32, Section 1. The site is legally described as:

The South 650 feet of that part of U.S. Government Lot 1, lying east of Lake Reedy Boulevard, less and except a strip of land 200 feet wide, east to west lying east of and adjacent to Lake Reedy Boulevard, in Section 1, Township 32 South, Range 28 East, Polk County, Florida.

And the South 50 feet of that part of the U.S. Government Lot 1, lying between Lake Reedy Boulevard and the waters of Lake Reedy, in Section 1, Township 32 South, Range 28 East, Polk County, Florida.

And Begin at the intersection of the south line of U.S. Government Lot 1 in Section 1, Township 32 South, Range 23 East, Polk County, Florida, and the easterly right-of-way line of Lake Reedy Boulevard, and run East 200 feet, thence northerly parallel to said easterly right-of-way line to a point 50 feet north of said south line of said U.S. Government Lot 1, thence west 200 feet to said right-of-way line, thence southerly along said right-of-way line to the point of beginning.

2. The following uses are prohibited:

a. High Intensity Recreation
b. Vehicle Oriented Recreation
c. Hotels and Motels

D. CPA 16C-03 – Parcel IDs#:232815-000000-013030, 232815-000000-013040, 232815-000000-013230. **(*Added 08/02/16 – Ord. 16-038*)**

1. Applicability

The provisions and requirements of this Subsection apply to the subject site, the boundaries of which are shown on the Future Land Use Map Series and Land Use District maps, more particularly those depicted in the panel showing Range 23, Township 28, Section 15. The site is legally described as:

A parcel of land being a portion of the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4 of Section 15, Township 28 South, Range 23 East, Polk County, Florida, being recorded in Official Records Book 9487, Page 1959, Public Records of Polk County, Florida, described as follows;

Commence at the southwest corner of said Northwest 1/4 of the Northeast 1/4 of Section 15 for the point of Beginning; thence along the boundary lines of said parcel recorded in Official Records Book 9487, Page 1959 for the following three (3) courses; (1) South 89"16'43" West, 329.46 feet; (2) thence North 00"40'02" West, 823.65 feet to a point on a non-tangent curve the right having a radius of 3520.54 feet, a central angle of 08"07'38", a chord bearing of North 82"51'33" East, and a chord distance of 498.96 feet; (3) thence Northeasterly along the arc of said curve, 499.38 feet; thence South 00"19'06" East, leaving said boundary lines, 85.92 feet to a point on a non-tangent curve the right having a radius of 3434.72 feet, a central angle of 03"09'37", a chord bearing of North 88"26'02" East, and a chord distance of 189.42 feet; thence Northeasterly along the arc of said curve, 189.45 feet to the point of tangency; thence South 89"59'10" East, 937.01 feet to the boundary line of aforesaid parcel recorded in Official Records Book 9487, Page 1959; thence along the boundary lines of said parcel for the following seventeen (17) courses; (1) South 00"54'07" East, 90.35 feet; (2) thence South 00"54'07" East, 100.00 feet; (3) thence South 00"19'44" East, 100.00 feet; (4) thence South 00"14'38" West, 100.02 feet; (5) thence South 00"54'07" East, 100.00 feet; (6) thence South 01"28'29" East, 14.72 feet; (7) thence South 89"47'34" West, 96.08 feet; (8) thence South 88"59'06" West, 100.00 feet; (9) thence South 89"26'36" West, 100.00 feet; (10) South 00"33'24" East, 12.70 feet; (11) thence South 89"26'36" West, 100.00 feet; (12) thence South 00"54'07" East, 145.00 feet; (13) thence South 89"26'36" West, 705.01 feet; (14) thence South 00"54'07" East, 100.00 feet; (15) thence North 89"26'36" East, 80.00 feet; (16) thence South 00"54'07" East, 25.00 feet; thence South 89"26'36" West, 271.34 feet to the Point of Beginning.

2, The following uses are prohibited:

a. Airports
b. Bars, Lounges, and Taverns
c. Communication Towers, Guyed, Lattice, or monopole
d. Gas Stations
e. Heliports and helistops
f. Lime Stabilization Facility
g. Power Plants
h. Retail
i. Transit Facility
j. Utilities
k. Commercial Vehicle Parking

3. Intensity of Development

All allowable uses shall comply with the following additional site development standards and display on all Level 2, 3 or 4 Reviews:

a. Lighting shall be consistent with Dark Skies best practices as listed in Section 642 of the Land Development Code;

b. As part of the required reconstruction of Chestnut Road, the applicant shall construct certain improvements between Memorial Boulevard and the southern boundary of the Subject Property as follows:

i. On the west side of Chestnut Road along the length of the Subject Property, dedicate sufficient right of way to provide forty (40') feet from centerline of Chestnut Road;

ii. Chestnut Road shall be improved to a collector road standards with a total of two (2) twelve (12') foot travel lanes

iii. On the west side of Chestnut Road, construct a six (6') foot sidewalk and a six (6') foot paved shoulder;

iv. On the east side of Chestnut Road, construct a sidewalk meeting Polk County Land Development Code requirements, within the existing available right of way; and

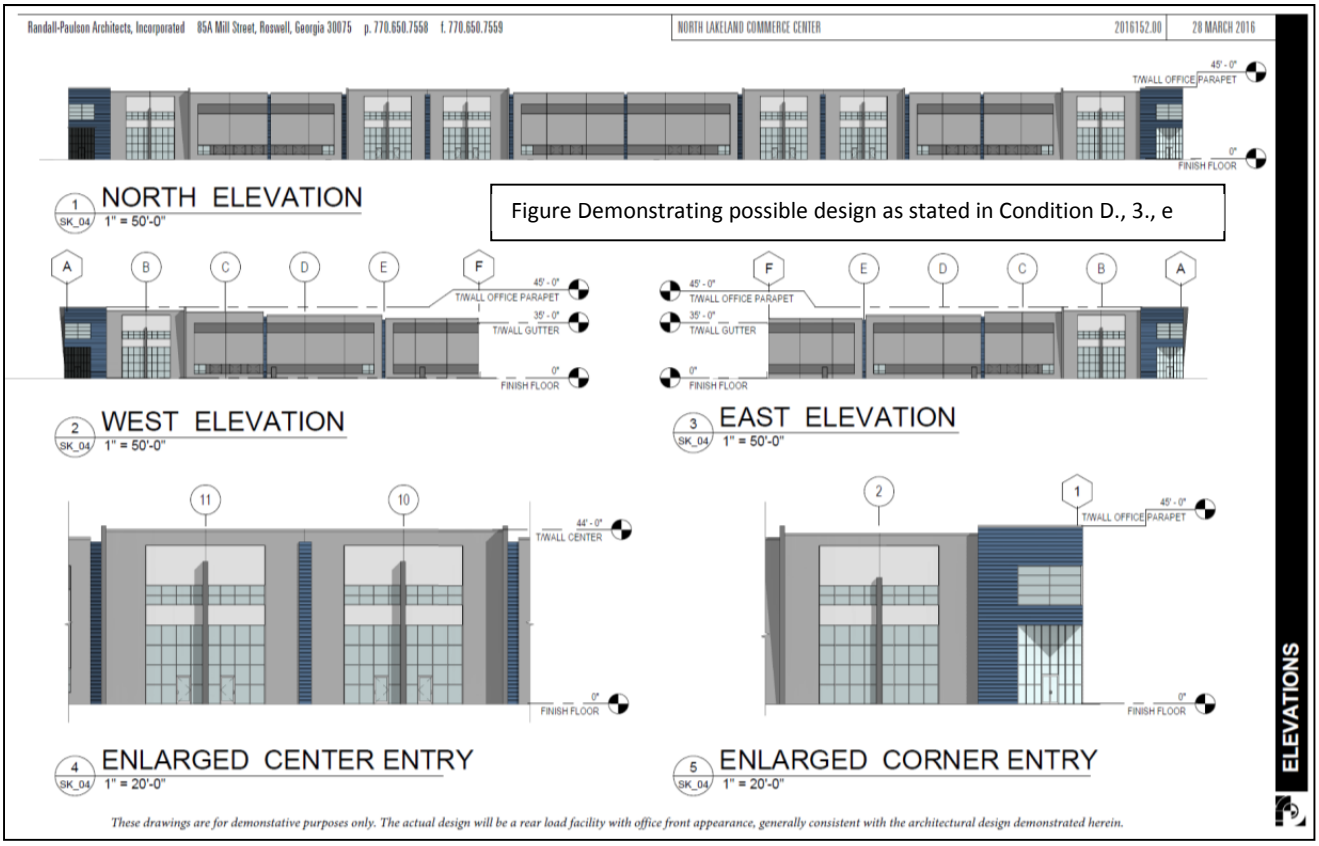
v. The final engineered design of the new cross-section of N. Chestnut Road shall be submitted with the plans for the first building constructed on the subject property and shall be completed prior to the issuance of the certificate of occupancy for same.

vi. The applicant shall coordinate with Roads and Drainage to install Pedestrian warning signs between Memorial Boulevard and the southern end of the site.

c. Any access from Memorial and any access from Chestnut Road shall require cross access to the OC and the CC land uses;

d. Truck traffic exiting the site from the southernmost driveway shall not be permitted to turn south on Chestnut Road and the southernmost driveway shall be constructed consistent with standards in the LDC and designed to prevent truck traffic from traveling south on Chestnut Road;

e. All buildings shall have an office front appearance, generally consistent with the architectural design demonstrated in the figure below, while allowing for appropriate loading and unloading facilities:


Randall-Poulson Architects, Incorporated 85A Mill Street, Roswell, Georgia 30075 p. 770.650.7558 f. 770.650.7559
NORTH LAKELAND COMMERCE CENTER
2016152.00
28 MARCH 2016
45' - 0"
T/WALL OFFICE PARAPET
0"
FINISH FLOOR
1 SK_04 NORTH ELEVATION
1" = 50'-0"
Figure Demonstrating possible design as stated in Condition D., 3., e
A B C D E F
45' - 0"
T/WALL OFFICE PARAPET
35' - 0"
T/WALL GUTTER
0"
FINISH FLOOR
2 SK_04 WEST ELEVATION
1" = 50'-0"
3 SK_04 EAST ELEVATION
1" = 50'-0"
11 10
44' - 0"
T/WALL CENTER
4 SK_04 ENLARGED CENTER ENTRY
1" = 20'-0"
2 1
5 SK_04 ENLARGED CORNER ENTRY
1" = 20'-0"
These drawings are for demonstative purposes only. The actual design will be a rear load facility with office front appearance, generally consistent with the architectural design demonstrated herein.
ELEVATIONS

f. All retention ponds shall be designed to resemble natural features this can include any combination of pond shape or the use of planting materials;

g. There shall be no cold storage within 750 feet of the western right of way line of Chestnut Road;

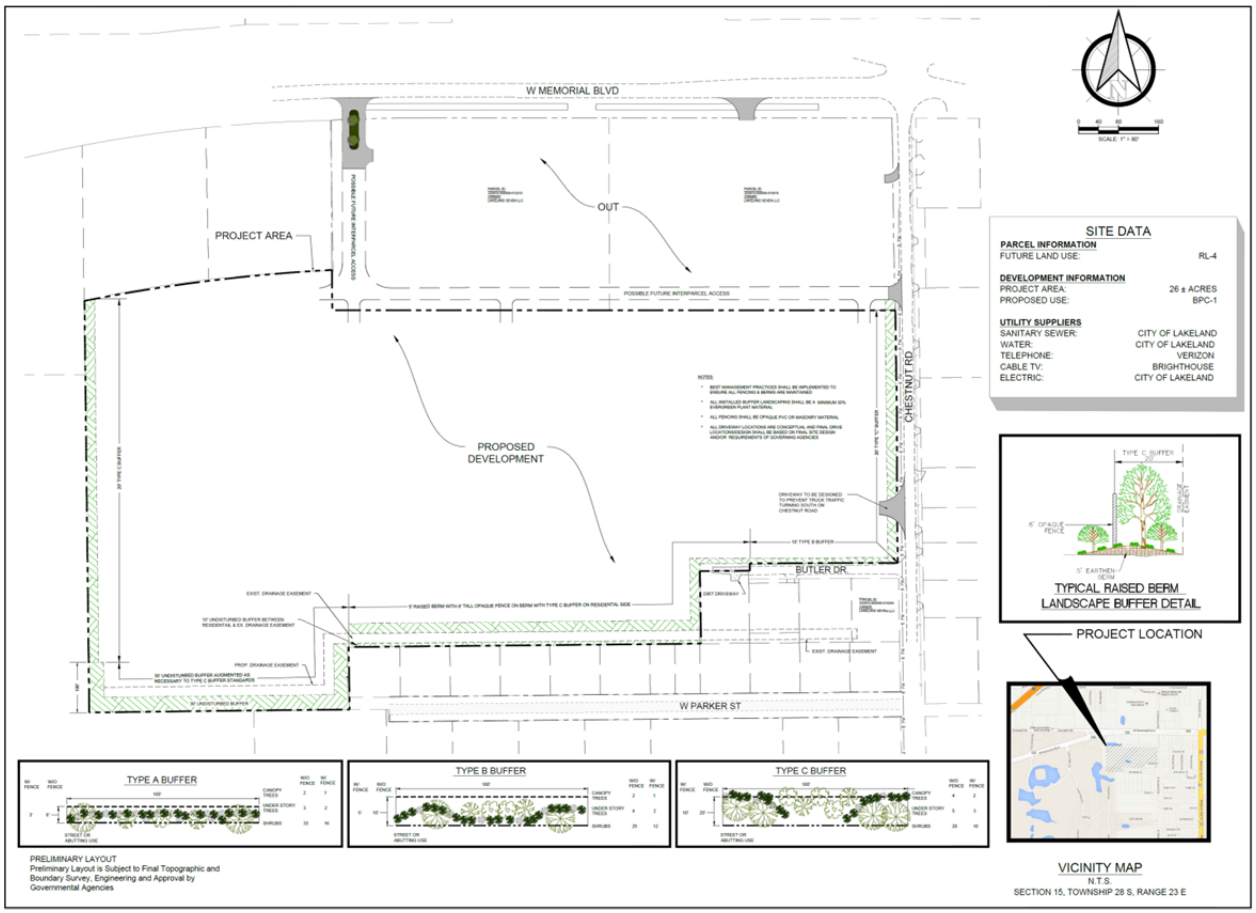
h. There shall be no overnight idling of trucks unless connected to an electric power source;

i. For structures exceeding fifty (50) feet in height, setbacks from parcels designated or developed as residential shall be increased by one-half of one foot for each one foot of height over (fifty) 50 feet

j. The landscaping along the property lines shall be as follows and consistent with the figure below:

   i. the landscaping on the eastern boundary, except for driveway cuts, shall be consistent with a Type "C" Buffer as indicated in Section 720 of the LDC; and

   ii. Landscaping along the southern and western property boundaries shall include a combination of enhanced landscape standards, 5 foot tall berm and fencing consistent with the specifications as stated in the following figure:



k. Any changes to this section shall be subject to the public hearing and notice requirements for a Comprehensive Plan map amendment as listed in Chapter 9 of the Land Development Code.