



# POLK

C O U N T Y

POLK COUNTY

LAND DEVELOPMENT CODE

CUSTOMER GUIDE

# CUSTOMER'S GUIDE TO THE LAND DEVELOPMENT CODE

## Planning 101

Polk County sets standards for the use of land to promote livable, prosperous communities and to protect the health, safety and welfare of its residents.

## Comprehensive Plan

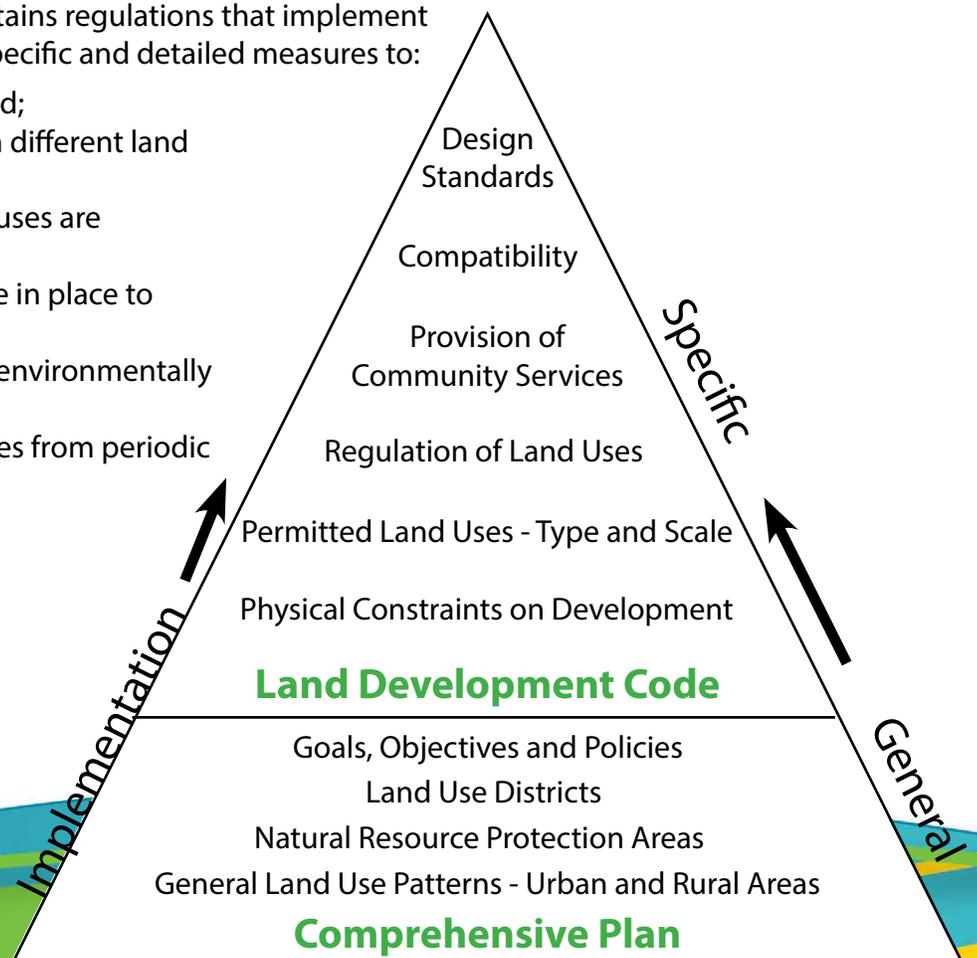
The Polk County Comprehensive Plan provides the overall framework for growth and development in unincorporated areas. It provides guidelines on the following:

- the general location of urban and rural areas;
- the location of specific land uses, e.g., residential, commercial and industrial uses;
- the protection of our natural resources; and
- the provision of community services to support existing and future development – fire and emergency medical services, law enforcement, transportation, schools, water, sewer, parks, housing and other services.

## Land Development Code

The Land Development Code contains regulations that implement the Comprehensive Plan. It has specific and detailed measures to:

- regulate the subdivision of land;
- regulate the use of land within different land use categories;
- ensure that neighboring land uses are compatible;
- ensure community services are in place to support development;
- protect natural resources and environmentally sensitive land;
- protect buildings and structures from periodic flooding;
- and regulate signs.



# HOW TO USE THIS GUIDE

This guide is provided as a service to our customers. It contains an overview of key provisions of the Polk County Land Development Code and addresses frequently asked questions such as:

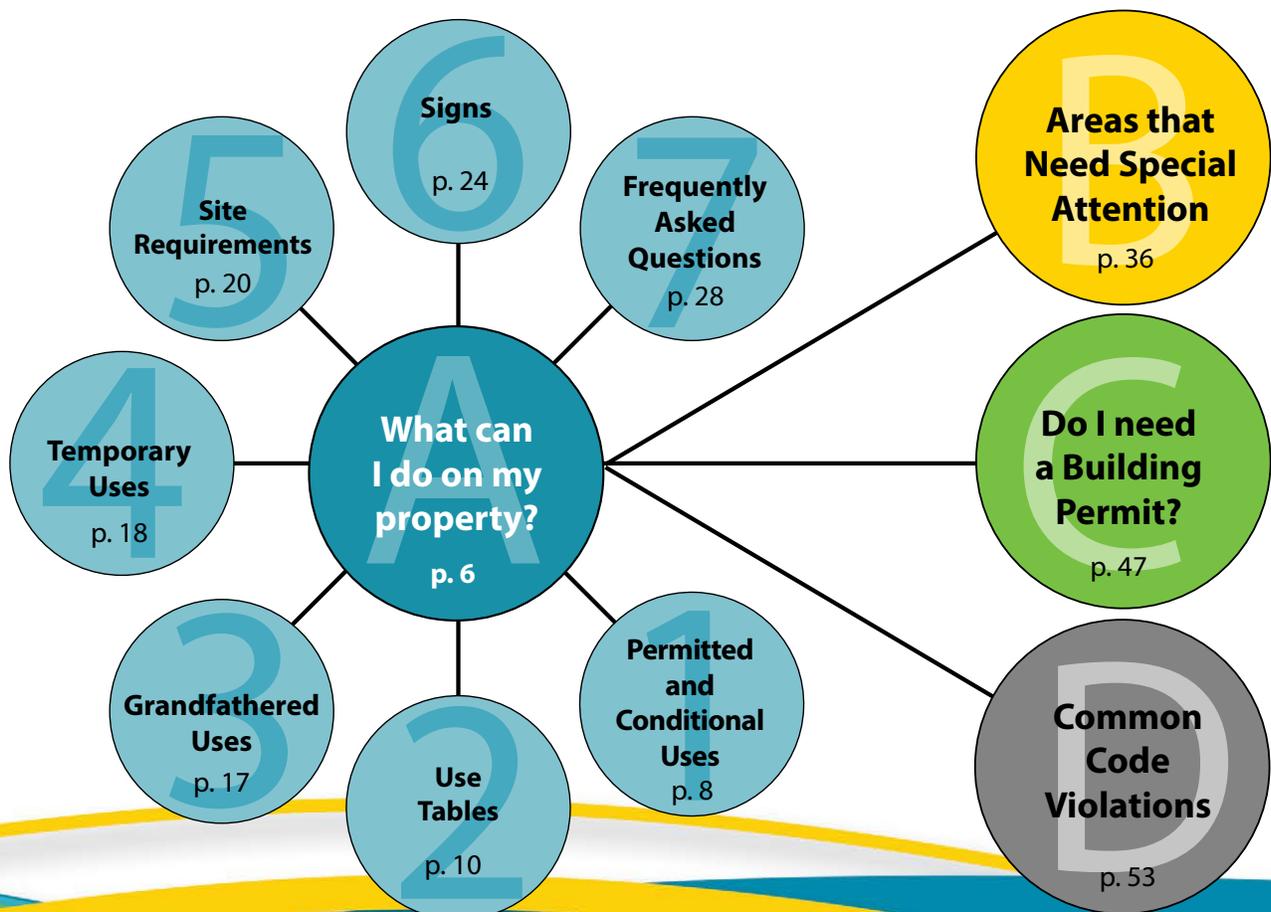
- What can I do on my property?
- What approvals are needed?
- How do I construct my project?; and
- How do I bring my property into compliance with the Land Development Code?

This guide is not a substitute for the Land Development Code and cannot be used as the basis for any project approvals. Users are encouraged to refer to the Code for additional information on specific regulations. This guide provides hyperlinks to the Code, and a full copy of the Code is available on the Polk County website at:

<http://www.polk-county.net/boccsite/Doing-Business/Land-Development-Code/>

Customer inquiries or requests for assistance can be directed to Polk County's Planner-on-Call at (863) 534-6084 or by email at [PlannerOnCall@polk-county.net](mailto:PlannerOnCall@polk-county.net).

## CONTENT





# POLK

C O U N T Y

Land Development Code

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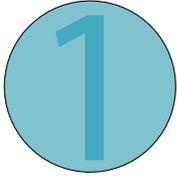
## SECTION A

What can I do on my property?



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# WHAT CAN I DO ON MY PROPERTY?

Follow these easy steps to find out what is allowed on a parcel of land ...

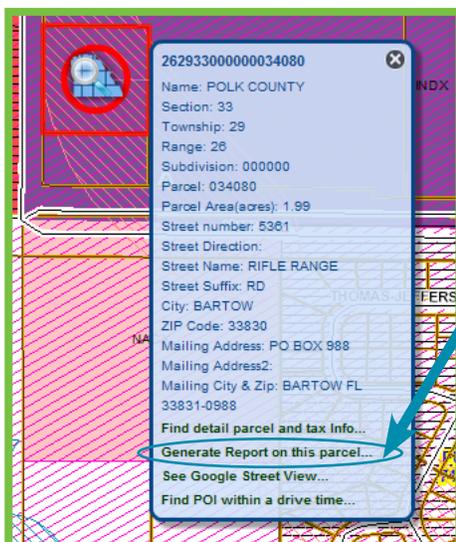
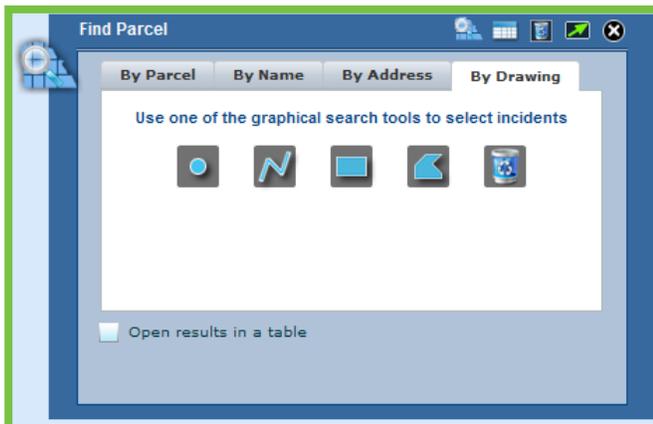
If you need assistance, you can contact our "Planner on Call" at (863) 534-6084 or email [planneroncall@polk-county.net](mailto:planneroncall@polk-county.net).

1

## Find your parcel on the GIS Data Viewer

Polk County has a mapping program called Data Viewer to help you find out more about your community. It can be used to identify the future land use designation for a parcel of land. The viewer is available at: <http://gisserver.polk-county.net/countyviewer>

You can locate a parcel of land by navigating the county map or using the search function. Click on the "Find Parcel" tool with the magnifying glass. This tool will allow you to select a parcel using the drawing tool or to search for the parcel using the ID #, owner name or address. The 18-digit Parcel ID # issued by the Property Appraiser provides the easiest way to search for a parcel. This number can be found on the tax notice for the property.



Once you locate or select a parcel, it will be bounded by a red line.

Click on the highlighted parcel and select "Generate Report on this parcel" from the menu.

## **GOOD TO KNOW:**

Watch a video tutorial on the GIS Data Viewer at

<http://ec4.cc/fea24647>

# WHERE DO I START?

## 2

### Identify the Future Land Use Designation

The generated report will provide land use and floodplain information.

In this example, the parcel has a land use designation of "IND" or "Industrial," and it is located in the Suburban Development Area. There is an "X" behind the "IND" because the parcel is located in a selected area plan – in this case, the Gateway Selected Area Plan and the Wahnetta Neighborhood Plan.

A portion of the site is located in the 100-Year Floodzone.

Report generated: ParcelID: 26293300000034080

**Landuse**  
Future Land Use (FLU) District: **INDX**  
Development Area: **SDA (Suburban Development Areas)**  
Selected Area Plan (SAP): **GATEWAY and WAHNETA NEIGHBORHOOD PLAN**  
Green Swamp Area of Critical State Concern (ACSC): **No**  
Green Swamp Special Protection Area (SPA): **No**

**Zoning**  
Planned Development (PD): **No**  
Planned Unit Development(PUD): **No**  
Suburban Planned Developments (SPD): **No**  
Conditional Use (CU):

**Flood Information:**  
FEMA Floodway: **No**  
FEMA 100-year Floodzone: **AX**  
Wetlands: **Yes**

**Service Districts**  
Impact Fee District: **D,CENTRAL**  
Utilities Service Area (water): **No Information found**

Notes:

## 3

### Look up the Permitted and Conditional Uses

This guide provides an explanation of "Permitted" and "Conditional" uses. The uses or activities allowed in a Future Land Use District are identified in a "Use Table" - also explained herein.

The use table for standard land use designations (no "X" following the land use) can be found in Chapter 2. of the Land Development Code. Refer to Table 2.1

A land use designation that is followed by an "X" is either located in the Green Swamp Area of Critical State Concern (use table in Chapter 5.) or a Selected Area Plan (use tables in Chapter 4.)

## 4

### Identify the Density and Dimension Regulations

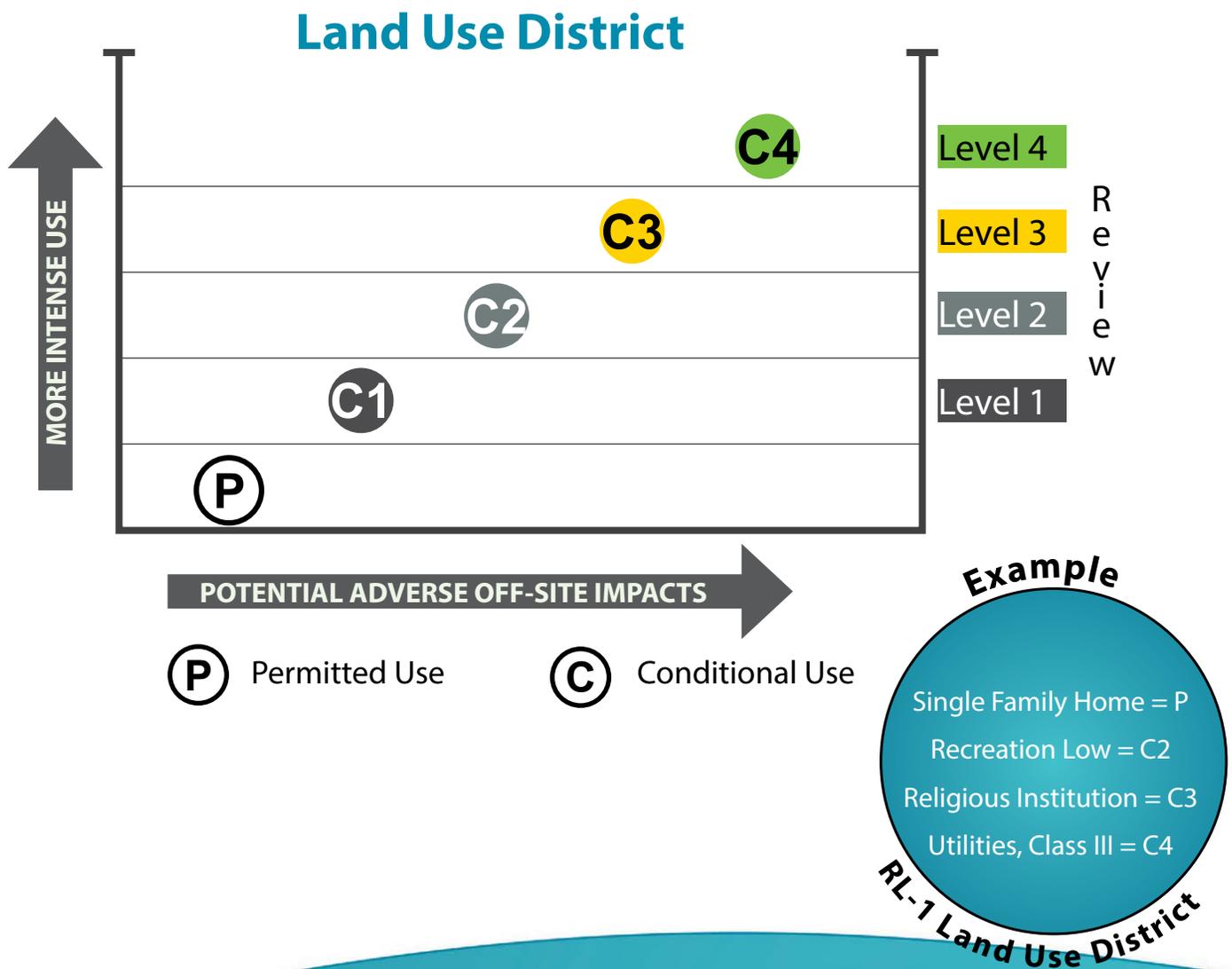
The Land Development Code contains the density (number of dwelling units per acre) for residential projects and intensity (floor area ratio and impervious surface ratio) for non-residential projects. The density and intensity regulations for standard land use districts are found in Table 2.2.

This table also contains information on the minimum setback, or distance, a structure has to be from the property line or road.

This guide provides information on how to measure the setbacks for structures.

# PERMITTED AND CONDITIONAL USES

Land uses or activities that are alike or go well together are allowed in the same land use district. They are allowed as either permitted uses (without conditions of approval) or conditional uses (with conditions of approval). Projects with a higher potential for off-site impacts are required to undergo a higher level of review. Specific requirements apply to conditional uses to ensure they are compatible with surrounding uses. Additional requirements, or conditions of approval, may be applied to C3 or C4 uses as a result of the public hearing process. The “C” means it is a conditional use.



# LEVELS OF REVIEW

## Section 903

There are five levels of review for proposed projects. All include a technical review. Some (Levels 3 and 4) include a public hearing to review the compatibility of the proposed land use with other surrounding uses.



### Level 3 Review

Projects are approved, approved with changes, or denied by Planning Commission at a public hearing. Staff provides a recommendation. Decision may be appealed to BoCC.

### Level 4 Review

Projects are approved, approved with changes, or denied by BoCC at a public hearing. Planning Commission and staff provide recommendations.

# USE TABLE

## How the “Use Table” works *Uses allowed and levels of review*

Potential uses are identified along the left side.

Land Use Districts are abbreviated along the top of the table.

**Table 2.1 Use Table 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			
<b>Key to Table: P = Permitted Use; C = Conditional Use/Level of Review</b>																															
<b>Residential Uses</b>																															
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					
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						
Farm Worker Dormitory, Barrack Style	C3	C3	C3																						C2	C2	C3				
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	C2	C2	C3	C2						C2	C3	C3				
Residential Infill Development				C2	C2	C2	C2																								
Rural Residential Development (RRD)	C3			C3																											
Short-Term Rental Unit					C3	C3	C3	C3	C3	C3																			P		
Single-family Detached Home & Subdivision	P	P	P	P	P	P	P	P	P	C2																					
Suburban Planned Development					C3																										
Special Residential																													C3	C3	
<b>Mixed Uses</b>																															
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	C3	C3	
Residentially Based Mixed Development (RBMD)	C3			C3	C3	C3	C3	C3																							
Rural Mixed Development (RMD)	C3			C3																											
Transitional Area Development				C3	C3	C3	C3	C3																							
<b>All Other Uses</b>																															
Adult Day Care Center (7 or more clients)	C3	C3	C3	C3	C3	C3	C3	C3	C2																				C2	C2	
Adult Use																C1		C1	C1												
Agricultural Support, Off-Site	C3	C3	C3	C3						P	P	P																			
Airport	C4																													C4	
Alcohol Package Sales																															
Animal Farm, Intensive	P			C1	C1					P																			P	P	
Animal Farm, Small, Specialty	P			C1	C1					P																			P	P	
Aquiculture	P			C1	C1					P																			P	P	
Bars, Lounges, and Taverns																														C1	
Bed and Breakfast	C4	C3	C4	C4	C4	C4	C4	C4	C4	C2																					
Breeding, Boarding, and Rehabilitation Facility, Wild or Exotic	C3																												C2	C2	C3

Polk County Land Development Code  
Adopted 3/01/00; Effective 9/01/00

Required Level of Review is indicated by P, C1, C2, C3 or C4. An empty box means the use is prohibited. See Section 205

Example: In the BPC-2 District, Bars, lounges and taverns require a C1 Review. See Chapter 3 for additional requirements.

# STANDARD USE TABLE

## Typical Uses in Standard Land Use Districts Section 205

Table 2.1 of the Land Development Code lists the permitted and conditional uses allowed in standard land use districts. The table below provides some typical uses allowed in the various districts. For a complete list of allowed uses, refer to Table 2.1

Modified land uses (with a suffix of "X") have different land use tables as found in the Selected Area Plans.

<b>P</b> = Permitted Use	<b>C1</b> = Level 1 Conditional Use	<b>C2</b> = Level 2 Conditional Use
	<b>C3</b> = Level 3 Conditional Use	<b>C4</b> = Level 4 Conditional Use

Land Use District	<b>P</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>C4</b>
<b>A/RR</b> Agriculture / Residential Rural	Single-Family Detached Home & Subdivision	Family Farm, Group Home Small Less Than 6, Individual Mobile Home	Farm Worker Dormitory Apartment Style, Communication Towers	Farm Worker Dormitory Barrack Style, Mobile Home Park And Subdivision, Rural Residential Development, Rural Mixed Development (RMD)	Bed And Breakfast
<b>RCC-R</b> Rural Cluster Center - Residential	Single-Family Detached Home & Subdivision	Family Farm, Group Home Small Less Than 6, Individual Mobile Home	Farm Worker Dormitory Apartment Style, Communication Towers	Farm Worker Dormitory Barrack Style, Mobile Home Park, Multi-Family, Planned Development	
<b>RS</b> Residential Suburban	Single-Family Detached Home & Subdivision	Family Farm, Group Home Less Than 6 Residents, Individual Mobile	Farm Worker Dormitory Apartment Style, Convenience Store Isolated	Duplex, Farm Worker Dormitory Barrack Style, Rural Residential Development, Suburban Planned	Mobile Home Park & Subdivision, Bed And Breakfast
<b>RL-1</b> Residential Low - 1	Single-Family Detached Home & Subdivision	Individual Mobile Home	Farm Worker Dormitory Apartment Style, Convenience Stores Isolated	Farm Worker Dormitory Barrack Style, Planned Development	Mobile Home Park & Subdivision, Bed And Breakfast
<b>RL-2</b> Residential Low - 2	Single-Family Detached Home & Subdivision	Individual, Mobile Home	Residential Infill Development,	Multi-Family, Short Term Rental Unit, Planned Development	Mobile Home Park & Subdivision, Bed And Breakfast

# STANDARD USE TABLE

Land Use District	P	C1	C2	C3	C4
<b>RL-3</b> Residential Low - 3	Single-Family Detached Home & Subdivision	Individual Mobile Home	Residential Infill Development	Duplex, Multi-Family, Short Term Rental Unit, Planned Development	Mobile Home Park & Subdivision, Bed And Breakfast
<b>RL-4</b> Residential Low - 4	Single-Family Detached Home & Subdivision Farming General, Class 1 Utilities	Individual Mobile Home	Residential Infill Development	Duplex, Multi-Family, Short Term Rental Unit, Planned Development	Mobile Home Park & Subdivision, Bed And Breakfast
<b>RM</b> Residential Medium	Single-Family Detached Home & Subdivision, Duplex, Multi-Family	Individual Mobile Home		Mobile Home Park & Subdivision, Short Term Rental Unit, Planned Development	Bed And Breakfast
<b>RH</b> Residential High	Duplex, Multi-Family	Individual Mobile Home	Single-Family Detached Home & Subdivision	Mobile Home Park & Subdivision, Short Term Rental Unit, Planned Development	Bed And Breakfast
<b>RCC</b> Rural Cluster Center	Childcare Center, Financial Institution, Retail Less Than 5,000 Square Feet	Alcohol Package Sale, Veterinary Service	Bed And Breakfast, Clinics And Medical Offices, Convenience Store Vehicle Repair Auto Body, Vehicle Sales Leasing	Duplex, Multi-Family, Planned Development, Retail 5,000-34,999 Square Feet	Residential Treatment Facility
<b>CC</b> Convenience Center	Convenience Store, Financial Institution, Retail Less Than 5000 Square Feet	Alcohol Package Sale, Veterinary Service	Car Wash Incidental, Financial Institution Drive Thru, Funeral Home And Related Facility, Gas Station, Office, Restaurant Sit Down Take Out,	Planned Development, General, Retail 5,000 -34,999 Square Feet	
<b>CE</b> Commercial Enclave	Retail Less Than 5,000 Square Feet, Veterinary Service	Alcohol Package Sale, Personal Service	Childcare Center, Commercial Vehicle Parking , Restaurant Sit Down Take Out, Self-Storage Facility	Planned Development, Bar Lounges Taverns, Cemetery, Clinics And Medical Offices, Convenience Store, Financial Institution, Hotels And Motels, Restaurant Drive Thru/Drive In, Retail 5,000-34,999 Square Feet, Wholesale Enclosed	Gas Station, Vehicle Repair Auto Body, Vehicle Service Mechanical, Vehicle Sales Leasing,

# STANDARD USE TABLE

Land Use District	P	C1	C2	C3	C4
<b>LCC</b> Linear Commercial Corridor	Clinical And Medical Office, Office Park, Restaurant Sit Down/Takeout, Retail 0- 64,999 Square Feet	Alcohol Package Sale	Convenience Store, Financial Institution And Drive Through, Gas Station, Hotels And Motels, Restaurant, Drive-Thru/Drive-In, Self-Storage Facility, Vehicle Recovery Service/Agency, Vehicle Service, Mechanical, Vehicle Sales Leasing	Planned Development, Bars, Lounges, and Taverns, Retail more than 65,000 Square Feet, Vehicle Repair Auto Body	
<b>NAC</b> Neighborhood Activity Center	Childcare Center, Convenience Store, Financial Institution, Gas Station, Restaurant Sit-Down/Take-Out, Retail 0-64,999 Square Feet, Vehicle Service Mechanical	Alcohol Package Sales	Clinics & Medical Offices, Financial Institution Drive Through, Office, Restaurant Drive-Thru/Drive-In, Self-Storage Facility	Multi-Family, Bars Lounges And Taverns, Retail More Than 65,000 Square Feet	
<b>CAC</b> Community Activity Center	Car Wash Self Service, Clinics & Medical Offices, Convenience Store, Financial Institution, Gas Station, Hospitals, Hotels and Motels, Restaurant Sit-Down/Take-Out, Retail	Bars Lounges And Taverns, Flea Market Enclosed	Multi-Family, Financial Institution Drive, Restaurant Drive-Thru/Drive-In, Self-Storage Facility, Vehicle Sales Leasing	Nightclubs And Dance Halls, Retail Outdoor Sales/ Display	Flea Market Open, Residential Treatment Facility
<b>RAC</b> Regional Activity Center	Clinics & Medical Offices, Convenience Store, Financial Institution, Gas Station, Hospitals, Hotels And Motels, Office, Restaurant Sit-Down/Take-Out, Retail, Vehicle Service Mechanical, Vehicle Sales Leasing	Alcohol Package Sales, Bars Lounges And Taverns, Flea Market Enclosed	Multi-Family, Financial Institution Drive Through, Nursing Home, Restaurant Drive-Thru/Drive-In, Self-Storage Facility	Recreation & Amusement Intensive, Retail Outdoor Sales/ Display	Airport, Residential Treatment Facility

# STANDARD USE TABLE

Land Use District	P	C1	C2	C3	C4
<b>OC</b> Office Center	Clinics & Medical Offices, Office	Studio Production	Financial Institution, Office Park	Multi-Family, Planned Development, Financial Institution Drive Through, Retail, 0– 34,999 Square Feet	
<b>TCC</b> Tourism Commercial Center	Short-Term Rental Unit, Clinics & Medical Offices, Convenience Store, Financial Institution, Gas Station, Hotels and Motels, Office, Restaurant Sit-Down/Take-Out, Retail 0- 64,999 Square Feet	Bars Lounges And Taverns, Golf Course, Recreation High And Low Intensity	Multi-Family, Financial Institution Drive Through, Restaurant Drive-Thru/Drive-In, Vehicle Sales Leasing	Planned Development, Retail More Than 65,000 Square Feet	
<b>HIC</b> High Impact Commercial Center	Gas Station, Motor Freight Terminal, Restaurant Sit-Down/Take-Out, Retail 0-64,999 Square Feet, Vehicle Repair Auto Body, Vehicle Service Mechanical, Vehicle Sales Leasing, Warehousing	Bars Lounges And Taverns, Childcare Center	Convenience Store, Financial Institution, Office, Restaurant Drive-Thru/Drive-In, Retail More Than 65,000 Square Feet	Planned Development, Railroad Yard	Power Plants Non-Certified Low
<b>BPC-1</b> Business Park Center – 1	Office Park, Research & Development, Warehousing	Bars Lounges And Taverns	Convenience Store, Financial Institution Drive Through, Gas Station, Hotels And Motels, Manufacturing Light, Retail 0-64,999 Square Feet	Multi-Family, Planned Development, Retail more than 65,000 Square Feet	Airport, Power Plants Non-Certified Low

# STANDARD USE TABLE

Land Use District	P	C1	C2	C3	C4
<b>BPC-2</b> Business Park Center – 2	Manufacturing Light, Motor Freight Terminal, Office, Office Park, Warehousing, Wholesale Enclosed	Bars Lounges And Taverns	Convenience Store, Financial Institution Drive Through, Gas Station, Heavy Machinery Equipment Sales and Services, Hotels and Motels, Restaurant Drive-Thru/Drive-In, Restaurant Sit-Down/Take-Out, Retail 0-64,999 Square Feet	Planned Development, Retail more than 65,000 Square Feet	Airport, Power Plants Non-Certified Low, Power Plants Non-Certified High
<b>IND</b> Industrial	Commercial Vehicle Parking, Heavy Machinery Equipment Sales and Services, Manufacturing, Explosives/ Volatile Material, Manufacturing General, Manufacturing Light, Motor Freight Terminal	Bars Lounges And Taverns	Convenience Store, Gas Station, Self-Storage Facility, Solar Electric-Power Generation Facility	Planned Development, Construction Aggregate Processing, Construction Aggregate Storage, Railroad Yard, Retail more than 65,000 Square Feet, Salvage Yard	Airport, Hazardous Waste Transfer Storage, Power Plants Non-Certified Low, Power Plants Non-Certified High
<b>PM</b> Phosphate Mining	Utilities Class 1 And 2, Veterinary Service	Recreation Passive	Farm Worker Dormitory, Apartment Style, Communication Towers, Manufacturing, Explosives/ Volatile Material, Manufacturing General, Manufacturing Light, Motor Freight Terminal Solar Electric-Power Generation Facility, Utilities Class III	Farm Worker Dormitory Barrack Style, Railroad Yard, Recreation High Intensity	Airport, Gypsum Stack, Hazardous Waste Transfer Storage, Hazardous Waste Treatment Facilities, Mining Phosphate, Power Plants Non-Certified Low, Power Plants Non-Certified High, Power Generation Certified
<b>L/R</b> Leisure / Recreation	Short-Term Rental Unit, Institutional Campground, Lodges And Retreats Private, Restaurant Sit-Down/Take-Out, Riding Academies	Bars Lounges And Taverns, Golf Course, Marinas And Related Facilities, Recreation Passive, Recreation High Intensity, Recreation Low Intensity	Multi-Family, Recreation Vehicle Oriented, Recreational Vehicle Park, Restaurant Drive-Thru/Drive-In, Retail 0 – 34,999 Square Feet	Hotels And Motels, Nightclubs And Dance Halls, Seaplane Base, Water Ski Schools	Recreation & Amusement Intensive

# STANDARD USE TABLE

Land Use District	P	C1	C2	C3	C4
<b>INST-1</b> Institution – 1	Government Facility, Institutional Campground, Lodges And Retreats Private, School Elementary, School Middle	Group Home, Large (7-14 Residents), Emergency Shelter, Medium (7-14 Residents), Golf Course, Recreation Passive, Recreation High Intensity, Recreation Low Intensity	Group Living Facility (15 Or More Residents), Adult Day Care Center (7 Or More Clients), Clinics & Medical Offices, Community Center, Cultural Facility, Emergency Shelter, Large (15 Or More Residents), Nursing Home, Office, Office Park	Multi-Family, Planned Development, Hospitals, Lime Stabilization Facility, Research & Development, School - High	Residential Treatment Facility, Utilities Class III
<b>INST-2</b> Institution – 2	Government Facility, Institutional Campground, Lodges And Retreats Private, School – High, University/College	Group Home, Large (7-14 Residents), Emergency Shelter, Medium (7-14 Residents), Golf Course, Recreation Passive, Recreation High Intensity, Recreation Low Intensity	Emergency Shelter, Large (15 or more Residents), Adult Day Care Center (7 or more Clients), Clinics & Medical Offices, Community Center, Cultural Facility, Emergency Shelter, Large (15 or more Residents), Hospitals, Nursing Home, Office, Office Park, Power Plants Non-Certified Low, School-Elementary And Middle	Multi-Family, Planned Development, Power Plants Non-Certified High, Research & Development	Airport, Correctional Facility, Residential Treatment Facility, Solid Waste Management Facility
<b>ROS</b> Recreation and Open Space	School Leisure/ Special Interest	Golf Course, Recreation Passive, Recreation High Intensity, Recreation Low Intensity	Recreation Vehicle Oriented	Planned Development, Communication Towers, Riding Academies, Water Ski Schools	Community Center, Cultural Facility
<b>PRESV</b> Preservation	Utilities Class I	Recreation Passive	Golf Course	Planned Development, Recreation High Intensity, Recreation Low Intensity	Recreation Vehicle Oriented

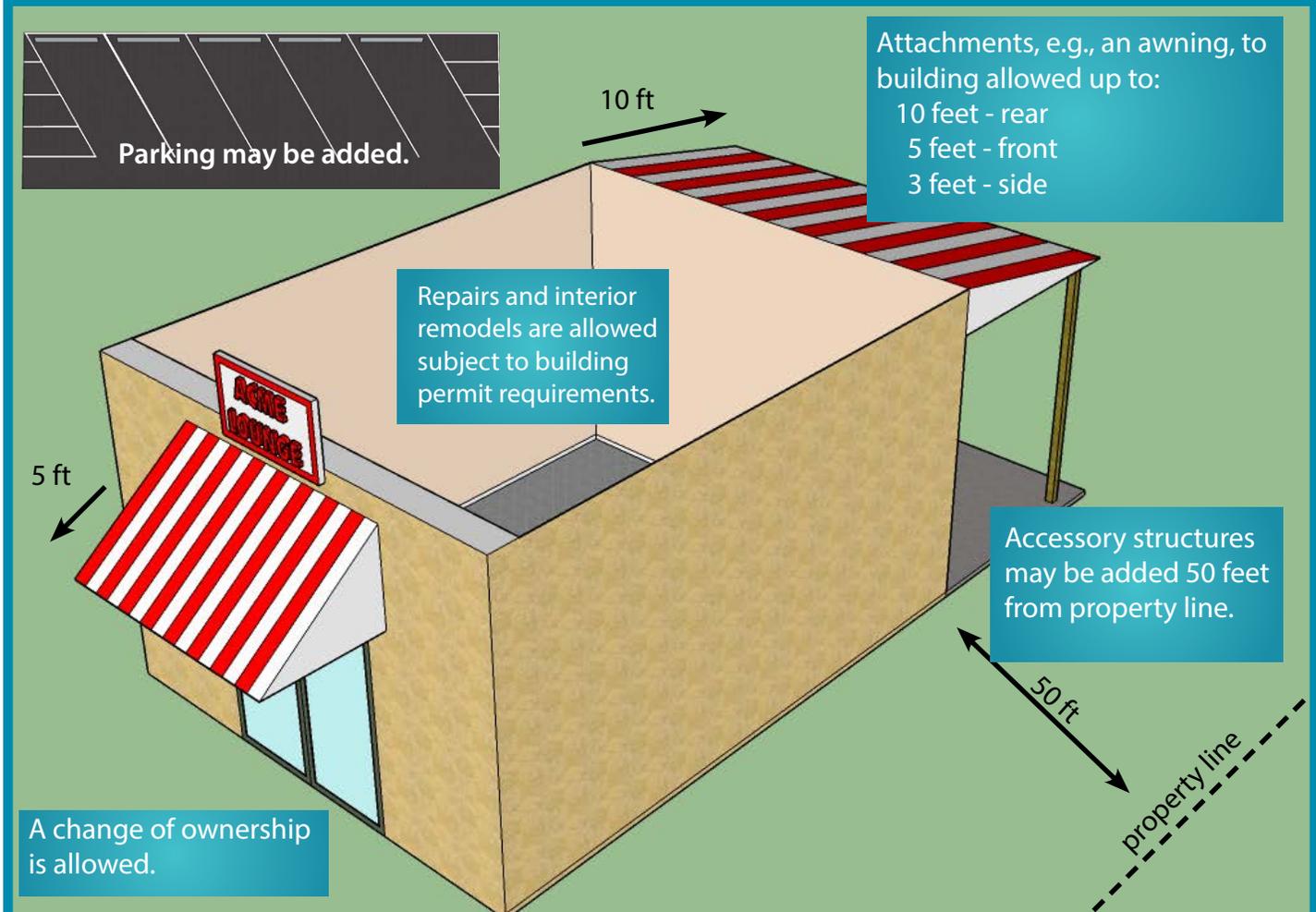
# LEGAL NON-CONFORMING USES, STRUCTURES AND LOTS

## Commonly referred to as “Grandfathered Rights” Section 120

A legal non-conforming use (or structure or lot) is a use of land that was lawful when it was established. However, it would be prohibited or restricted today due to the subsequent changes to the Polk County Comprehensive Plan or the Land Development Code. Therefore, it is considered to be non-conforming. Many refer to this as a “grandfathered” use.

While the Code encourages these uses to come into compliance with today’s regulations, it does allow them to continue and to be put to productive use. Here are some rights extended to all legal non-conformities.

### Common Rights



- All legal structures may be demolished and replaced within 24 months.
- Legal structures may expand up to 20% through administrative approval.
- Through Planning Commission approval:
  - Use may be expanded more than 20%
  - Use may be given permanent recognition subject to conditions of approval

# TEMPORARY USES

## Section 207

The Code allows some activities or uses to happen on a temporary basis. 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. Here is some information on some common temporary uses.



### Garage or Yard Sales:

- Up to four times per year
- Three days each time
- No application needed



### Allowed 14 Total Days Per Year

- Application and site plan required
- Performance bond may be required
- Only allowed in non-residential land use districts and A/RR
- 15 day review of application

## Temporary Mobile Home for Medical Hardships

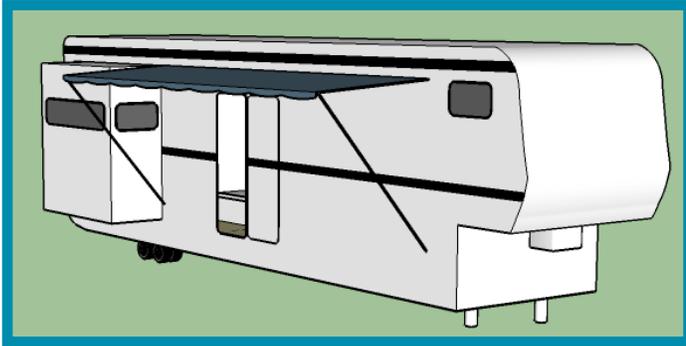


- Requires letter from doctor and approval by Board of Adjustment
- Valid for one year, renewal required application needed
- Not allowed in front yard

Minimum lot size = 12,500 square feet

Minimum lot width = 50 feet

# TEMPORARY USES



## Temporary Emergency Shelter

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.

Allowed for 90 consecutive days. Time period may be extended by Building Director but cannot exceed 9 months.



## Model Homes and Temporary Sales Offices

Model homes and temporary sales offices may be permitted within residential subdivisions for the sale of lots or homes.

- Maximum of 5 model homes or 10% of subdivision whichever is greater
- One may be sales office
- Stabilized roadbase and fire protection needed before opening of model home

*Permitted on a temporary basis in all districts for licensed contractors:*

### Construction Trailers/Offices

- Located on same property as construction project
- May not be used as living quarters

### Road Construction Material/Equipment

- Material may not be stored in a wetland

*Allowed 30 days before and after a construction project*

# DENSITY TABLE

## How to find density and dimensional requirements for each land use district: Table 2.2

Table 2.2 Density and Dimensional Regulations for Standard Districts

	A/RR	RCC-R	RS	RL-1	RL-2	RL-3	RL-4	RM	RH	RCC	OC	CC	NAC	CAC
RESIDENTIAL GROSS DENSITY <sup>(1)(12)</sup>	1 du/5 ac(2)	2 du/ac	1 du/5 ac(2)	1 du/ac	2 du/ac	3 du/ac	4 du/ac	7 du/ac	10 du/ac	N/A	N/A	N/A	N/A	25/15
MAXIMUM / MINIMUM	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	25/15
MIN. RESIDENTIAL LOT AREA <sup>A(3)</sup>	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 <sup>(4)(4)</sup>	0.50	0.50	0.60	0.65	0.65	0.70	0.70	0.70	0.70	0.50	0.70	0.70	0.70	0.70
MAX. NON-RESIDENTIAL FLOOR AREA RATIO <sup>(4)(13)</sup>	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
MIN. SETBACKS: (ROAD Rights-of-Way / Center Line) <sup>(6) (9) (10) (13)</sup>														
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 <sup>(9) (10) (15)</sup>	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 <sup>(9) (10)</sup>	20 / 10	20 / 10	15 / 10	15 / 10	10 / 5	10 / 5	10 / 5	10 / 5	10 / 5	10 / 5	15 / 15	15 / 15	15 / 15	15 / 15
MAX. STRUCTURE HEIGHT (ft) <sup>(17)(12)</sup>	50	50	50	50	50	50	50	50	75	50	50	50	50	75

Land Use Districts are abbreviated along the top of the table.

Top section lists the specific density (number of dwelling units) and intensity (size of non-residential buildings) for each district.

Middle section identifies the required Setbacks from the road based on the functional classification (type) of the road.

Bottom section identifies the required Side and Rear Setbacks and Height Limitations.

Example: The RL-4 district allows a minimum residential lot area of 6,000 square feet and requires a seven foot side setback, 10 foot rear setback. It has a height limitation of 50 foot.

# SETBACKS FOR PRINCIPAL AND ACCESSORY STRUCTURES

Principal structures, e.g., a house or commercial building, and accessory structures, e.g., a storage shed, may not be constructed or placed within a setback. There are required setbacks from the road rights-of-way and the lot boundary. The minimum setbacks for standard land use districts are listed in Table 2.2

## Example for RL-1 District:

Rights-of-Way Setback
 
 Lot Setback
 
 Rights-of-Way

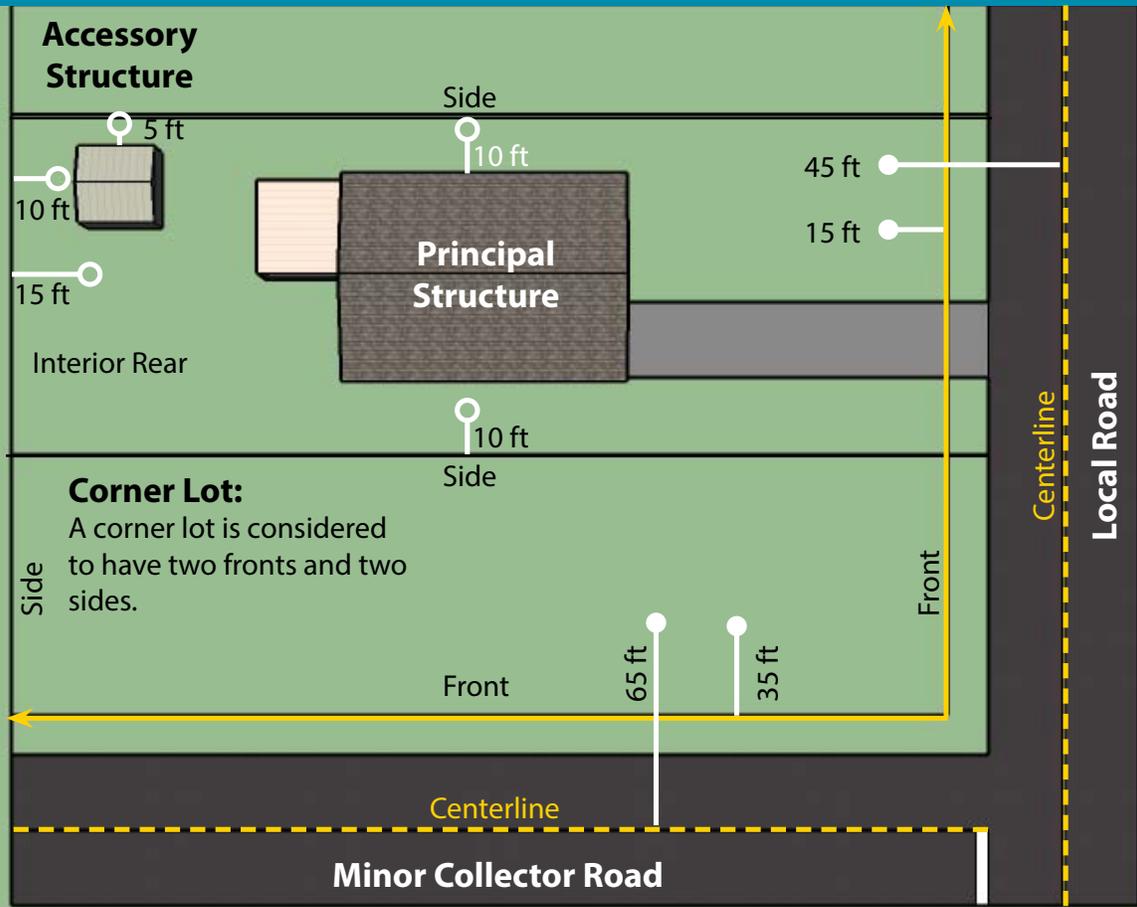


Table 2.2 Density and Dimensional Regulations for Standard Districts

	A/RR	RCC-R	RS	RL-1	RL-2	RL-3	RL-4	RM
MIN. SETBACKS: (ROAD Rights-of-Way / Center Line) <sup>(6) (9) (10) (13)</sup>								
RURAL MINOR COLLECTOR	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
MINIMUM SETBACKS (Principal Structure / Accessory Structures)								
INTERIOR SIDE <sup>(9) (10) (15)</sup>	15 / 10	15 / 10	10 / 5	10 / 5	7 / 5	7 / 5	7 / 5	7 / 5
INTERIOR REAR <sup>(9) (10)</sup>	20 / 10	20 / 10	15 / 10	15 / 10	10 / 5	10 / 5	10 / 5	10 / 5
MAX. STRUCTURE HEIGHT (ft) <sup>(7)(12)</sup>	50	50	50	50	50	50	50	50

# SIGN REGULATIONS



## Prohibited Signs

### Snipe Signs



### Vehicle Signs



### Other

- Signs within the public rights-of-way
- Signs that emit audible sound, odor or visible matter such as smoke or steam
- Signs that imitate or resemble official traffic or government signs, symbols and signals
- Signs that glare onto adjoining residential property or impair the vision of motorists, cyclists or pedestrians using or entering a public way
- Signs containing statements, words, or pictures of an obscene, indecent, or immoral character that are not protected by the First Amendment of the United States or Article 1, Section 4 of the Florida Constitution
- Animated signs
- Portable signs

# SIGN REGULATIONS

## Billboards



**Billboards are prohibited in the following Selected Area Plans:**

I-4/NE Parkway  
North US 27

Ronald Reagan Parkway  
State Road 559

# SIGN REGULATIONS

## Signs Allowed Without a Permit:

### Directional Signs



- No larger than four square feet

**On-Site:** No more than two signs per entrance

**Off-Site:** No more than two signs within 1.5 mile radius of property

### Tablet Signs



- No larger than four square feet or higher than six feet from ground
- One tablet sign attached to surface of the building

Must be cut into masonry surface or constructed of bronze or other incombustible material

### Notable Others:

- On-premises temporary signs
- Signs incorporated into machinery
- Signs carried by a person
- Flags (four per parcel and flown from flagpole)
- Public purpose or safety signs

# SIGN REGULATIONS

## Temporary Signs

The Land Development Code allows the placement of temporary signs subject to specific requirements. Refer to Section 760 for additional details.

The diagram shows a rectangular sign on two posts. To the left of the sign, a vertical line indicates height restrictions: 'Residential Districts - 6 feet' and 'Non-residential Districts - 8 feet'. The sign itself contains the following text:

**Number and Size:**  
Each parcel of land may have a temporary sign up to 32 square feet in size or up to 64 feet for a double-faced sign.  
More than one temporary sign is allowed per parcel if the aggregate area of the signs does not exceed 32 square feet (or 64 feet for double-faced signs).  
No single sign face can exceed 32 square feet.

Below the sign, a note states: 'Can be a ground or building sign but cannot be illuminated by electricity'.

Two callout boxes on the right provide additional information:

- Temporary signs may be on-premises or off-premises.
- The placement of off-premises signs requires the consent of the property owner.

**Maximum Height**

The diagram shows a banner sign on two posts. The banner contains the following text and graphics:

**BIG BBQ FESTIVAL**  
**APRIL 9 - 10**  
**POLK FAIRGROUNDS**

Two cartoon chef characters are on either side of the text. A callout box on the right states: 'A temporary sign shall be removed within 30 days after the end of the scheduled occurrence or purpose.'

# BUFFER REQUIREMENTS

## Section 720H

Buffers (setback + landscaping) can be used to make adjacent, different land uses more compatible, e.g., commercial development more compatible with adjacent homes.

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. **Buffer requirements are often listed with respect to conditional uses - uses that have a greater potential for external impacts. Please refer to Chapter 3.** Parking lots, loading areas, dumpsters, utilities and air conditioning units are examples of facilities that may require special buffering provisions.

### How to determine the type of buffer required between different land uses.

#### Step 1.

Refer to Table 7.13

Identify the Class Number for the proposed use and the abutting use.

Example:  
Office = 4  
Single Family Home = 2

#### Step 2.

Refer to the matrix in Table 7.12.a

Find the intersection of the proposed use and the abutting use.

In this example, a Type B Buffer is required between the proposed office and the abutting home.

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)

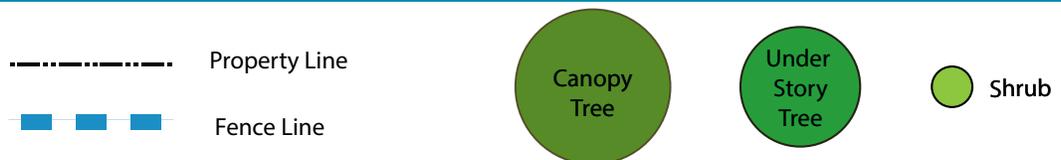
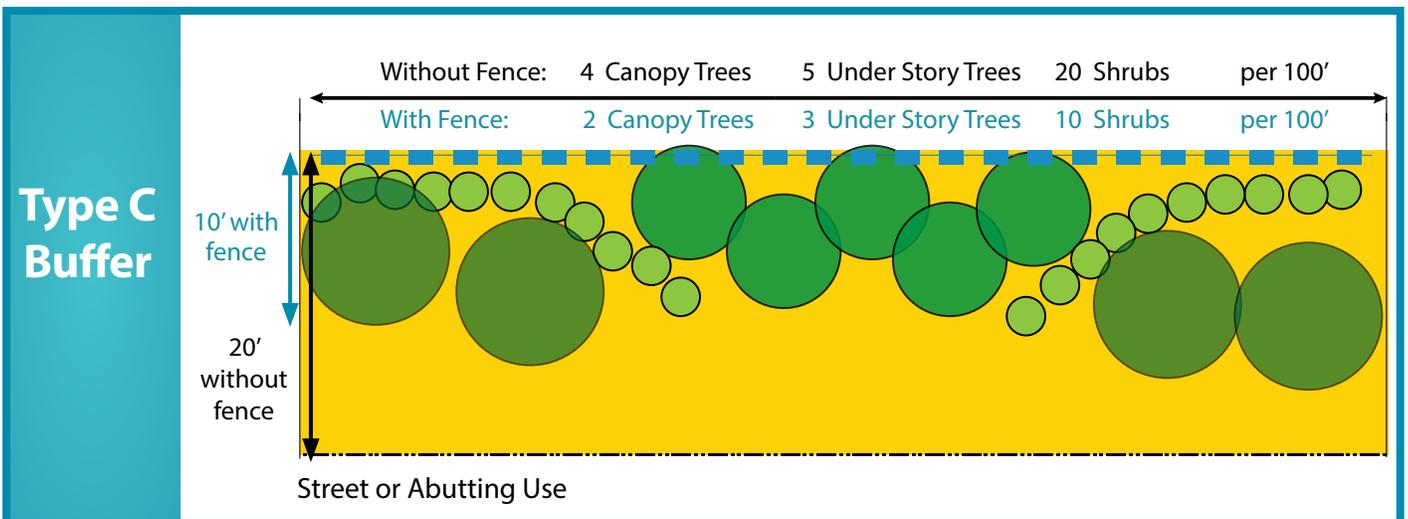
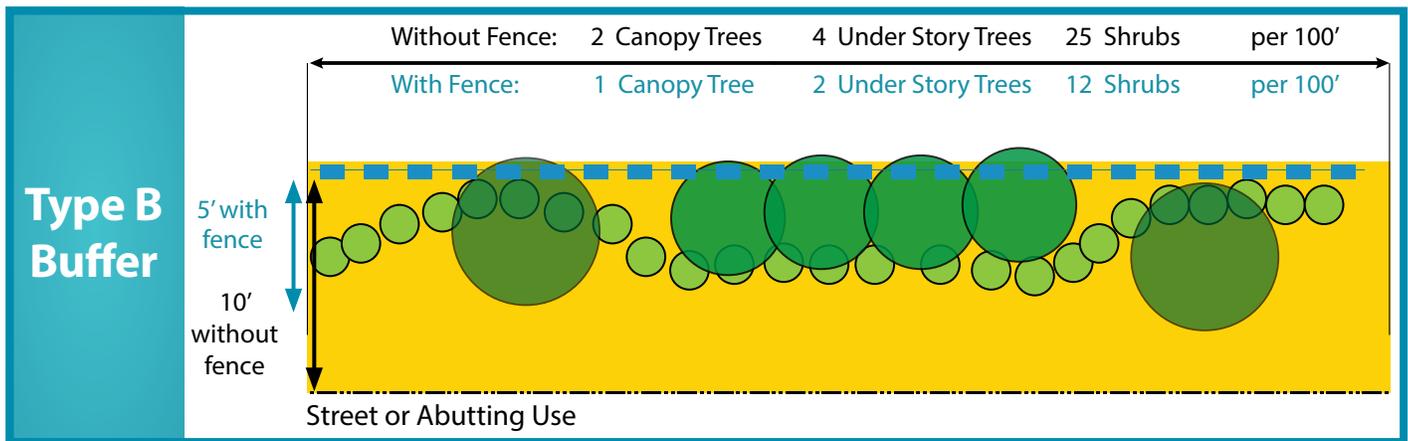
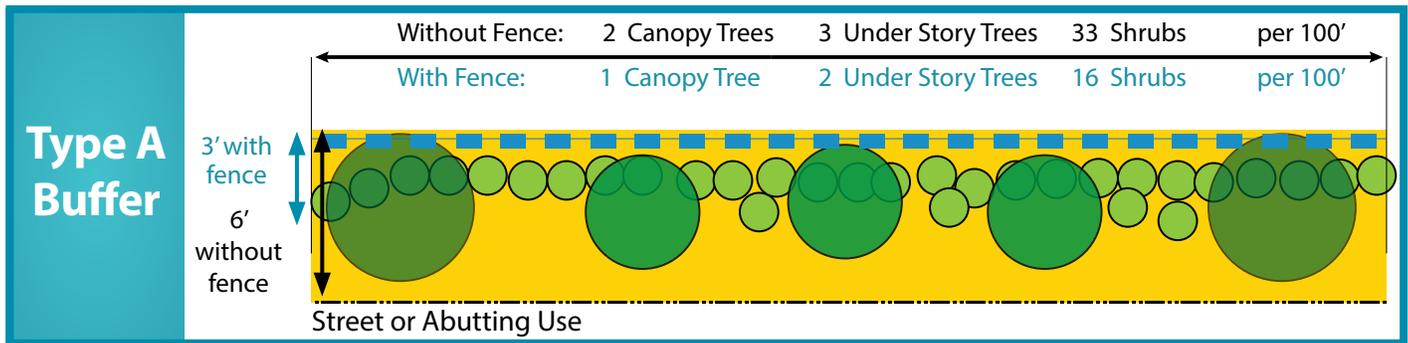
Land Use	Class Number
<b>Roadway/Street (Not internal driveways or drive aisles)</b>	1
<b>Residential</b>	
Single-Family	2
Duplex	2
If vacant, abutting land zoned RS, RL1, RL2, RL3, RL4, A/RR, RCC-R, PRESV shall be considered Class 2	2
Multi-Family (triplex and greater)	3
Mobile Home Park	3
Congregate Living Facilities	3
If vacant, abutting land zoned RM, RH shall be considered Class 3	
<b>Commercial/Office</b>	
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 7.12.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 <sup>5</sup> )	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 Processing & Storage (Class 5)	A	C	C	B	N
Recreation and Amusement, Intensive (Class 5)	A	C	C	B	N

N = No Buffer Required    A = Type A Buffer    B = Type B Buffer    C = Type C Buffer

# BUFFER REQUIREMENTS

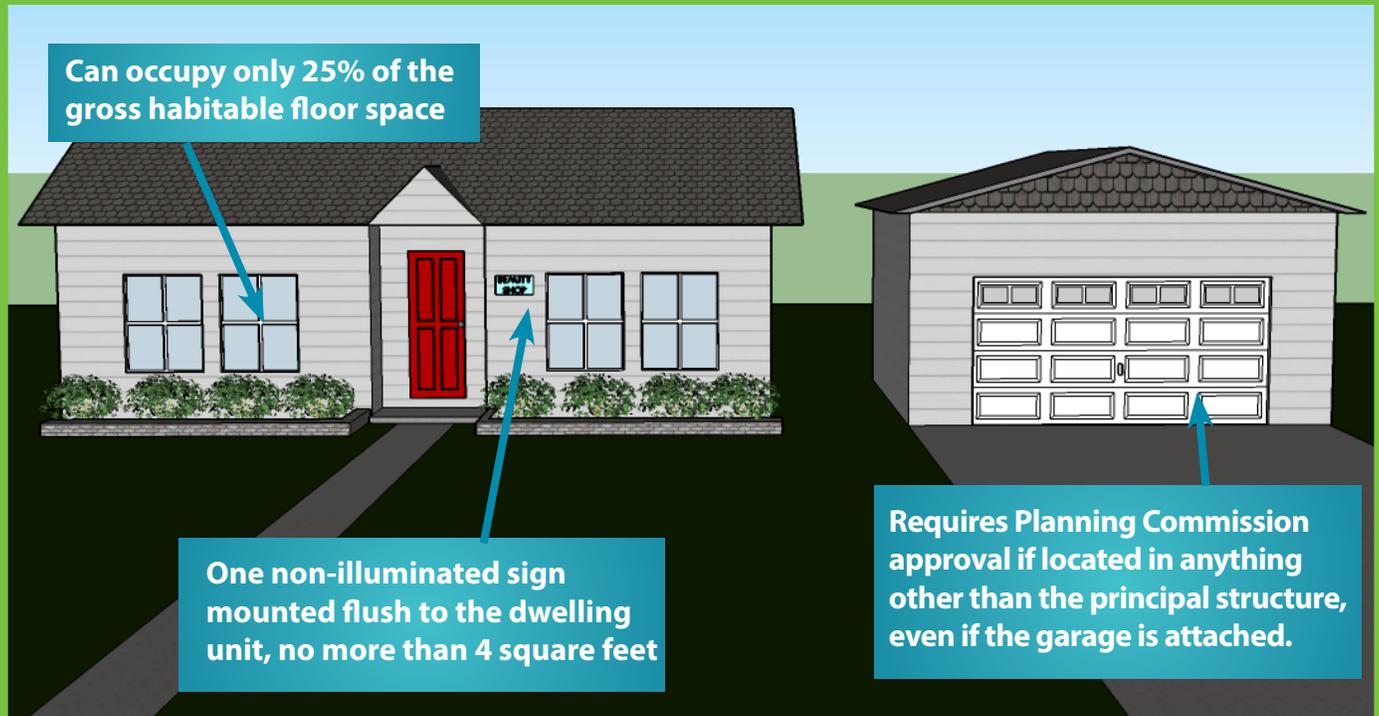


Wall or berm may be used as substitute for 6' fence.

# HOME OCCUPATIONS

## Section 206 E

**HOME OCCUPATION:** An occupation carried on in a dwelling unit by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.



### EXAMPLES OF HOME OCCUPATIONS:

- Activities conducted principally by telephone, computer, facsimile, or mail.
- Studios where handicrafts or objects-of-art are produced.
- Teaching and tutoring instruction of no more than four pupils at a time.
- Dressmaking or apparel alterations.
- Barber and beauty shop (one chair).

### PLEASE NOTE:

- The home occupation shall be clearly incidental and secondary to the property's use for residential purposes.
- Must be a bona fide residence of the home occupation practitioner.
- In addition to the residents of the home, one person who does not reside on the premises may be employed in the operation of a home occupation.
- No more than five visitors/customers per day on an annual average

# HOME OCCUPATIONS



All home occupation practitioners shall obtain an occupational license from the Polk County Tax Collector's Office.



Please review Home Owners Association rules, deed restriction, and housing covenants before beginning a Home Occupation.



## USES NOT PERMITTED AS HOME OCCUPATIONS

- Adult entertainment
- Automotive service and repair
- Bed and breakfast
- Eating and drinking establishments
- Kennels
- Manufacturing
- Tanning Salons, tattoo parlors or massage parlors
- Commercial sales or leasing of vehicles
- Any use that requires a Building Code upgrade (i.e., from residential standards to commercial standards) to accommodate the home occupation.

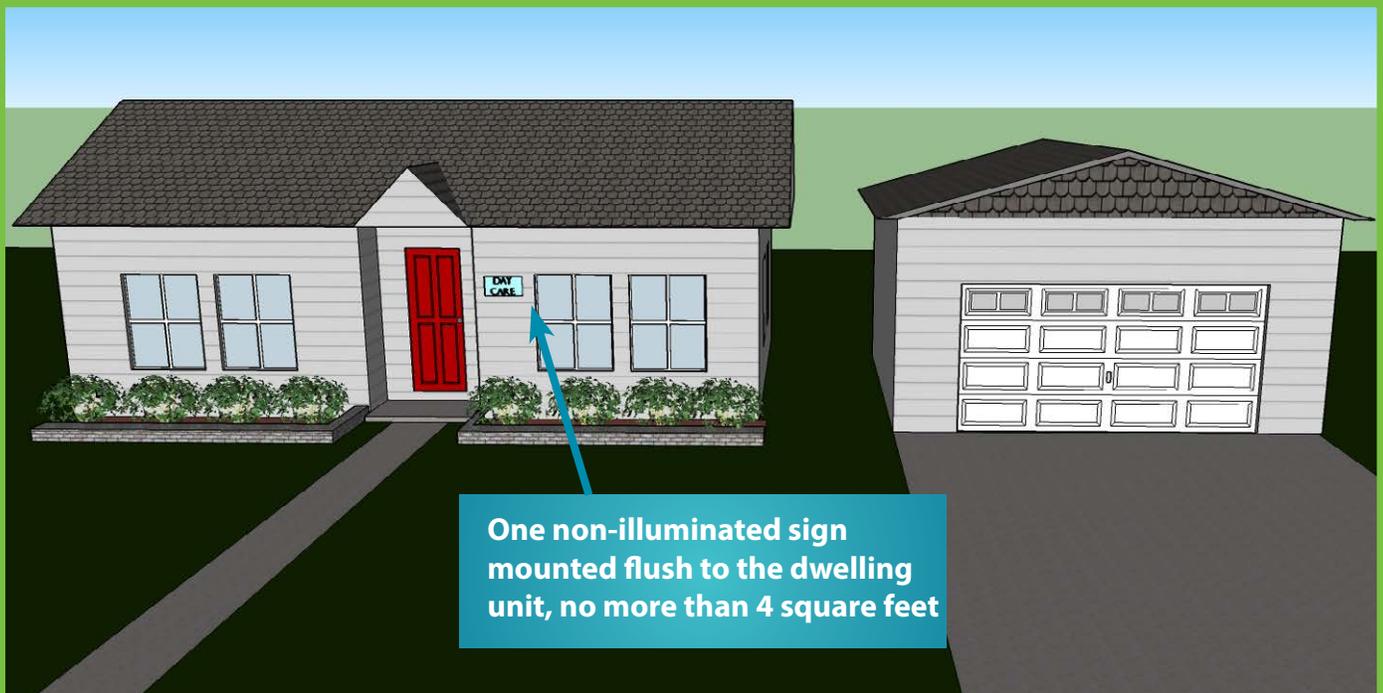
## ADDITIONAL NOTES

- No display of merchandise
- No outside storage of equipment or materials
- No changes to external appearance (principal, accessory, or property)
- No noise, vibration, glare, fumes, electromagnetic interference, odors or air pollution
- No hazardous materials, other than substances of a type and quantity customarily associated with a home or hobby

# FAMILY HOME DAYCARE

## Family Daycare Home Requirements Section 206

Less than 12 children under age 12,  
including children related to caregiver



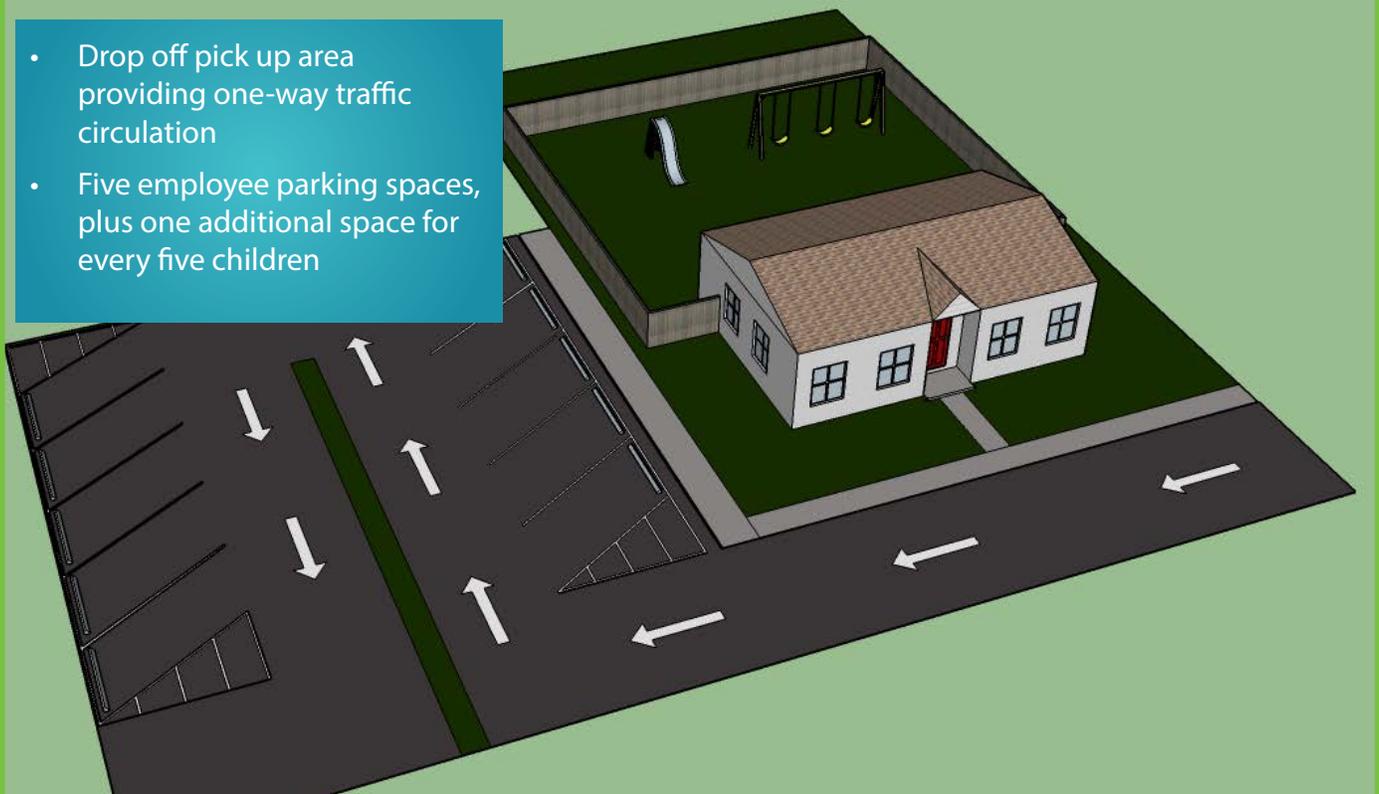
- Permitted in all residential land use districts
- Must comply with Florida Department of Children and Family Services
- Must not alter exterior of the dwelling unit
- Confined to interior of home
- Garage or other storage area shall not be utilized for child care activities
- Only one person who is not a family member, not residing in home is allowed to assist with the operations of home daycare
- Sufficient off street parking

# CHILDCARE CENTER

## Childcare Center Section 303

### More than 12 children

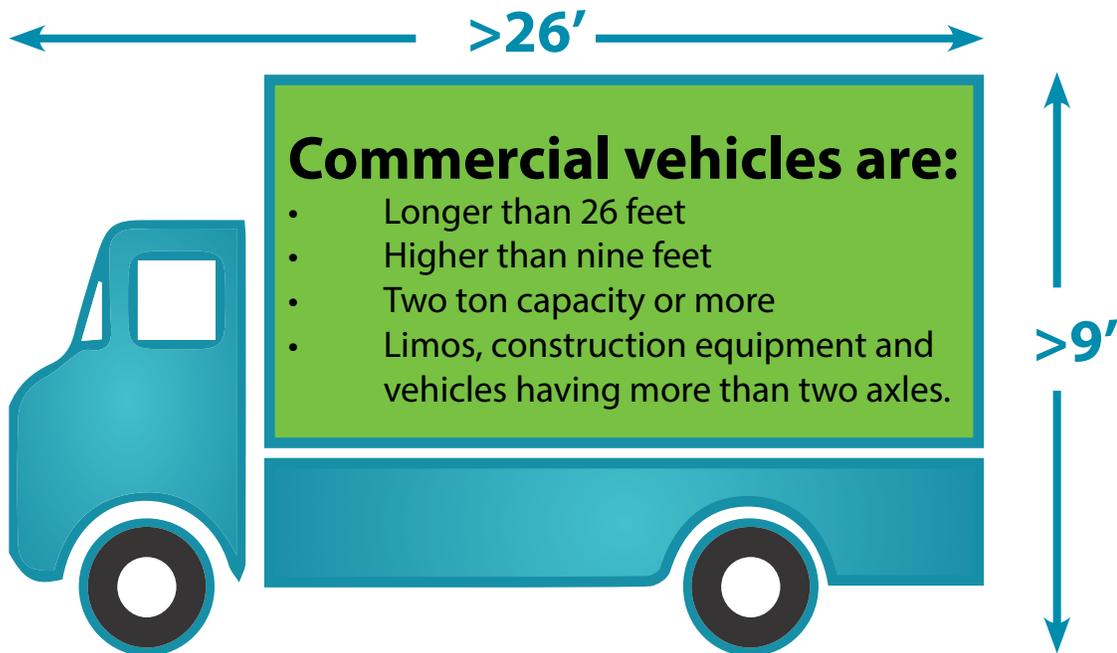
- Drop off pick up area providing one-way traffic circulation
- Five employee parking spaces, plus one additional space for every five children



- More than 25 children shall not have access to a local residential street
- 45 square feet of usable , safe outdoor play area per child, minimum play area = 45 square feet for ½ capacity of childcare center
- Four feet minimum fence height for under 25 kids
- Five feet minimum fence height for more than 25 kids
- Note: Religious Institutions childcare center allows a maximum of 100 children

# COMMERCIAL VEHICLE PARKING

## Commercial Vehicle Parking Requirements Section 216



### PARKING ON COMMERCIAL PROPERTY:

- Minimum lot size of a ½ acre
- In CE, LCC, CAC, RAC, TCC, HIC, BPC-1, BPC-2 and IND districts
- No outside storage except in BPC-2 or IND
- One automobile parking space for each Commercial Vehicle
- Durable dust-free parking surface with proper drainage
- Perimeter landscaping
- No local residential road access
- Setback 50 feet or more from residential property
- All vehicles registered and operable
- No overnight stays
- Not permitted in Green Swamp Area of Critical State Concern
- Engineered plans and commercial driveway required

# COMMERCIAL VEHICLE PARKING



## COMMERCIAL VEHICLES ARE NOT PERMITTED ON RESIDENTIAL PROPERTY

**Unless approved through Special Exception by the Board of Adjustment with conditions such as:**

- only 1 per lot
- registration current
- operator resides in home
- setback 20 feet from property line
- Park in side or rear yard only
- parked perpendicular to front
- fenced off from view
- no refrigeration units
- annual renewal

### **Board of Adjustment Review Process:**

- Three to four months
- \$150.00 Application Fee
- Public hearing to determine approval or denial
- All properties w/in 250 feet get written notice

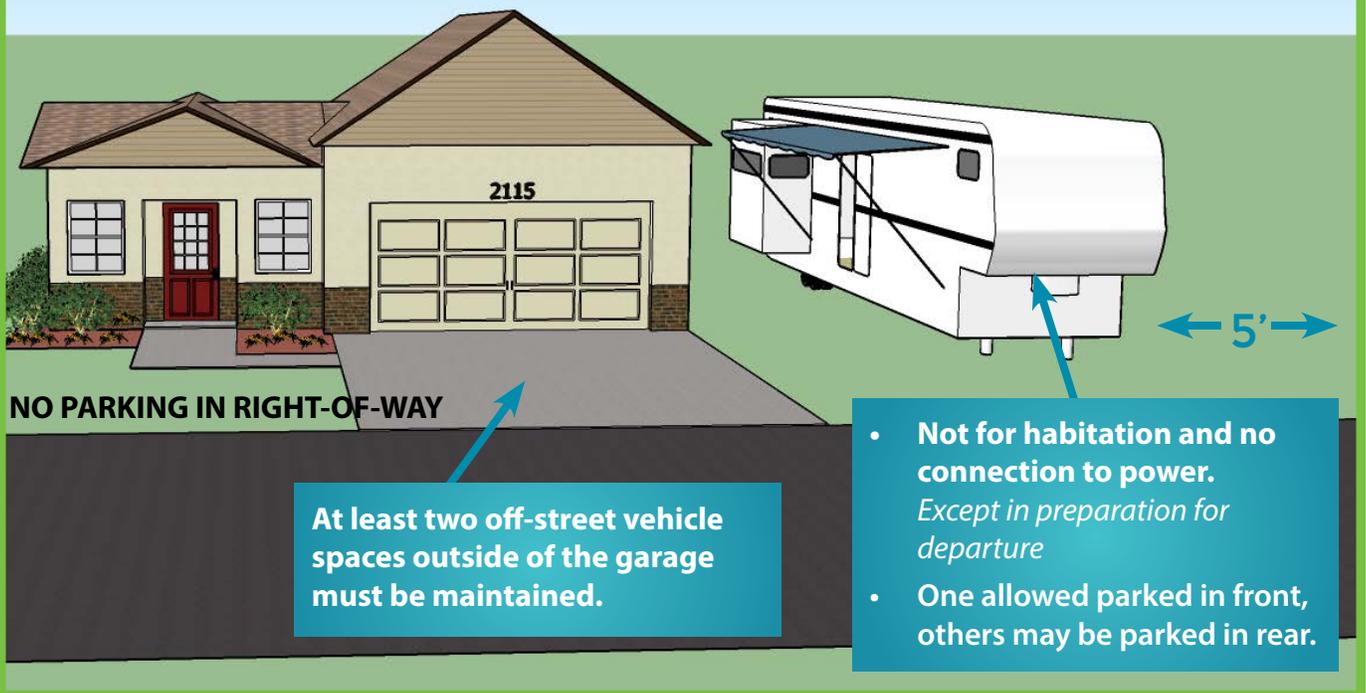
### **Residential Exemptions:**

- One vehicle on a house lot of five acres or more in the A/RR districts with a 20' setback from all property lines
- Landscaping equipment and trailers inside garage or shed

# RECREATIONAL VEHICLE PARKING

## Recreational Vehicle Parking Requirements Section 218

Boats, utility trailers, sports vehicles and recreational vehicles:



# MOBILE HOMES

## Where can individual mobile homes be placed? Section 303

*Individual mobile homes can be placed in the following locations:*

### **A mobile home can be set up:**

Any registered mobile home park or mobile home subdivision.



### **Un-Platted Parcel:**

- in Agriculture Residential Rural (A/RR) land use district
- greater than 5 acres in Residential Suburban (RS)

### **More on unplatted parcels:**

A mobile home can be placed on other unplatted parcels 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.

### **Platted Residential Subdivisions:**

A mobile can be placed in a residential subdivision (not platted as a mobile home subdivision) if 50 percent or more of the developed lots contain mobile homes. A list of the parcels, and the existing use of each parcel, in a subdivision can be obtained from the Property Appraiser's website at [www.polkpa.org](http://www.polkpa.org).

Customers are recommended to contact the Polk County Planner-on-Call (863) 534-6084 for assistance with this analysis prior to purchasing a mobile home.



# POLK C O U N T Y

Land Development Code

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## SECTION B

Areas that need  
special attention



**Green Swamp Special Protection Area - p. 38**



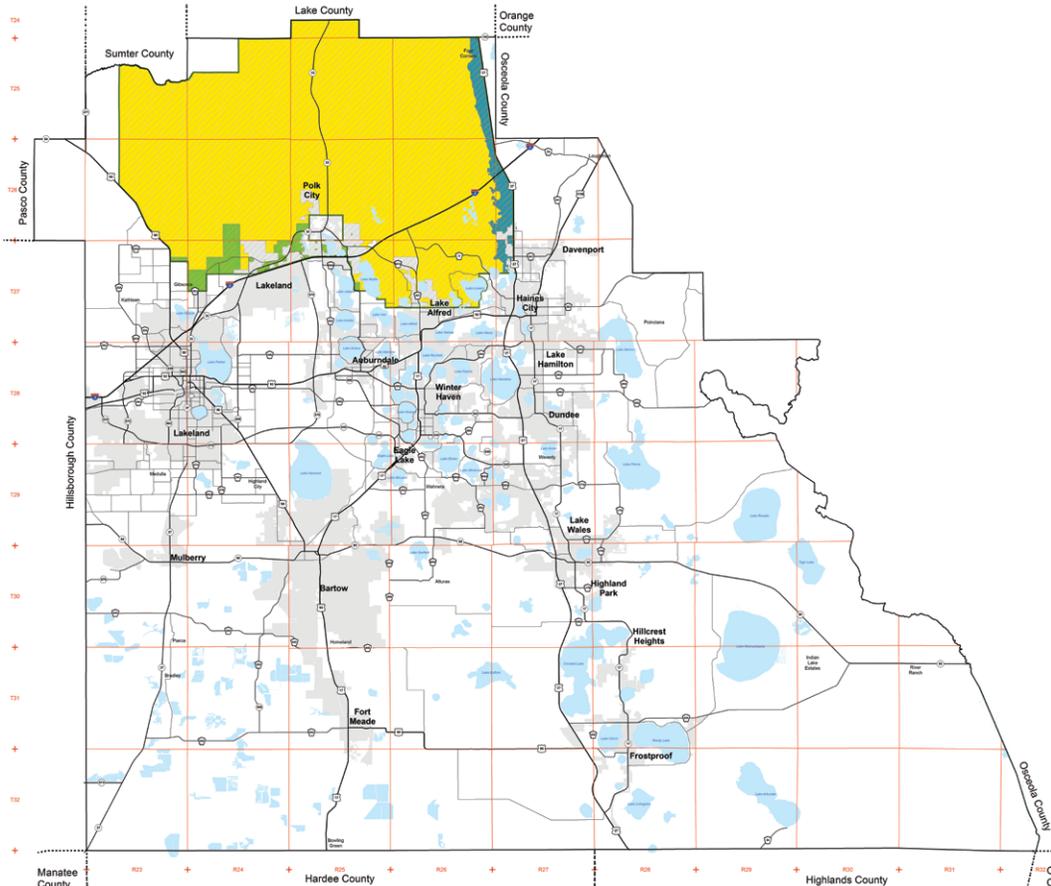
**Flood Hazard Management - p. 44**



**Surface Water Protection Zone - p. 46**

# SPECIAL PROTECTION AREAS

## The Green Swamp: An Area of Special Protection

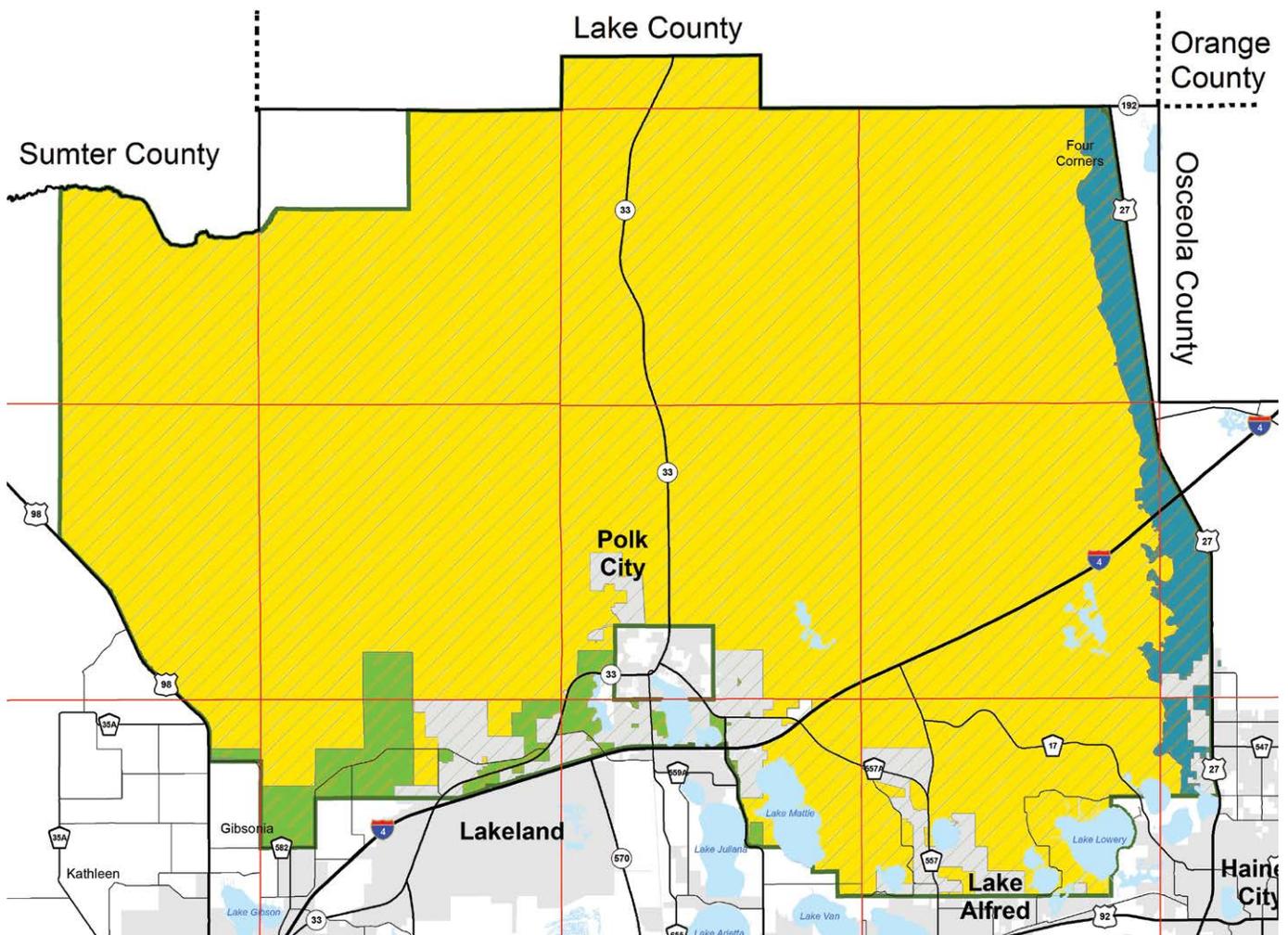


### Excerpt from Florida Department of Economic Opportunity (DEO) website:

In 1979, the Florida Legislature designated the Green Swamp Area of Critical State Concern. The area consists of approximately 322,690 acres with portions lying in northern Polk and southern Lake Counties. The designation recognizes its valuable hydrologic functions and the need to specifically regulate encroaching development that imperils these functions. The Floridan Aquifer reaches its highest elevation within the Green Swamp, providing groundwater pressure to help maintain free-flowing springs, rivers, and abundant high quality drinking water. Additionally, the wetlands in the swamp coalesce to form the headwaters of four major rivers in central Florida: The Withlacoochee, Oklawaha, Peace, and Hillsborough Rivers. The Peace and Hillsborough Rivers are potable water sources for large population centers such as Tampa and Sarasota, and the Oklawaha, Withlacoochee and Hillsborough Rivers are designated Outstanding Florida Waters. The wetlands in the Green Swamp retain the seasonal flood for extended periods of time beyond the rainy season which reduces peak flows and flooding, increases aquifer recharge, and helps maintain seasonal river levels. The flatwoods and sandhill uplands that exist throughout the swamp provide moderate to high recharge to the aquifer. Moreover, within some areas of the western portion of the swamp, the limestone aquifer outcrops to the surface of the land, making it susceptible to pollution. For the reasons noted, the Green Swamp is considered an important hydrological area second only to that of the Everglades.

# SPECIAL PROTECTION AREAS

The Green Swamp is divided into three “Special Protection Areas” as shown. The Rural Special Protection Area contains the most ecologically sensitive and intact resources as found in the Conservation-Core land use district (often referred to as the “CORE of the Green Swamp”). The Rural Special Protection Area has the lowest residential densities and the strictest development standards. In contrast, the Ridge and Polk City Special Protection Areas allow urban-level densities in some areas, albeit with stricter than normal development standards (compared to the rest of the county).



**Rural Special Protection Area**



**Ridge Special Protection Area**



**Polk City Special Protection Area**



# SPECIAL PROTECTION AREAS

## Rural Special Protection Area

**Densities:** A/RRX 1 dwelling / 10 upland acres  
COREX 1 dwelling / 20 acres

**Conservation Area:** All development in the **Agriculture/Residential-Rural (A/RRX)** must set aside **80%** of the parcel as a conservation area; the required set-aside for the **Conservation-Core (COREX)** land use district is **90%**.

**Utilities:** No sewer service is allowed in the COREX land use district.  
Residential lots cannot be smaller than 40,000 square feet.  
Golf courses are prohibited.

## Ridge Special Protection Area

**Densities:** RLX 4 dwellings / upland acre\*  
RMX 6 dwellings / upland acre\*  
RHX 20 dwellings / upland acre  
\*unless in a Selected Area Plan

**Open Space (uncovered land):**  
Residential Developments **0-4 units/acre = 30%**  
Residential Developments **>4 units/acre = 40%**  
**Non-Residential** Land Use Districts = **30%**

**Utilities:** All development in the Ridge Special Protection Area is required to connect to both public water and sewer.

## Polk City Special Protection Area

**Densities:** RSX 3 dwellings / upland acre  
RLX 5 dwellings / upland acre

**Impervious Surface (land covered by non-porous surface):**  
The maximum impervious surface is **70%** for **residential developments**, **50%** for **single family lots**, **60%** for **non-residential land use districts**, and **70%** for the **Business Park Center (BPCX)** land use district.

**Utilities:** All lots less than 40,000 square feet must connect to central sewer.

# SPECIAL PROTECTION AREAS

## + Development Standards in the Green Swamp

The Polk County Land Development Code includes added protections for the Green Swamp - standards or regulations that exceed the normal standards for development. More detailed information on the development standards in the Green Swamp can be found in Chapter 5. Here are some highlighted development standards.

### Floodplain Protection

- No development in the floodplain
- Residential densities may be transferred out of the floodplain at 1 dwelling unit/10 acres as long as it does not result in more than a 65% reduction of lot size in the Suburban Development Area (SDA) or a lot less than 40,000 square feet in the Rural Development Area (RDA).
- If land is entirely in the 100 year floodplain, then density is 1 dwelling unit/20 acres.
- Parcel is not buildable if created after December 1, 1993 and located entirely in a floodplain.
- A detailed flood study is required for all developments of 5 acres or more in the 100 year floodplain.

### Conservation

Open space areas are required within a Planned Development (PD) that is located in a Residential Suburban (RS) or Agriculture/Residential-Rural land use district. A conservation area is required to conserve agriculture, environmentally sensitive lands and the rural character of the area. Open space must be reserved as follows:

- minimum 50% set aside;
- used only for agriculture, habitat protection or preservation; and
- shall include all wetlands, 100 year floodplains, and endangered habitat, before setting aside land for other reasons.

### Aquifer Protection

- A registered professional geologist or hydrologist must certify that water recharge quality or quantity will be unaltered by a development.
- Water discharges into sinkholes, wetlands, lakes, rivers or streams are prohibited.

### Habitat Protection

- All development shall document whether there are significant wildlife habitat on-site (endangered, threatened or species of special concern). If so:
  - o a field survey is required by a qualified environmental scientist to locate the habitat and potential impacts; and
  - o the environmental scientist must prepare and submit a Habitat Protection Plan to the Florida Fish and Wildlife Conservation Commission.
- Development will be required to locate on the non-habitat portions of the site subject to specific provisions.

### Wellfields

Wellfields are prohibited as of 9/1/2000

### Greenway Corridor

A 50-foot wide Greenway Corridor is required on each side of the boundary between the Conservation-Core land use district and the Ridge Special Protection Area. No development is allowed in this buffer corridor.

# SPECIAL PROTECTION AREAS

## Green Swamp Impact Assessment Statements

All development with the exception of a single-family dwelling unit and accessory uses is required to submit a Green Swamp Impact Assessment Statement. An impact statement is required for all Conditional Use Approvals (Level 2, 3 & 4) and Construction Plan Approvals (Level 2). More engineering detail is required for construction plans.

Requirements for all Conditional Use approvals (Level 2,3, & 4 Reviews)	Additional requirements for all Construction Plan approvals (Level 2)
<p><b>Floodplain Assessment Requirements:</b> Delineate flood zones on site plan, show how drainage will be handled, and how natural flow regime will be maintained.</p>	<p><b>Floodplain Assessment Requirements:</b> Provide detailed stormwater runoff plan (including calculations), site survey with mapped flood boundaries, and data and analysis of flood protection development criteria listed in POLICY 2.123-B2 of the Comprehensive Plan</p>
<p><b>Wetland Assessment Requirements:</b> Delineate wetland areas on plan, effects of drainage patterns (pre and post), list the agencies with jurisdiction, describe why impacts (if any) cannot be avoided, describe offsite wetland impacts.</p>	<p><b>Wetland Assessment Requirements:</b> Provide an onsite survey of professionally delineated wetlands and copies of permit approvals for any proposed disturbance</p>
<p><b>Green Swamp Objectives Assessment Requirements</b> Describe the impacts of development to the following will be minimized and how to protect and improve the following on and offsite:</p> <ol style="list-style-type: none"> <li>1. <b>Floridian Aquifer</b> (estimate depth, list contaminants, provide soil survey)</li> <li>2. <b>Quantity and flow of ground water and surface water</b> (identify sources onsite and applicable standards for their protection)</li> <li>3. <b>Aquifer recharge</b> (provide topo map with location of recharge areas)</li> <li>4. The Green Swamp <b>Potentiometric High</b> of the Floridian Aquifer (provide water use estimates and effects, identify outcroppings)</li> <li>5. <b>Estimate normal supply</b> of ground and surface water onsite (describe methods to maintain them)</li> <li>6. Prevent <b>salt water intrusion</b> into the Floridian Aquifer (submit copy of Water Management District consumptive use permit application)</li> <li>7. <b>Existing ground and surface water quality</b> (how will standards be met)</li> <li>8. <b>Water retention capabilities of wetlands</b> (Identify best management practices and offsite wetlands that may be effected)</li> <li>9. <b>Biological filtering capabilities of wetlands</b> (list planned improvements)</li> <li>10. <b>Natural flow regime of drainage basins</b> (provide drainage basin map)</li> <li>11. <b>Design capacity</b> of flood detention areas maintenance of hydrologic characteristics of drainage basins (show approximate location of stormwater management facilities)</li> </ol>	<p><b>Green Swamp Objectives Assessment Requirements</b></p> <ol style="list-style-type: none"> <li>1. <b>Floridian Aquifer</b> (provide surveyed depth to confining layer and detailed soil survey)</li> <li>2. <b>Quantity and flow of ground water and surface water</b> (provide engineered drainage plans with detailed narrative)</li> <li>3. <b>Aquifer recharge</b> (provide detailed narrative on how recharge areas will be protected and how offsite discharge will be treated prior to release)</li> <li>4. The Green Swamp <b>Potentiometric High</b> of the Floridian Aquifer (provide permits for any onsite groundwater withdrawals)</li> <li>5. <b>Improve normal supply</b> of ground and surface water onsite (describe plans to maintain and improve normal water supply)</li> <li>6. Prevent <b>salt water intrusion</b> into the Floridian Aquifer (submit copy of the data sent to the Water Management District for the consumptive use permit)</li> <li>7. <b>Existing ground and surface water quality</b> (specify standards be met and describe pest control techniques)</li> <li>8. <b>Water retention capabilities of wetlands</b> (Identify best management practices and offsite wetlands that may be effected and engineering data to support it)</li> <li>9. <b>Biological filtering capabilities of wetlands</b> (provide action plan in the event that discharge run-off occurs into wetland systems)</li> <li>10. <b>Natural flow regime of drainage basins</b> (provide engineered drawings and calculations to support best management practices)</li> <li>11. <b>Design capacity</b> of flood detention areas maintenance of hydrologic characteristics of drainage basins (provide engineered drawings of stormwater management facilities and calculations)</li> </ol>

## State Review of Development Orders

Under State of Florida regulations, Polk County submits all development orders to the Department of Economic Opportunity (DEO) for review. This includes conditional uses, planned developments and construction plans for residential and commercial projects. The DEO has 45 days to review a development order, and it may be appealed to the Florida Land and Water Adjudicatory Commission. Polk County does not issue certificates of occupancy until the State's review is concluded without an appeal.

# FLOOD HAZARD MANAGEMENT

The Land Development Code includes additional site development or building standards that apply to “Special Flood Hazard Areas” such as Flood Hazard Zone “A.” These standards help to protect the natural beneficial function of floodplains and to reduce or eliminate flood damage. More detailed information is contained in LDC Section 630.

## Flood Prone Areas

Forty-six percent of Polk County is located in a regulatory floodplain. You should know your flood hazard area and how it affects you. Check with Polk County Floodplain Management at (863) 534-6765 to find out your flood zone, the Base Flood Elevation (BFE) for your neighborhood, or to see if there is an elevation certificate for your structure. The County Map Viewer (<http://gisserver.polk-county.net/countyviewer/>) is a tool that can be used to find out if your property is located in a flood hazard area.

## Natural and Beneficial Functions of Floodplains

All floodplains serve a natural beneficial function. They reduce flood damage by allowing flood waters to spread out over large areas. This helps facilitate absorption into the ground, reduces the speed of flood waters and acts as storage to reduce downstream impacts. By naturally filtering the water before it is absorbed into the ground, floodplains also help keep water supplies free from contaminants such as oil, paint, anti-freeze and pesticides. These areas include swamps, marshes, wetlands, depressions and low lying areas along waterways or beside lakes.

## Permit Requirements

Polk County requires building permits to ensure that all construction, additions, conversions and/or developments comply with minimum standards. Additional standards apply when building in Special Flood Hazard Areas. For example, houses and certain other structures must be built one foot above the base flood elevation. Other standards may apply that require flood proofing for a structure. Also, Polk County restrict placing fill in Special Flood Hazard Areas unless compensating storage is provided.

## “50% Rule” - Substantially Improved or Damaged Structures

In addition to new construction, the standards for flood hazard areas apply to building additions and repairs. In Special Flood Hazard Areas, any substantially improved or damaged structure must comply with the County’s current floodplain management regulations. Under the 50% Rule, if a structure does not meet the County’s minimum standards and the cost of repairs or renovations will increase the structure’s original fair market value by an amount equal to or greater than 50%, then the structure must be brought into compliance as part of the repairs or renovation.

## Flood Insurance

Polk County participates in the National Flood Insurance Program (NFIP) which allows local insurance agents to sell NFIP policies under rules and rates set by the federal government. Any agent can sell a policy, and all agents must charge the same rates. Because Polk County also participates in the Community Rating System (CRS), Polk County homeowners and renters pay less for flood insurance. A voluntary incentive program, the CRS recognizes and encourages community floodplain activities that exceed the minimum NFIP requirements.

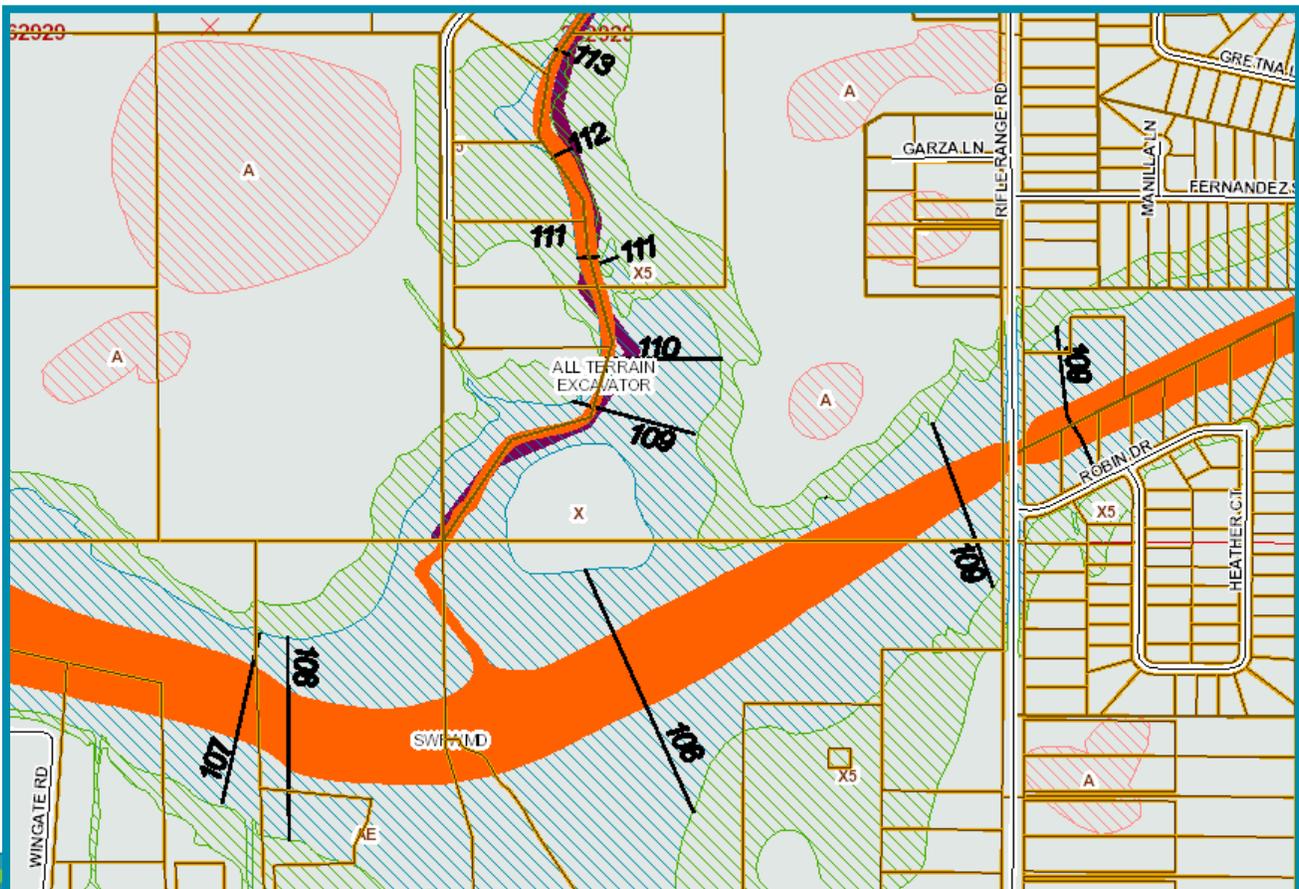
# FLOOD HAZARD MANAGEMENT

## Flood Zones Section 630

The Federal Emergency Management Agency (FEMA) identifies areas that are prone to flooding. It maps flood zones which categorize areas in terms of their risk of flooding. Everyone lives in a flood zone - it's just a question of whether you live in a low, moderate or high risk area.

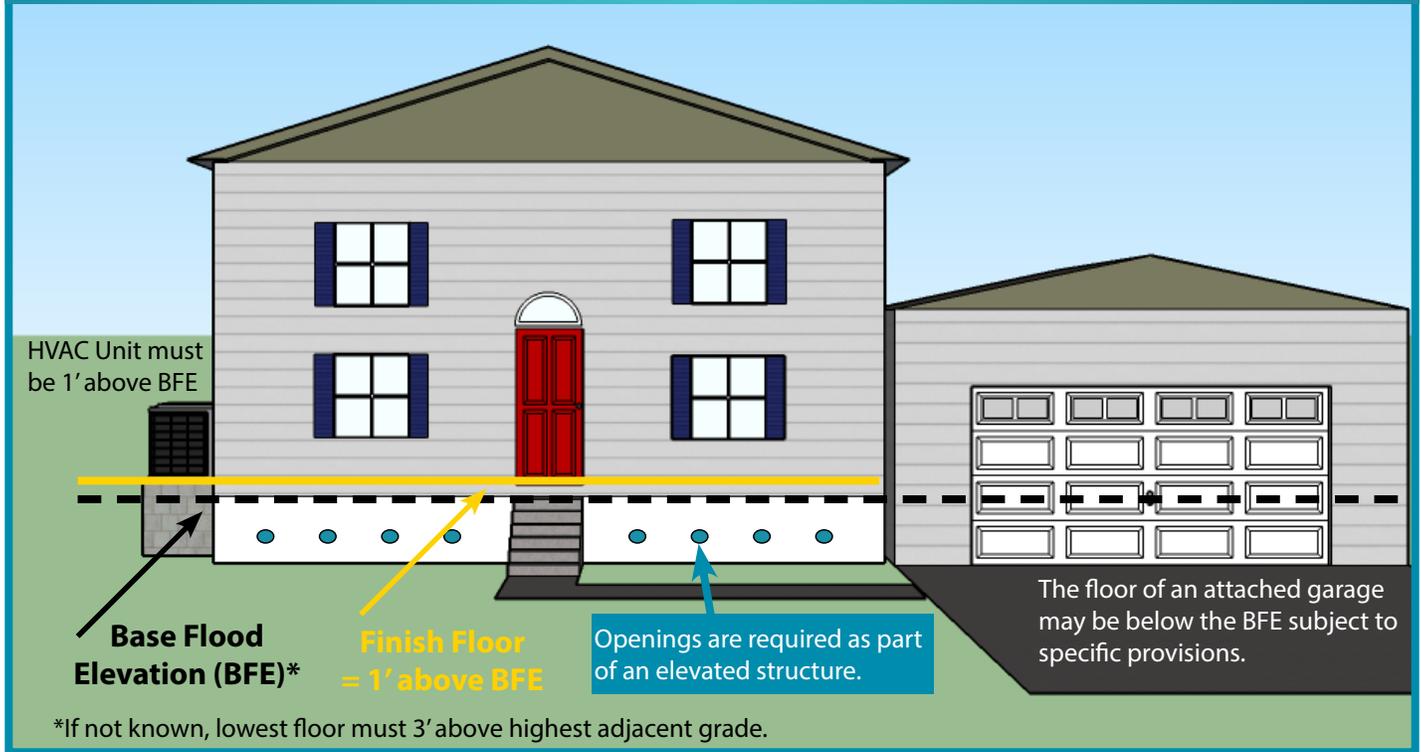
Risk Level	Flood Hazard Zone
<b>High</b> Properties have a 1% chance of flooding in any year and a 26% chance over the life of a 30-year mortgage.	<b>AE</b> - Base flood elevation has been determined.
	<b>A</b> - Un-numbered "A" - Base flood elevation has not been determined.
	<b>AH, AO</b> - Areas of shallow flooding
<b>Low or Moderate</b>	<b>Shaded X Zone</b> - Properties are outside of high risk zones. The risk is reduced but not removed.
	<b>X Zone</b> - Properties are in an area of lower risk.

High risk areas are called Special Flood Hazard Areas, and flood insurance is mandatory for most mortgage holders. Lower cost preferred rate flood insurance policies (known as preferred risk policies) are often an option in lower risk areas.



# FLOOD HAZARD MANAGEMENT

## Building in an "A" Zone



## Flood Hazard Warning

One objective of the Flood Hazard Management Program is to ensure that potential home buyers are notified that property is in a flood hazard area. The following warning is required to be published on all subdivision plats and building permits for lots:

### FLOOD HAZARD WARNING

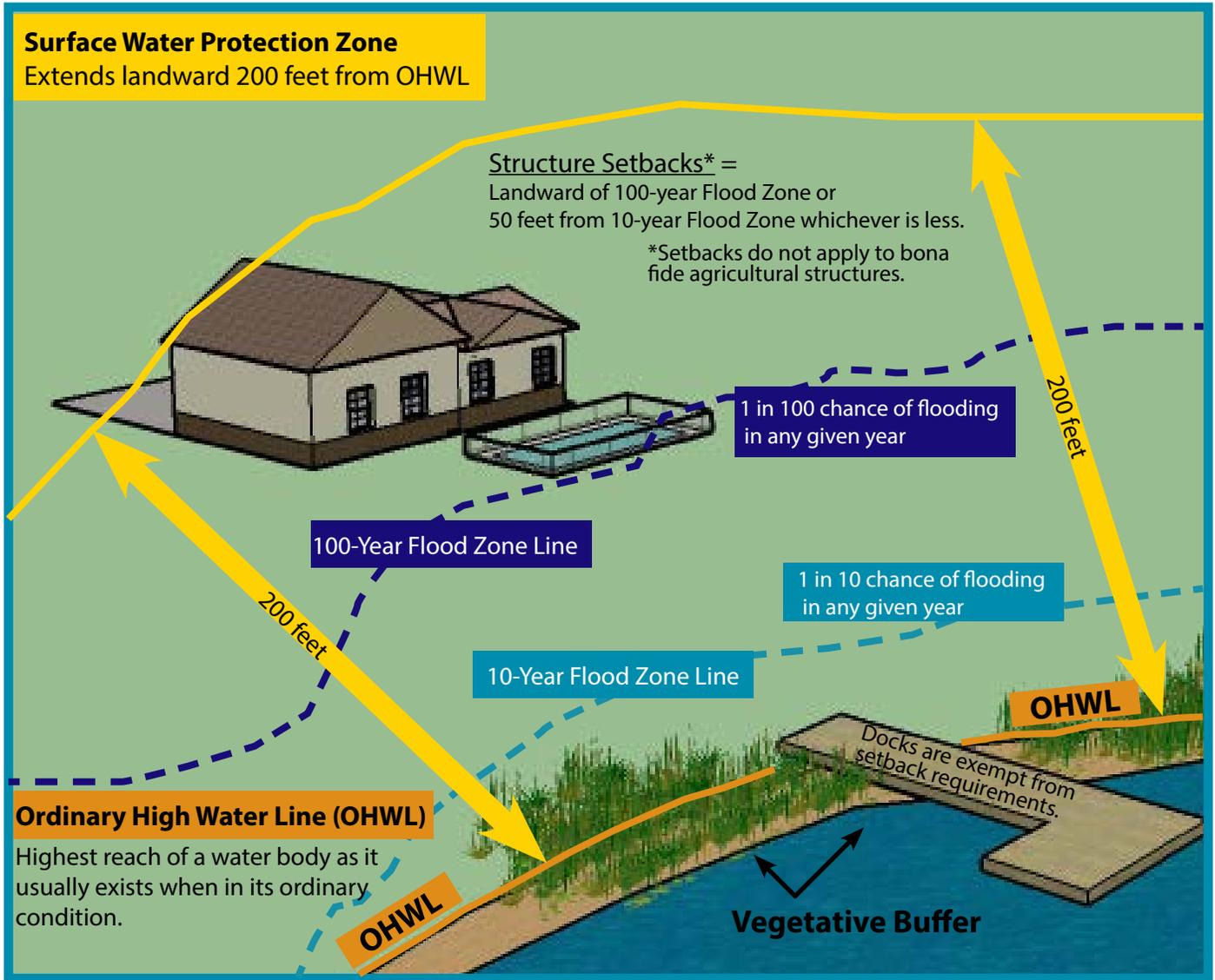
This property may be subject to flooding. Even meeting federal, state or local standards does not ensure that any improvements such as structures, driveways, yards, sanitary sewage systems, and water systems will not be flooded in certain rain events.



# SURFACE WATER PROTECTION ZONE

## Section 610

To maintain water quality and reduce nutrient loading in lakes and watercourses, the LDC establishes a Surface Water Protection Zone. New structures, on-site sewage disposal systems and mines are required to be set back a reasonable distance from surface waters and provide additional stormwater treatment.



An undisturbed **vegetative buffer** is required adjacent to surface waters with an average width of 25 feet and a minimum width of 15 feet as measured perpendicularly from the OHWL or the jurisdictional wetland line, whichever is greater. This buffer is required for protection of wildlife and stormwater treatment.

	<b>Minimum Setback from Ordinary High Water Line (OHWL)</b>	
	Soils with Slight or Moderate Limitations	Soils with Severe Limitations
<b>Septic Tank &amp; Drain Field</b>	150'	200'
<b>Mining</b>	150'	200'



# POLK

C O U N T Y

Land Development Code

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## SECTION C

When do I need a  
building permit?

# WHEN DO I NEED A PERMIT?

Under the Florida Building Code, owners or authorized agents are required to obtain a building permit to:

- Construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure; or
- Erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system.

## EXAMPLES:

Please note that these examples are not all inclusive. If you have questions on the requirements for a permit, call the Polk County Building Division at (863) 534-6080.



## Permit Required:



### New Construction

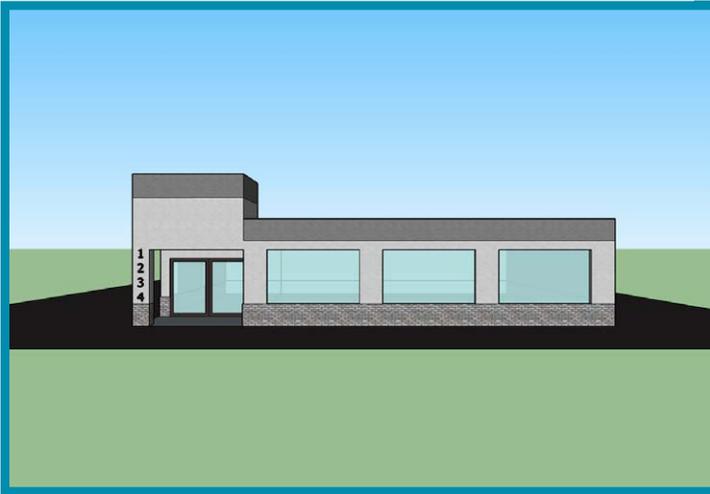


All new construction, including additions and any alterations, renovations or remodels that involve structural elements or electrical, plumbing, fuel gas, fire systems, pollutant storage tanks, on-site underground utilities, signs or mechanical systems.

# WHEN DO I NEED A PERMIT?

## GOOD TO KNOW:

A building permit is needed for the construction or demolition of any building or structure regardless of its size.



## Commercial Structures



Alterations, renovations, remodels or modifications to any commercial structure affecting the occupancy classification, means of egress, fire resistance ratings or handicap accessibility.



## Conversion of Non-Habitable Space



The conversion of any non-habitable space to habitable space including the enclosure of garages, carports, porches or similar structures and the replacement of screening or vinyl windows with glass or solid walls.

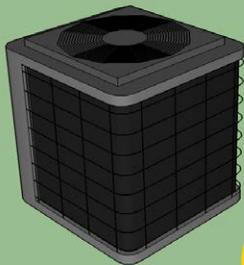
# WHEN DO I NEED A PERMIT?

## EXAMPLES:

Please note that these examples are not all inclusive. If you have questions on the requirements for a permit, call the Polk County Building Division at (863) 534-6080.

### Permit Required:

#### Air Conditioning



Installation of an air conditioning unit or changing the existing unit

#### Water Heater

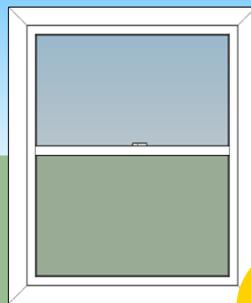


Installation or replacement of any water heater

#### Electrical



Changing or adding electrical outlets or circuits, changing out or adding loads to the electrical panel, wiring new equipment or appliances



#### Window and Door Replacements

Permit is required for the replacement of windows and exterior doors including glass doors and garage doors

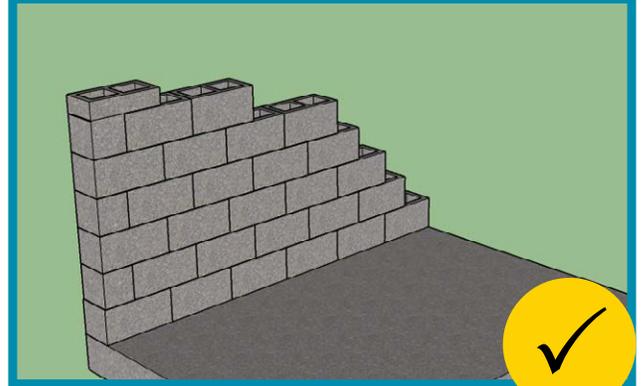
# WHEN DO I NEED A PERMIT?

## Mobile Home Set-Ups



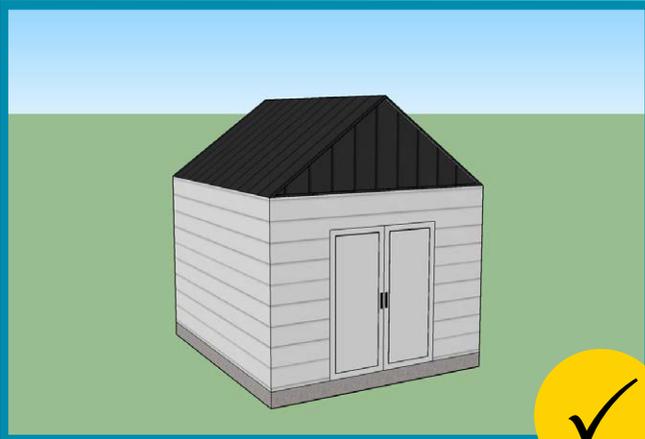
Mobile home and park trailer set-ups: owners of a mobile home or park trailer situated on a rented lot will not be able to permit additions as owner builders without notarized landowner consent

## Masonry Walls



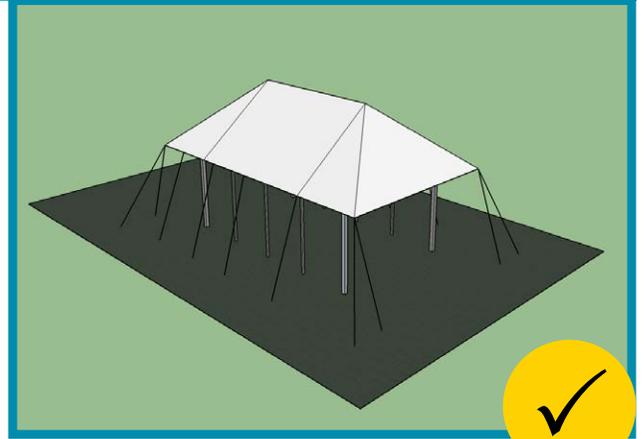
All masonry walls and fences with masonry pilasters - all solid fences over eight feet high

## Storage Sheds



Pre-manufactured or site-built storage buildings

## Tents



Tents 201 square feet or larger for public assembly or use or having electrical lighting

# WHEN DO I NEED A PERMIT?

## EXAMPLES:

Please note that these examples are not all inclusive. If you have questions on the requirements for a permit, call the Polk County Building Division at (863) 534-6080.



### Permit Not Required:

#### Minor roof repairs

*less than 25 square feet*

#### Screen repairs and replacements

*only screen portions*

#### Cosmetic improvements

*e.g., painting, wallpapering, carpeting, faucet and light fixture replacements*

#### Chain link fences

*of any height*

#### Stockade fences

*up to eight feet high*



# POLK

C O U N T Y

Land Development Code

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## SECTION D

Common Code Violations

# COMMON CODE ENFORCEMENT VIOLATIONS

The following is not permitted in residential neighborhoods:



## OVERGROWN LOTS OR ORGANIC DEBRIS

On cleared lots smaller than one acre, landowners or residents must keep the lots properly maintained and free of organic debris.

Improved lots (with a house or other structure) cannot have grass, weeds or underbrush higher than **12 inches**.

Unimproved lots (still to be built on) cannot have grass, weeds or underbrush higher than **18 inches**.

Yard waste of more than six cubic yards cannot be stored for more than 30 days.



## RUNDOWN HOUSING

Housing not meeting safety standards or kept in good repair



## DISTRESSED OR ABANDONED VEHICLES

Non-working vehicles and auto parts cannot be stored on a residential property (one distressed vehicle may be stored in the rear yard if 5 feet from property line and screened from view)



## JUNK

Outdoor storage of junk or litter is not permitted.

The LDC includes regulations to protect the health, safety and welfare of residents in unincorporated Polk County. This includes measures to promote safe and clean neighborhoods.



## BUILDING WITHOUT A PERMIT

Refer to Section C: "When do I need a permit?"



## OCCUPIED RVs

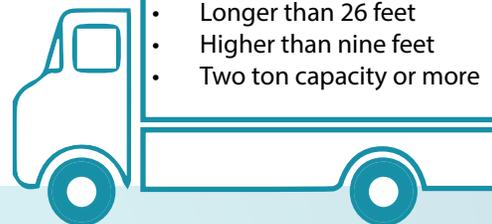
Persons cannot reside in a recreational vehicle unless permitted as a Temporary Emergency Shelter



## COMMERCIAL VEHICLE PARKING AND STORAGE

Commercial vehicles are not permitted in residential areas including:

- Heavy machinery equipment
- Dump trucks
- Tractors and trailer rigs
- Vehicles with more than two axles such as a limousine



### Commercial vehicles are:

- Longer than 26 feet
- Higher than nine feet
- Two ton capacity or more

### Exceptions:

- In the A/RR land use district, one commercial vehicle may be parked on a lot five acres or larger with a 20' setback on all property lines
- Landscaping equipment and trailers inside a garage or shed

# COMMON CODE ENFORCEMENT VIOLATIONS



## SWIMMING POOLS - UNSECURED OR STAGNANT WATER

Pools deeper than 24" must have a safety barrier such as a screened enclosure, fence or wall. The barrier must be at least four feet in height.

The exterior access to a pool must have a self-closing and self-latching gates.

Pools with stagnant water are not permitted.



## TOO MANY GARAGE OR YARD SALES

Sales cannot be held more than 4 times a year.

Sale = 3 days or less



## ACCESSORY STRUCTURES IN FRONT YARD

Unless in the A/RR land use district as part of a bona fide agricultural use



## ACCESSORY STRUCTURES WITHOUT PRINCIPAL USE

For example: a storage shed without a house

### **GOOD TO KNOW:**

**Persons are not allowed to live in accessory structures.**





# ACKNOWLEDGEMENTS

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# PLANNER-ON-CALL SERVICE

Planner-On-Call is a customer service provided to answer questions and assist residents regarding the County's Comprehensive Plan, Land Development Code and other planning topics.

A staff member is available 8 a.m. to 5 p.m., Monday through Friday. Simply call, email or walk in to the Building Department on the first floor of the Neil Combee County Administration Building.



## WALK-IN:

**Neil Combee County Administration Building  
Building Department - First Floor**

330 West Church Street  
Bartow, FL 33830



## CALL:

**(863) 534-6084**



## EMAIL:

**[PlannerOnCall@polk-county.net](mailto:PlannerOnCall@polk-county.net)**